

Awarding of public contracts in the decisions of the Office for the Protection of Competition and the Court of Justice of the EU

Abstract

This diploma thesis, structured into an introduction, four main parts and a conclusion, deals with the issue of public procurement in the decision-making practice of the Office for the Protection of Competition and the Court of Justice of the European Union. Public procurement is a key factor affecting the management of public sector entities, with a significant impact on the state finances and citizens' quality of life. The current problem lies in frequent occurrences of corruption and lack of transparency in public procurement, leading to ineffective use of public funds.

The aim of this thesis is to identify typical breaches by contracting authorities in the light of decision-making practices and to provide them with guidelines on how to set appropriate procurement conditions and avoid mistakes, thereby increasing the efficiency of procurement procedures and minimizing the risks of legal challenges to the procurement process. The secondary objective is to examine the evolution of legal opinions of the decision-making bodies regarding identified violations of the law by contracting authorities.

The first part defines the basic legal terms related to public procurement. It is the shortest in content. The second part focuses on the principles of public procurement and their application in practice, particularly referencing Court of Justice of the European Union decisions. The third part highlights typical deficiencies in defining technical qualification criteria, while the fourth part focuses on determining other conditions of participation. The third and fourth parts of the thesis are pivotal. The thesis is further divided into chapters and subchapters.

The diploma thesis is based on an analytical approach, which uses relevant decisions of the Court of Justice of the European Union, Czech administrative courts, and the Office for the Protection of Competition, supplemented by legislation, commentary literature, expert articles, and the author's own experience. The thesis examines in detail the decisions and trends in decision-making practice. In the framework of a synthesis, which combines the findings of the conducted analysis, the thesis aims to contribute to a better understanding of the issue and provide generalized practical recommendations.

Key words

Contracting authority, qualification conditions, decision-making practice