Protection of Rights in Public Procurement Procedures in Republic of Serbia

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INSTITUTIONAL FRAMEWORK

Improvement of institutional framework is of great importance for efficient system of public procurement

- Central institutions in the public procurement system in Republic of Serbia are:
  1) Public Procurement Office
  2) Republic Commission for Protection of Rights in Public Procurement Procedures
  3) State Audit Institution

- Authorities, capacities, cooperation
**REPUBLIC COMMISSION**

- Autonomous and independent body of Republic of Serbia, providing protection of rights in public procurement procedures

- Republic Commission has a legal entity status

- It is responsible to National Assembly

- Obliged to deliver reports every six months
NEW SYSTEM OF PROTECTION OF RIGHTS

Key new points of Public procurement Law regarding protection of rights in public procurement procedures:

- Constitution and way of operating of Republic Commission
- New authorities of Republic Commission
- Changed deadlines for submitting requests for protection of rights
- New authorities have been prescribed, such as recommending and assigning provisional measures
- Predicted offences for serious violations of law
- Penalties on one hand have been increased, and on the other hand ranked per seriousness of the offence
- Decisions made in offence proceedings are to be published

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AUTHORITIES OF REPUBLIC COMMISSION

1) Decides on request for protection of rights
2) Decides on public procurement contract signing in case where conflict of interests exists
3) Decides on complaint on decision of the procuring entity and Public Procurement Office
4) Decides on proposal of procuring entity that request for protection of rights submitted does not preclude contract or framework agreement award
5) Decides on proposal of entity that submitted request for protection of right to prohibit signing or execution of public procurement contract
6) Decides on protection of rights proceedings expenses and costs of bid preparation
AUTHORITIES OF REPUBLIC COMMISSION

7) Monitors and controls the execution of the decisions it made
8) Prescribes penalties to procuring entities and to accountable persons of procuring entities
9) Declares void public procurement contracts
10) Conducts first instance offence proceedings
11) Initiates proceedings for establishing of invalidity of public procurement contract
12) Cooperates with international institutions and experts
13) Conducts other activities in accordance with the law

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CHALLENGES IN FUTURE ACTIVITIES

• New web site is being prepared:
  - more transparency in operations of Republic Commission;
  - for the first time legal positions published on website;
  - establishing criteria for searching through decisions is in progress.

• Cooperation with other institutions in the country

• Necessity of international cooperation (especially regional)

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<table>
<thead>
<tr>
<th>Cases Received</th>
<th>Cases Solved</th>
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<tbody>
<tr>
<td>• 140 requests for protection of rights</td>
<td>• 111 requests for protection of rights</td>
</tr>
<tr>
<td>• 12 complaints on procuring entity’s decision</td>
<td>• 10 complaints on procuring entity’s decision</td>
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<tr>
<td>• 6 statements on continuation of proceedings</td>
<td>• 7 statements on continuation of proceedings</td>
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<tr>
<td>• 8 requests for expenses compensation</td>
<td>• 10 requests for expenses compensation</td>
</tr>
<tr>
<td>• 3 proposals for continuation of activities</td>
<td>• 1 acting per Administrative Court decision</td>
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<tr>
<td>• 2 proposals for previous status recovery</td>
<td>• 5 claims</td>
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<tr>
<td>• 1 acting per Administrative Court decision</td>
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<tr>
<td>• 6 claims</td>
<td></td>
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Total: 178

Total: 144

Registered: 9 Administrative Court decisions
- 7 claims dismissed
- 1 claim rejected
- 1 claim accepted

2 Supreme Court of Cassation decisions
- 2 requests dismissed
THANK YOU FOR YOUR ATTENTION!