

International aspects of Czech public procurement

Abstract

This thesis focuses on international aspects of Czech public procurement. In the international area the Czech public procurement act determines the process how to establish decisive legal system governing the mutual public tender procurement of contracting authorities from different states of European union (one of them is obliged to act in accordance with Czech public procurement act) – cross border joint procurement, contains exceptions which can be used by the contracting authorities to act outside the regulation of this act, but in accordance with the rules of the international organizations and finally includes institutes which can affect foreign economic operators, from the area of possibility of foreign economic operators to participate in the public tender and from the area of qualifications which has to be proven by them.

By the analysis of the appropriate provisions of the Czech public procurement act, judicature, law of European union and other sources I came to the conclusion that Czech public procurement act includes adequate institutes to be used when foreign economic operators participate in Czech public tender with international impact (with the correctives of behavior without discrimination and equal treatment), when Czech contracting authority wants to procure jointly with foreign contracting authority and wants to be sure about the governing legal system and correctness of their steps and that the Czech contracting authority is allowed to use the rules of the international organizations when buying supplies, services or works without breaching the rules of Czech public procurement act.

I assume that particularly with respect to actual politic situation, Russian – Ukrainian conflict and post covid impacts, when a lot of public finances will be used for financial rehabilitations and not for new investments, mostly the question of attendance of foreign economic operators in Czech public tenders with international impact will be more frequent, with respect to the needs of those subject to find new markets and new possibilities how to earn profit.

On the other hand, the cross border joint procurement with the foreign contracting authority is in the Czech Republic very rare. The same can be said also about the usage of use the rules of the international organizations, which is used, according to my knowledge, only by the ministry of defense.