



Republika Srbija
REPUBLIČKA KOMISIJA ZA
ZAŠTITU PRAVA U POSTUPCIMA
JAVNIH NABAVKI

Protection of Rights in Public Procurement Procedures in Republic of Serbia

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Procurement Procedures*



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
- ❑ Obligated 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



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



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)



STATISTICS OF REPUBLIC COMMISSION FOR MAY 2013

Cases Received	Cases Solved
<ul style="list-style-type: none">• 140 requests for protection of rights• 12 complaints on procuring entity's decision• 6 statements on continuation of proceedings• 8 requests for expenses compensation• 3 proposals for continuation of activities• 2 proposals for previous status recovery• 1 acting per Administrative Court decision• 6 claims	<ul style="list-style-type: none">• 111 requests for protection of rights• 10 complaints on procuring entity's decision• 7 statements on continuation of proceedings• 10 requests for expenses compensation• 1 acting per Administrative Court decision• 5 claims
Total: 178	Total: 144
<p>Registered: 9 Administrative Court decisions</p> <ul style="list-style-type: none">• 7 claims dismissed• 1 claim rejected• 1 claim accepted <p>2 Supreme Court of Cassation decisions</p> <ul style="list-style-type: none">• 2 requests dismissed	



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**THANK YOU FOR YOUR
ATTENTION !**