

**THE SUBJECTS OF THE PUBLIC PROCUREMENT  
CONTRACT - ABOUT DISCRIMINATION AND ITS  
CONSEQUENCES IN THE PUBLIC-PRIVATE RELATION**

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**ABSTRACT:** *In this paper, the authors want to approach a subject which affirms its actuality even after the promulgation of a new set of public procurement legislation in May and June 2016: in what way the principle of equal and non-discriminative treatment between the participants at this type of procedure can be applied. The issue of the implementation of these rules is caused, among other things, by the fact that Law 98/2016 is vague, because it only establishes that two of the most important principles of public procurement are the ones of non-discrimination and equal treatment, in application of which each contracting authority has the obligation to avoid breaches in fair competition. Thus, the legislature must establish clear criteria and rules in order to detail the way public procurement principles (which are concisely presented in the primary legislation) are to be implemented in order to avoid a disloyal competition between the economic operators which are involved in the execution of public procurement contracts.*

**KEYWORDS:** *public procurement; principles of equal treatment and non-discrimination; competition; Law no. 98/2016; remedies and sanctions for discrimination in public procurement.*

**JEL CODE:** *K23*

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