

# **The judgements of the European Court of Justice and its importance to the awarding of public procurements**

## **Summary**

The purpose of my thesis is to analyse how the judgements of the European Court of Justice (the “ECJ”) concerning public procurements topic are important for the interpretation and application of the public procurement legal regulation and for the decisions of the Czech Office for the Protection of Competition (the “ÚOHS”). The reason for my research is the importance of the public procurements on the present. There exists European and Czech legal regulation of the public procurements and the Czech one is resulting from the basics in Community Law.

The thesis is composed of seven chapters including the introduction and conclusion. In the beginning chapters there are described the European and Czech sources of public procurement law. Then there are discussed the particular judgements of the ECJ and their possible influence on the law-making process of the Public Procurements Directives which are also basics for the current Czech Public Procurement Act.

Chapter five is subdivided into two parts. The first part provides an outline of possible proceedings before the ECJ and the second one concentrates on the most important institutes of the public procurements like the contracting authority specification or the exemptions from the Public Procurement Act. Each institute is provided with several important judgements of the ECJ which are proving their importance for the interpretation and application of the legal regulation.

Chapter six deals with the public procurement supervision review by the ÚOHS. This review body watches if the public funds are used economically and in accordance with the competition rules and the purpose of this part is to show that also ÚOHS uses the ECJ case law to support its decisions-making activities.

Conclusion is drawn in Chapter seven where is summarised the position of the ECJ case law concerning the public procurements. From all the mentioned examples it follows that ECJ judgements are really important support to law makers and also to the national authorities which have to interpret and apply the Public Procurement Act. Finally the ECJ case law is important also for contracting authorities and suppliers of

the public procurement since it can help them to avoid the incidental disputes and to make the whole process of awarding public procurements more simple.

**Key words:** public procurements, judgements of the European Court of Justice, the Office for the Protection of Competition

**Klíčová slova:** veřejné zakázky, judikatura Evropského soudního dvora, Úřad pro ochranu hospodářské soutěže