Summary

The subject of this paper is social public procurement. This phenomenon should be understood as inclusion of widely understood social interests into the process of awarding public contracts. It may be manifested in the application of social clauses, social conditions of participation in the procedure, or social criteria of tender evaluation

From the point of view of the described topic, in the author's opinion, the history of the introduction of social thought into the politics of governments, as well as its evolution, are of significant importance. For this reason, this paper discusses the activities of the European Union in the field of introducing new development strategies, in which social responsibility and counteracting social exclusion, referred to as the manifestation of sustainable development policy, play the main role. It is therefore important in the dissertation to find a link between the concept of sustainable development and the social responsibility of public procurement.

The subject of sustainable development has been popularized by the Europe 2020 strategy, although the first reports on this subject can be found in 1987 in the so-called BrundtlandReport. This concept means a way of managing public funds which, on the one hand, serves to meet the needs of the population with the least possible burden on the environment. Because of this ecological thought, an economic concept was also born, which in its assumptions assumes that the idea of sustainable development also includes economic growth. This growth, in turn, leads to an increase in social cohesion, including a reduction in social stratification, equal opportunities and the fight against marginalisation and discrimination, while considering the quality of the natural environment. The definition of sustainable development understood in this way is reflected in Article 5 of the Constitution of the Republic of Poland and the Environmental Protection Law.

The author poses the question as a research hypothesis: Is it possible to counteract the widening social exclusion by means of social procurement, as well as whether their use can contribute to the development of activities carried out by the sector of small and medium-sized enterprises and social economy entities. Consequently, is it possible to have a positive impact on the implementation of other policies through social public procurement? The aim of the work is also to showthat social public procurement, including in particular social clauses, can be one of the tools to combat social exclusion, and thus can have a positive impact on the economic development of the country.

The concept of social assistance is also of great importance for this work. Amongmany circles, it is associated mainly with the granting of non-refundable cash benefits and as the

implementation of the welfare state policy, most often associated as the domain of the Scandinavian countries. This action is important, but it is only part of the support system. According to the provisions of the Social Assistance Act, the purpose of its operation is to enable individuals and families to overcome difficult life situations that they are unable to overcome using their own entitlements, resources, and opportunities. Social assistance is primarily intended to support individuals and families in their efforts to meet basic needs. This is the so-called activating role of social assistance consisting in providing tools and support in strengthening or regaining the ability to function in society by performing appropriate social roles and creating conditions conducive to this goal.

In the author's opinion, social issues are conducive to the achievement of social assistance objectives. It can be said that (regardless of the entity that uses them) it is a form of implementation of social assistance goals that represents a new face of the welfare state. Thisis the responsibility for the preventive role of social assistance. Undoubtedly, the provision of decent work, within the framework of social public procurement, including on the basis of an employment contract, promotes the implementation of this objective of social assistance, whether it can be said that it directly implements it. What is important, however, the aid received as part of social procurement is a form of active activation of disadvantaged people, because it does not assume a direct "free" transfer of funds and gives the opportunity for people who are in this group to take up paid work. Taking this into account, the author also tries to answer the question whether the practice of using pro-social aspects in public procurement may affect the direction of legislative work, as well as the process of creating law.

The paper discusses the development of social thought and the beginnings of the formation of the social economy, as well as the idea of the welfare state, also considering the critical opinion. In addition, consideration was given to the activities of international organizations m.in the International Labour Organization in the field of actions taken to respect workers' rights. An important part of the work is to describe the activities of the European Union, with particular emphasis on procurement directives. In the next part of the work, the author focused on the characteristics of public procurement and the social criteria used within them. On the one hand, describing the provisions in force at the EU level and, on the other hand, on the basis of Polish law, as well as pointing to the contribution of the CJEU's case-law to the shape of the applicable regulations. At the same time, due to the comparative nature of the work, the author compared the provisions currently in force to those that were in force before.

The following part of the study discusses the characteristics of socially responsible public procurement, as an instrument for achieving social goals in the Polish legal system. Here, too, a comparative legal analysis has been made considering the change in the provisions of the Public Procurement Act, which came into force on 1 January 2021. In addition, legal problems that are already taking shape in the new Act are discussed. One of them is the possibility of applying social public procurement to contracts below the EU thresholds.

Social public procurement plays a large role in the development of the SME sector, as well as social cooperatives, so the next section of this paper describes these entities and indicates in which aspects social clauses can stimulate their development.

In the final part of this dissertation, the author has presented a comparative approach to the topic by showing how selected European Union countries have implemented the provisions of social directives in their legal systems. It is important for this paper to indicate those solutions which not only fulfil their purpose in their systems but could also be a source of good practice for national contracting authorities.

One of the research methods used in the thesis is the dogmatic method, aiming to establish the validity of legal norms (interpretation sensu largo) and to decode their content (interpretation sensu stricto). Moreover, in the first chapter the historical method has been used as the most appropriate one to present the development of institutions and their sources. Bearing in mind that a significant part of the work consists of reflections on the values and instruments of implementation of social criteria in law, the dogmatic method was also applied. On the other hand, the specific nature of public procurement, which is expressed in the obligation of compliance of the provisions of national law with EU law, in this case based on the so-called procurement directives, made it necessary to apply the comparative method. The author used this method to compare the Polish legal system to other systems of the European Union and the United Kingdom, as systems that based their solutions on the same legal basis, i.e., the procurement directives. This was done in order to show different approaches to social public procurement, and thus different interpretations of identical Directives. The comparative method has been used in this paper in yet another aspect, namely to compare the legal state of public procurement before 1 January 2021 and nowadays. The process of preparing this thesis coincided with the introduction of a completely new Public Procurement Law.