



Br. MEU -
197/12 Brisel,
30/03/2012

SUBJECT: REPORT FROM THE MEETING BETWEEN THE DELEGATION OF MONTENEGRO AND REPRESENTATIVES OF THE EC IN CHARGE OF THE PUBLIC PROCUREMENT FIELD, Brussels, 26 March 2012

ATTN: MINISTRY OF FINANCE, PUBLIC PROCUREMENT ADMINISTRATION, STATE COMMISSION FOR CONTROL OF PUBLIC PROCUREMENT PROCEDURES

KEYWORDS: PUBLIC PROCUREMENT, REVIEW, DIRECTIVES, STRATEGY

Main accents:

- The decision by which the public procurement officers were included in the Working Group for Chapter 23 was appraised.**
- The review of the public procurement system at the EU level is underway.**
- It is important to establish a cooperation with partner agencies of the Member States in purpose of exchange of knowledge and experience.**

At the initiative of the Public Procurement Administration of Montenegro, a meeting between the representatives of the Public Procurement Administration and the State Commission for Control of Public Procurement Procedures of Montenegro and the representatives of the EC in charge of the public procurement field was held in Brussels on 26 March 2012. The Montenegrin delegation was consisted of Mr Mersad Mujević - the Director of the Public Procurement Administration, Ms Sandra Škatarić – Independent Advisor in the Public Procurement Administration, Ms Katarima Radović – Member of the State Commission for Control of Public Procurement Procedures and the II Secretary of the Mission - Ms Dragana Garbin. The Delegation of the EC was consisted of Ms Noora Hayrinen – the officer in the Unit for Montenegro and Croatia within the Directorate General for Enlargement and Mr Sandor Szalai - the public procurement expert within the Directorate General for Internal Market.

Our side provided information on development of the public procurement system in Montenegro. They emphasized that the new Public Procurement Law has incorporated the EU standards relevant in this field. All secondary acts have been adopted, and one of

significant solutions introduced by the Law is also an obligation of taking the professional examination and the obligation of professional development and training for the officers involved in public procurement tasks. In the third quarter we will have at our disposal the official statistical data on the number of conducted trainings and we will submit them to the competent persons in the EC. Considering that our legislation still has to be harmonized with the *acquis communautaire*, we pointed out that this meeting was a good opportunity for us to obtain guidelines and directions towards further development of the system. The first statistical data, after the new Law entered into force, are encouraging in terms of transparency and publicity of the public procurement system. The Strategy for development of the public procurement system for the period 2011 -2015 was adopted last year, as well as the Action Plan for its implementation and the Coordinating body was established, chaired by the Minister of Finance, having a function of reporting on the Strategy's implementation. During drafting of the Strategy, the Working group established a cooperation with the neighbouring countries and their experiences were used as well as the assistance from the EU Delegation in Podgorica. Also, the Public Procurement Forum was established in purpose of providing the public and civil society with more information on this subject. Our side also provided information on the structure and operation of the State Commission for Control of Public Procurement Procedures.

Ms Noora Hayrinen appraised the decision according to which the public procurement officers were included in the Working Group for the Chapter 23. She was particularly interested in the method of drafting the Strategy and whether the Montenegrin competent authorities had cooperated with the Croatian public procurement institution upon its drafting.

Mr Sandor Szalai communicated that the review of the public procurement directives is underway. After the adoption of new directives, the Member States shall have at their disposal a two-year period to transpose those directives into their national legislations. In that respect, he emphasized that Montenegro will also have the obligation to perform review of its system, sooner or later. Considering that the Strategy adopted by the Government of Montenegro covers the period 2011-2015, we would most likely have to make amendments to the Strategy since the new public procurement directives shall be adopted during the period of its validity. **The new directives shall replace the Directives 17 and 19 and one of the novelties is that they will contain the provisions regulating the issue of concessions for works and services. Although the public procurement system shall undergo a revision at the EU level, the expert recommendation is that Montenegro should concentrate on implementing the newly adopted Law, particularly in the area of anti-corruption and the provisions**

aimed at prevention of conflict of interest, because the logic upon which the system is based shall remain the same after the revision. He also stressed the importance of electronic public procurement system, emphasizing that the new system foresees that this method shall be made mandatory for certain areas.

Upon our inquiry on the need of introduction of a centralized public procurement system, Mr Szalai pointed out that the practice in this regard is different in the Member States. In small countries, the introduction of a centralized system would mean that all procurement shall be conducted through that body and, in his opinion, such countries should have more authorities in charge of public procurement. On our question whether the public procurement system shall be changed in the areas of social policy and health services he emphasized that that part shall also be reviewed and that the intention is to establish a more flexible regime since the legislation so far was rather complex and difficult for implementation. Finally, the recommendation was to establish a contact with partner institutions within the Member States in purpose of exchange of knowledge and experiences and to get an insight into the Proposal of Review of the public procurement system via website of the Directorate General for Internal Market. (GARBIN)



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