



ЕВРАЗИЙСКАЯ  
ЭКОНОМИЧЕСКАЯ  
КОМИССИЯ

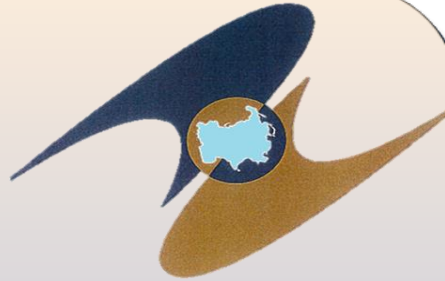
# Current Practice and Regulation of State (Municipal) Procurement in the Eurasian Economic Union

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Skolkovo, 2016

**May 29, 2014**  
**in Astana**  
**the Treaty on the Eurasian  
Economic Union was signed**

- **economic union** with international legal personality and relevant institutions



**Free trade zone**

**1992-1999** – on the basis of bilateral and multilateral agreements

**2011** – Agreement on CIS Free Trade Zone

**2010**

Establishment of

**The Customs Union**

- Single Customs Code
- Single customs duty
- Single customs territory
- Single tariff and non-tariff regulation

**2012**

Establishment of

**The Single Economic Space**

- 17 framework Agreements
- Creation of the Eurasian Economic Commission as a supranational body



РЕСПУБЛИКА  
АРМЕНИЯ



РЕСПУБЛИКА  
БЕЛАРУСЬ



РЕСПУБЛИКА  
КАЗАХСТАН



РОССИЙСКАЯ  
ФЕДЕРАЦИЯ



КЫРГЫЗСКАЯ  
РЕСПУБЛИКА



**Member States – 5 (EU - 28)**

**Territory of the EAEU – more than 20 mln square km, 14 % of all terrestrial parts of the world (EU – 4)**

**Population – more than 182,7 mln of people (EU - 508), GDP – 1,59 trn US dollars (EU – 14,79)**

**GDP per capita – 9 thousand US dollars (EU – 29,1)**

- Increase of gross domestic product in each Member State;
- Improvement of investment environment, development of services market;
- Creation of new workplaces at joint ventures, revelation of new capital and knowledge intensive industries, substantial development of non-resource industries;
- Renovation of plants and technology, increase of production capacities, improvement in the quality of production by means of high standards, reduction of prices due to growth of competition;
- Improving stability in the face of global crisis, growth of external commerce.

- Defines the strategy, directions and prospects of the EAEU integration development
  - Takes decisions, aimed at implementing the objectives of the Union
  - Decisions require consensus

## The Supreme Eurasian Economic Council (Heads of the Member-States )

- Ensures implementation and controls the performance of the EAEU Treaty, international treaties within the Union and decisions of the Supreme Council
- Decisions require consensus

## The Intergovernmental Council (Heads of the Member-States Governments)

- Supranational regulatory body
- Ensures functioning and development of the EAEU, and develops proposals for the further integration

## The Eurasian Economic Commission

**Board**  
(equal representation;  
10 Ministers)

Executive body  
Decisions, instructions and recommendations are taken by qualified majority (2/3 of voices)  
Some issues defined by the SEAEC require consensus

**Council**  
(equal representation;  
1 Deputy Head of the Government from each Member-State)

General regulation of integration process in the Union  
General management of the EEC activities  
Decisions require consensus

## The Court of the EAEU

(equal representation;  
2 judges from each Member State)

Permanent court of justice of the Union

Ensures the uniform application of the EAEU Treaty and other Union treaties by the Union Member-States and bodies

- 1) customs tariff and non-tariff regulations
- 2) customs administration
- 3) technical regulation
- 4) sanitary, veterinary and quarantine measures
- 5) assignment and distribution of import customs duties
- 6) establishment of trade regimes for third parties
- 7) statistics of foreign and mutual trade
- 8) macroeconomic policy
- 9) competition policy
- 10) industrial and agricultural subsidies
- 11) energy policy
- 12) natural monopolies
- 13) *state and/or municipal procurement***
- 14) mutual trade in services and investments
- 15) transport and transportation
- 16) monetary policy
- 17) intellectual property
- 18) labour migration
- 19) financial markets (banking, insurance, the currency market, the securities market)
- 20) other

## **Agreement on State (Municipal) Procurement, dated December 9, 2010\*:**

- ➔ Unified requirements for all Member States of the Customs Union (CU) and the Single Economic Space (SEC) as to placement of public orders, harmonization of laws**
- ➔ Mandatory publication of tender information on data platforms with public access**
- ➔ Provision to the Member States of the CU and SEC of national treatment regime in the sphere of public procurement**



\* Entered into force on January 1, 2012



In **the Republic of Belarus** the Law of the Republic of Belarus, dated June 13, 2012 № 419-3 «On Public Procurement of Goods, Works, Services)» was adopted (entered into force on January 1, 2013), which replaced multiple laws, and introduced the procedures, established in the Agreement, as well as electronic methods of placement of orders



In **the Russian Federation** the amendments of the Federal Law, dated July 21, 2005 № 94-FZ «On State and Municipal Procurement of Goods, Works and Services)» were introduced, which enabled foreign suppliers accreditation



In **the Republic of Kazakhstan** the amendments of the Law, dated July 21, 2007 № 303-3 «On Public Procurement)» were introduced, - the list of methods of placement of orders was specified, most of them were converted into electronic format, cases of procurement from a single supplier were stipulated in accordance with the Agreement. Public procurement web-portal was put into operation - <http://www.goszakup.gov.kz>, which also acts as an electronic trading platform



## International level

- Treaty on the Eurasian Economic Union, dated May 29, 2014
- Treaty on Accession of the Republic of Armenia to the Treaty on the Eurasian Economic Union, signed on October 10, 2014
- Treaty on Accession of the Kyrgyz Republic to the Treaty on the Eurasian Economic Union, signed on December 23, 2014

## National level

- Law of the Republic of Armenia, dated December 28, 2010 № 3P-206-H  
«On Procurement»
- Law of the Republic of Belarus, dated July 13, 2012 № 419-3  
«On Public Procurement of Goods (Works, Services)»
- Law of the Republic of Kazakhstan, dated December 4, 2015 № 434-V 3PK  
«On Public Procurement » (forth law, 1997, 2002, 2007)
- Law of the Kyrgyz Republic, dated April 3, 2015 № 72 «On Public Procurement»
- Federal law of the Russian Federation, dated April 5, 2013 № 44-FZ «On the Contract System in State and Municipal Procurement of Goods, Works and Services» (second law, 2005)

## Section XXII

### STATE (MUNICIPAL) PROCUREMENT

**Article 88** Objectives and Principles of Regulation in State (Municipal) Procurement

**Annex № 25** Protocol On the procedure for procurement regulation

**Annex 1 to the Protocol** Requirements to organization and carrying out of tenders, price proposal requests (requests for quotation), requests for proposals, auctions and procurements from a single source or a single supplier (performer, contractor)

**Annex 2 to the Protocol** The list of cases of procurement by means of request for proposals

**Annex 3 to the Protocol** The list of cases of procurement from a single source or a single supplier (performer, contractor)

**Annex 4 to the Protocol** The List of goods and services subject to procurement by means of an auction

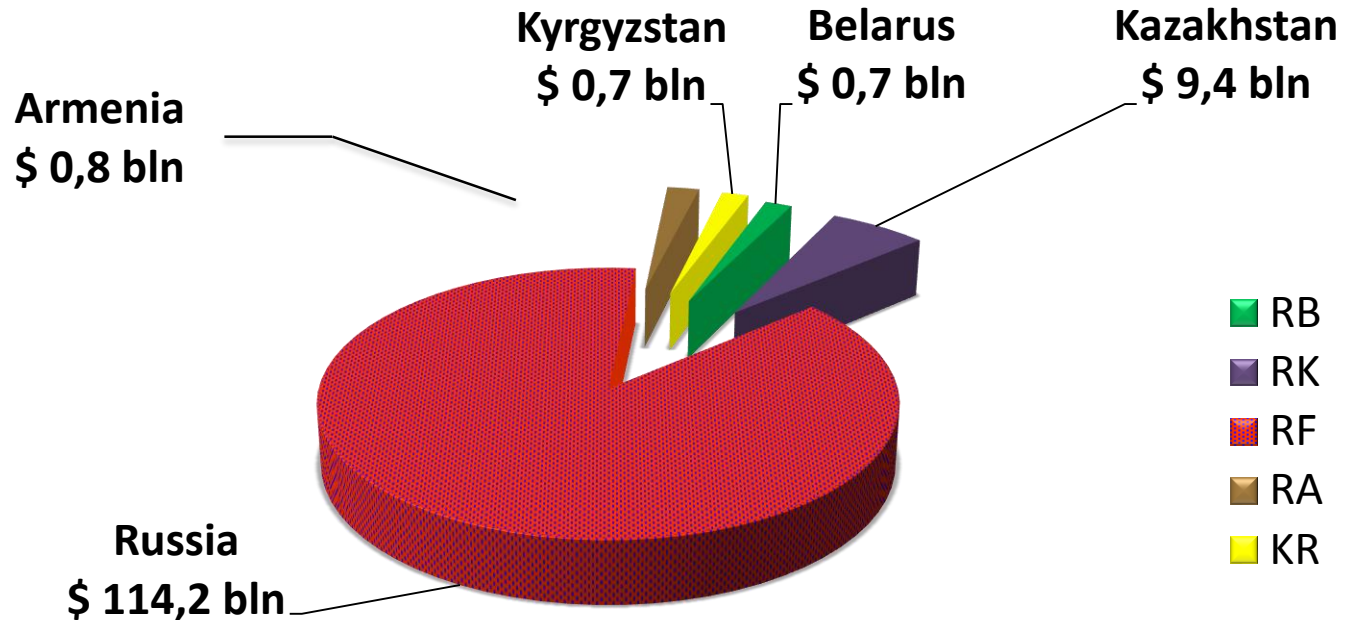


**The Treaty do not apply to the public procurement, the details of which constitute a state secret (state secrets)**

The EAEU Treaty has in general kept the rules, stipulated in the Agreement on State (Municipal) Procurement, including the provisions on national treatment regime, and the Commission's authority to decide on the necessity to cancel exemptions from the national regime, established by the Member States.

- The list of procurement methods has been extended (request for proposals and different forms of open competition have been introduced)
- The unified list of cases of procurement from a single source or a single supplier has been defined for all the Member States, and the list has been shortened (from 81 to 64)
- The Treaty provided the provisions aimed at increase of :
  - procurement efficiency (*planning and rate setting, public control, discussion over procurement*) and
  - transparency of procurement (*all information on the procurement process, excluding procurement, the details of which constitute a state secret, must be published on the procurement web-portal*),
  - electronification of procurement (*provisions on the intention of the Member States to proceed to electronic format for all the procurement methods and conclusion of contracts*).

**125,8 bln US dollars\* (7% of the Member States' GDP)**



\* According to authorized authorities' reports as of 2015

- ❖ «**procurement**» – state (municipal) procurements, that mean purchase of goods, services, and other purchases using budget funds, as well as other funds in the cases stipulated by the procurement legislation of a Member State, as well as relationships associated with the execution of the procurement contracts;
  
- ❖ «**customer**» – a government body, local authority, budget organization (including government (municipal) institutions), as well as other bodies as specified by the procurement legislation of a Member State carrying out procurement in accordance with that legislation;

The Treaty **do not apply** to the public procurement, the details of which constitute **a state secret** (state secrets)

There are no monetary thresholds in the scope of the Treaty activity

**Starting from 01.01.2015 national treatment regime is applied for  
4 EAEU countries**



\* *For the Kyrgyz Republic the national treatment regime will be ensured starting from August 8, 2017*

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## responsibility:

- *Regulation of public procurement sphere*
  - *Control of public procurement*
- *Consideration of complaints and applications*
  - *Warning and detection of violations*
- *Taking measures for elimination of violations*
- *Administration of the register of unfair suppliers*



Pre-court procedures  
*(before conclusion of the procurement contract)*

Court procedures  
*(as a rule after conclusion of the procurement contract)*

The Republic of Armenia  
— Council for Procurement Contestation\*

The Republic of Belarus  
— Ministry of Antitrust Regulation and Trade

The Republic of Kazakhstan  
— Ministry of Finance (Committee for Financial Control and other bodies of financial control)

The Kyrgyz Republic  
— Independent Intergovernmental Commission\*

The Russian Federation  
— Federal Antimonopoly Service

*\* The Council and the Commission include representatives of state and municipal bodies, social organizations, certified specialists in the sphere of public procurement*

## **National web-portals in the sphere of procurement:**

- The Republic of Armenia – <http://www.procurement.am>
- The Republic of Belarus– <http://www.icetrade.by>
- The Republic of Kazakhstan– <http://www.goszakup.gov.kz>
- The Kyrgyz Republic – <http://www.zakupki.gov.kg>
- The Russian Federation – <http://www.zakupki.gov.ru>



**Web-portals must contain, including in Russian, legal acts in the sphere of procurement, the register of unfair suppliers and the following information on public procurement:**

- **notice of procurement**
- **procurement documentation** (*including the draft procurement contract*)
- **changes to such notices, documentation**
- **procurement documentation clarifications**
- **protocols executed in the course of the procurement process**
- **information on the result of the procurement procedure**
- **details of procurement contracts**
- **information about the result of execution of the procurement agreement**
- **information on the receipt of complaints** (*their contents, decisions upon consideration and warrants*)



## Belarus – 2

<http://www.icetrade.by>  
Web-portal of RB / ETP

<http://zakupki.butb.by>  
(ETP OJSC «БУТБ»)

**Armenia**  
[www.armeps.am](http://www.armeps.am)  
ETP

<http://www.etp-micex.ru>  
(ETP CJSC «ММББ-ИТ»)

<http://www.zakazrf.ru>  
(ETP АГЗ Tatarstan)

**Kazakhstan**  
<http://www.goszakup.gov.kz>  
Web-portal of RK / ETP

<http://www.rts-tender.ru>  
(ETP LLC «PTC-tender»)

## Russia - 5

**Kyrgyzstan**  
<http://www.zakupki.gov.kg>  
web-portal of KR / ETP

<http://sberbank-ast.ru>  
(ETP CJSC «Sberbank-  
ACT»)

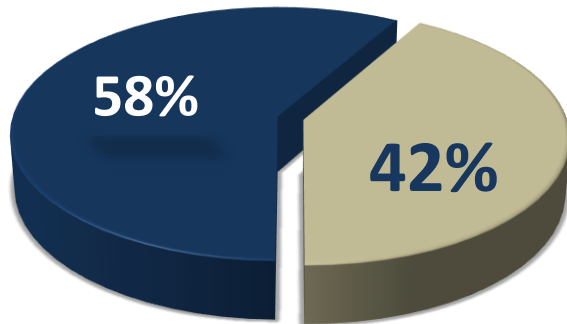
<http://etp.roseltorg.ru>  
(ETP OJSC «ЕЭТП»)

**Non-electronic means of procurement:**

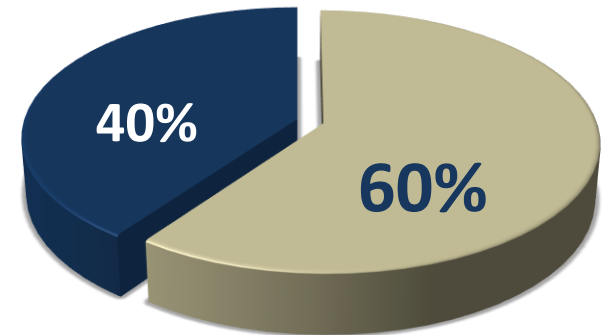
- ✗ price proposals request (request for quotation)
- ✗ request for proposals
- ✗ procurement from a single source or a single supplier

**Electronic means of procurement:**

- ✓ open competition
- ✓ open auction
- ✓ exchange trading



**Estimate for 2017**  
→



■ e-procurement  
■ non-electronic means of procurement

**Member States aim at transfer to electronic format for all the methods of public procurement and contracting**

\* As per procurement costs



**1. Ensuring trans-border acknowledgment of digital signature, including in Armenia, Kazakhstan, Kyrgyzstan**

**2. Elimination of restrictions and barriers to mutual access to public procurement**

**3. Development of the single catalogue of goods (works, services)**

**4. Ensuring publication on web-portals of information on procurement and procedures**

**5. Developing methods of confirmation of manufacture deficiency in the Member States and the country of origin of goods (works, services)**

**6. Improvement of the procurement regulation process**

**7. Collection and preparation of reports in the sphere of procurement**

**8. Creation of the single informational platform on procurement in the EAEU**

From the territory of customer

From the territory of potential supplier

**Establishment of a branch  
or representative office on  
the territory of a EAEU  
Member State**

**Implementation of steps for trans-border  
acknowledgment of digital signature**

*Implemented between Belarus and Russia*  
Decision of the EEC Board, dated 23.08.2012 № 144

*In the process of implementation  
between Belarus, Kazakhstan and Russia*  
Decision of the EEC Board, dated 17.12.2013 № 302

*In the process of development  
between Armenia, Belarus, Kazakhstan and Russia*  
the draft Decision of the EEC Board has been executed

*Between the EAEU Member States  
the process of implementation will start in 2017*

**To ensure identification and classification of procurement objects following the corresponding work by the Russian Federation for the purposes of:**

- ❖ Simplification of the procurement object description
    - ❖ Efficiency of search
    - ❖ Increase of competition
    - ❖ Elimination of corruption
  - ❖ Improvement of procurement data processing and analysis
-

In the EEC the joint working group for improvement of the EAEU Treaty provisions was established  
(Order of the EEC Council, dated 12.02.2016 № 3)

In the area of public procurement the following issues are considered:

- ✓ *Development of the single public procurement platform;*
- ✓ *Russian version of national web-portals;*
- ✓ *Requirements to administrators of national web-portals;*
- ✓ *Adjustment of the list of goods (works, services), subject to procurement by means of e-auction;*
- ✓ *Confirmation of the country of origin of goods (works, services) from the EAEU Member States;*
  - ✓ *Definitions and other.*



**WEB-PORTAL**

**REPORTS**

**Procurement plan**

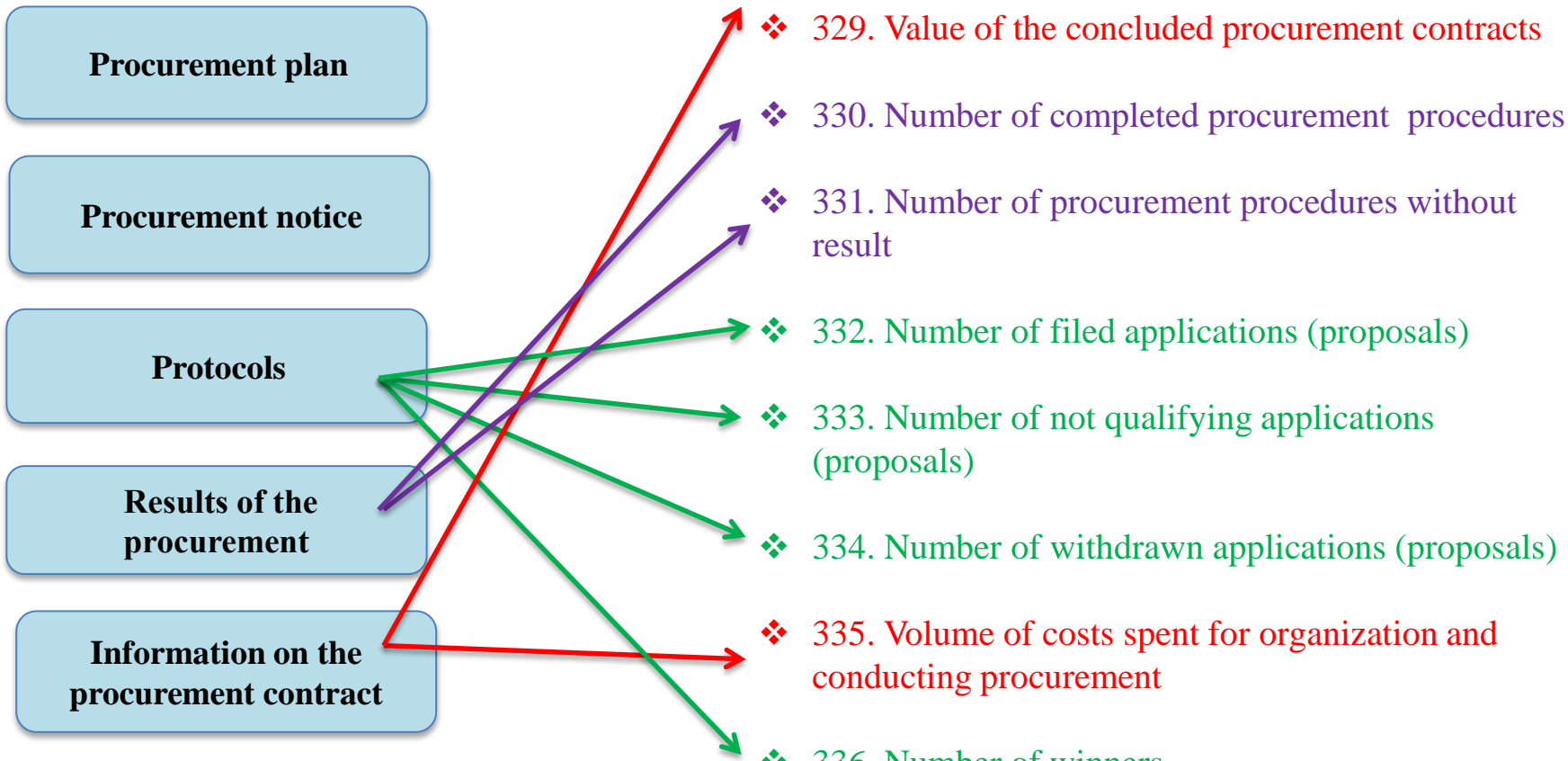
**Procurement notice**

**Protocols**

**Results of the  
procurement**

**Information on the  
procurement contract**

- ❖ 329. Value of the concluded procurement contracts
- ❖ 330. Number of completed procurement procedures
- ❖ 331. Number of procurement procedures without result
- ❖ 332. Number of filed applications (proposals)
- ❖ 333. Number of not qualifying applications (proposals)
- ❖ 334. Number of withdrawn applications (proposals)
- ❖ 335. Volume of costs spent for organization and conducting procurement
- ❖ 336. Number of winners



ПОРТАЛ ЗАКУПОК

Арм Бел Каз Рус Англ

ПОДПИСКА

Выйти

О ПРОЕКТЕ ЗАКУПКИ РЕЕСТР НЕДОБРОСОВЕСТНЫХ ПОСТАВЩИКОВ ИНФОРМАЦИОННЫЕ МАТЕРИАЛЫ

Сегодня: 08 октября 2015 г., четверг 13:48

ЕАЭС

**ПОРТАЛ ИНФОРМАЦИИ О ЗАКУПКАХ ГОСУДАРСТВ ЕАЭС**

Сегодня для участия доступно **270 540** закупок, из них **64 900** в электронном виде

ПОИСК ПО ЗАКУПКАМ

ВВЕДИТЕ ВАШ ЗАПРОС

НАЙТИ

**ЗАКУПКИ**

В данном разделе Вы можете получить информацию о проводимых закупках, отобразить наиболее подходящие с помощью расширенного поиска и оформить подписку.

**НОРМАТИВНЫЕ АКТЫ**

В данном разделе Вы можете ознакомиться с актуальными версиями нормативных правовых актов, регулирующих государственные закупки, а так же подписаться на их обновления.

**РЕЕСТР НЕДОБРОСОВЕСТНЫХ ПОСТАВЩИКОВ**

В данном разделе Вы можете получить детальную информацию о недобросовестных поставщиках государств-членов ЕАЭС.

**ИНФОРМАЦИОННЫЕ МАТЕРИАЛЫ**

В данном разделе Вы можете получить статистическую информацию о проводимых закупках, сведения о торговых площадках и веб-порталах

Официальные веб-сайты государственных закупок государств-членов ЕАЭС

РЕСПУБЛИКА АРМЕНИЯ

РЕСПУБЛИКА БЕЛАРУСЬ

РЕСПУБЛИКА КАЗАХСТАН

КЫРГЫЗСКАЯ РЕСПУБЛИКА

РОССИЙСКАЯ ФЕДЕРАЦИЯ

### BASIC FUNCTIONS OF THE PLATFORM ON PROCUREMENT:

- Single point of access to data on procurement
- Smart search, filter, data export
- Subscription for interesting procurements
- General information on procurements of all the Member States
- Statistics
- Decisions in the sphere of procurement taken by the EEC and other Union's bodies
- Publication of analytical and informational content

***Thank you for your attention!***

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