

EBRD AND UNCITRAL INITIATIVE ON ENHANCING PUBLIC PROCUREMENT REGULATION IN THE CIS COUNTRIES AND MONGOLIA



**PUBLIC
PROCUREMENT**

**SUPPORTING TRANSITION
TO MARKET ECONOMY**

**EBRD TECHNICAL COOPERATION PROGRAMME
IN PUBLIC PROCUREMENT SECTOR**

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Legal Transition Programme
European Bank for Reconstruction and Development

20th OSCE Economic and Environmental Forum
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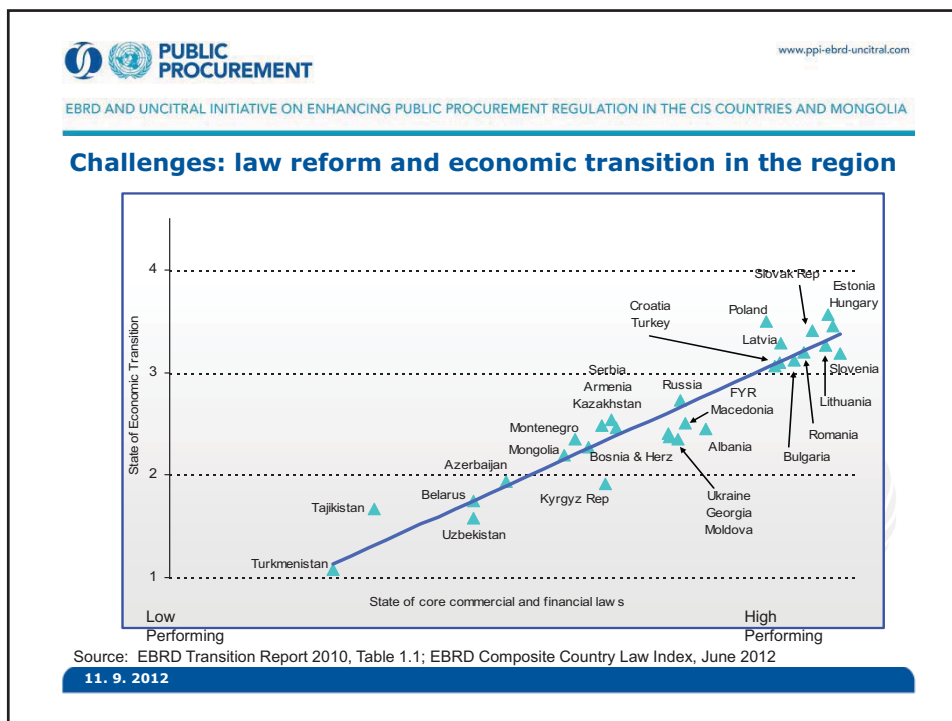
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**PUBLIC
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The EBRD Legal Transition Programme

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The EBRD Legal Transition Programme

- First steps in 1991
- Legal Transition Programme established in 1995
- Funded by Bank budget and donors
- Covers sectors crucial for market economy development
- From 2004 operates under 3-year Action Plans
- Public procurement included in 2009

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INVESTMENT

EBRD Legal Transition Programme **focus areas** are linked to investors' needs

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How the EBRD Legal Transition Programme supports transition?

STANDARD SETTING
Preparing and promoting international standards


ASSESSMENT WORK
Assessing quality and effectiveness of legal systems

OUTREACH
Disseminating the experience gained so as to stimulate future reforms

COUNTRY PROJECTS
Providing technical cooperation to countries of operations

Source: EBRD Legal Transition Programme Action Plan 2010-2012

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Work in public procurement sector

1. EBRD 2010 Public Procurement Sector Assessment:




- Report on development of laws and practice in the EBRD region
- 29 Public Procurement Country Profiles

2. 2009-2012 technical cooperation projects with Albania, Georgia, Turkey and Ukraine



3. 2011-2014 EBRD UNCITRAL Initiative on Enhancing Public Procurement Regulation in the CIS and Mongolia

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Examples of relevant technical cooperation projects

Ukraine
Public Procurement Policy Development and Regulatory Capacity Building

- This technical cooperation project provides assistance with the development and implementation of policy and related legislation, with a view to meeting WTO GPA requirements while matching the principal standards of the EU 2004/18/EC Directive.
- Assistance is provided to the Public Procurement Department of the Ministry of Economic Development and Trade, acting as a regulatory authority, in order to strengthen their regulatory capacity as required for reform project and conducting WTO GPA negotiations.

Georgia
Public Procurement Policy Advice for the WTO GPA negotiation process

- This project will provide advice in strategy development for negotiating the WTO GPA accession and practical assistance throughout the WTO GPA negotiation process and legislative changes inspired by the WTO GPA.
- The project comprises legal diagnostic and legislation drafting, drafting GPA offers and outreach events related to the WTO GPA accession

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Why working together?

<p>EBRD Transition Assistance</p> <p>Encourages economically and environmentally sustainable transition, supporting private sector development</p> <p>Promotes enhancing of transparency, accountability and good governance</p>	<p>UNCITRAL United Nations Commission for International Trade Law Development</p> <p>Core legal body of the United Nations</p> <p>2011 UNCITRAL Model Law on Public Procurement replaced the 1994 Model Law and promotes standards in compliance with the 2012 WTO GPA</p>
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The Initiative

- Technical cooperation programme dedicated to supporting public procurement reforms in the CIS and Mongolia region
- Designed to promote upgrading procurement legislation based on the 1994 UNCITRAL Model Law
- Kick – off: May 2011, Astana Round Table
- Covers 7 countries in the CIS and Mongolia, including Moldova

Programme partners and contributors

- EBRD
- UNCITRAL / UNDP
- OSCE
- OECD Anti Corruption Network
- Asian Development Bank

Project Team

EBRD UNCITRAL Task Force

Consultants, Academic Advisers and Project Coordinator

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The Initiative Action Plan 2011 - 2014

- Legal diagnostic of national public procurement legislation against the 2011 UNCITRAL ML benchmark
- Policy Workshops – to present diagnostic results and promote public procurement reform agenda in the country



Country- specific technical cooperation projects
– to assist governments in developing regulatory capacity, preparing reform strategy, drafting legislation and implementing new regulations in practice

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The focus of the Initiative country-tailored technical cooperation projects

(1) Legislative reform:

- support in drafting legislation
- drafting guidelines / manuals for procurement officers

(2) Institution building:

- promoting unrestricted and free access to information on procurement opportunities
- promoting e-Government and e-Procurement
- promoting use of standard terms of reference and technical specifications

(3) Enforcement capacity:

- supporting national procurement regulatory authorities
- strengthening national review / remedies bodies

(4) Function development:

- promoting professionalism and certification of the procurement officers
- developing capacity of the municipalities and utilities procurement staff

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Progress and findings to date

National legislation benchmarked against 2011 UNCITRAL ML:

diagnostic reports completed/or in progress for Armenia, Azerbaijan, Moldova, Mongolia, the Kyrgyz Republic, the Russian Federation and Tajikistan

Policy Workshops

- Armenia (October 2011)
- Moldova (December 2011)
- Azerbaijan (May 2012)

Next policy workshops planned for 2012

- Kyrgyz Republic
- Mongolia

First country projects

- Armenia
- Moldova

Country issues vary widely

- Readiness for modern systems
- Political engagement
- Appetite for reform using 2011 UNCITRAL / EU Directives / 2012 WTO GPA
- Drivers for reform (fiscal constraint, anti-corruption progress, other)



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Expected key outcomes

Modern, high-quality national public procurement legal framework, based on the 2011 UNCITRAL ML standards but tailored to the country context and compliant with the 2012 WTO Government Procurement Agreement

Public Procurement Reform Challenges

- Scope – extent of public sector
- Which procurement methods are appropriate and whether conditions for use need to be tightened
- Whether to provide for framework agreements
- Whether to conduct public procurement electronically
- Extent to which review decisions can be made public in effective way
- Whether to permit preferences (free trade context)

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More information about the EBRD UNCITRAL Initiative:

www.ppi-ebd-uncitral.com

The Initiative Research Database:

<https://ppl.ebrd.com/assessment2011/panel.php/index>

