



**EUROPEAN UNION – MONTENEGRO**



**3<sup>rd</sup> STABILISATION AND ASSOCIATION COMMITTEE**

**Podgorica, 5 – 6 December 2013**

**5 December 2013**

- **Public procurement**

Namely, as the Work Programme of the Government of Montenegro for 2013 foresees adoption of the Law on Amendments to the Law on Public Procurement for the fourth quarter, on 6 June 2013, the Working Group for development of the Law on Amendments to the Law on public Procurement was formed. The mentioned amendments will improve certain normative solutions and the missing provisions of Directive 2004/17 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors will be incorporated into the current Law, as well as complete Directive 2009/81 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security. Alignment with the mentioned directives will also require adequate implementation capacities. In that context, it will be necessary to undertake additional activities towards strengthening the appropriate administrative structure which will provide performance of all key activities. A Working Group for development of draft secondary regulation was also formed on 22 November 2013.

On 11 April 2013, the Government adopted a new Rulebook on Internal Organisation and Job Descriptions of the Public Procurement Administration which defined the following organisational units: Department for monitoring implementation of regulations and monitoring in public procurement, Section for monitoring the public procurement procedure and electronic public procurement management, Section for vocational training, advanced training and international cooperation in the area of public procurement and Service for general affairs and finances.

This Rulebook provide job descriptions of 18 working posts, of which 17 are filled including the last employment of officers (September 2013) in the Sector for Monitoring of Enforcement of Regulations and Public Procurement Monitoring.

On 2 July 2013 Montenegro completed the Project “Strengthening of Public Procurement System in Montenegro” the implementation of which started on 4 June 2012. Experts from the field of law, IT sector, audit/inspection and a public procurement expert (overall 4 experts) were working on the implementation of the mentioned project. After the completed analysis of the existing legislative framework, the project provided further guidelines regarding the Amendments to the Law on Public Procurement, implementation of the centralised public procurement, monitoring in the field of public procurement and improvement of the use of statistical data which can be found on the portal of the Public Procurement Administration, as well as the preparation of the technical specification for the future process of introduction of the public procurement system. The speakers at the National Conference under the title “EFFICIENT PUBLIC PROCUREMENT SYSTEM – MAIN POSSIBILITY FOR THE SUPPRESSION OF CORRUPTION” under the project “Enhancement of the Public Procurement System in Montenegro” held on 13 June 2013 were the Directors of the Administrations of Austria, Slovenia and Montenegro: Mr Wolfgang Pointner, Mr Sašo Matas and Mr Mersad Mujević; as well as the Head of the EU Delegation to Montenegro H.E. Mitja Drobnič. The conference was also attended by the representatives of the public, civil and private sector.

The measure related to organisation of forum on public procurements was realised as regards implementation of activities arising from the Action Plan for Implementation of the Strategy for the Development of Public Procurement System in Montenegro for the period 2011-2015.

Screening Report of the European Commission for Chapter V – Public procurement was adopted, and the Negotiating Position for the area of public procurement was forwarded to the Council on 14 October 2013.

The delegation of the negotiating team of the Government of Montenegro attended bilateral and multilateral negotiations in Geneva in the period 17 – 22 November 2013, under the 70<sup>th</sup> session of the Committee for Public Procurement of the World Trade Organisation (WTO). The goal of the visit and negotiations was the first core dispute on offer for Montenegro to access the GPA, following official submission of the offer on 4 November 2013, which is purely based on the EU offer. The obligation of Montenegro to start negotiations in this year is defined by signing of the Agreement on the Accession of Montenegro to the WTO 2012.

Professional trainings and advanced trainings in the area of public procurement were held continuously, and their target groups were contractors and bidders. Furthermore, professional exam for the work in the area of public procurement was organised as well. On 26 September

2013, SIGMA and Public Procurement Administration organised in Podgorica the workshop on the topic: ``Amendments to the Law on Public Procurement in Montenegro and Case of Utility Services“; furthermore, on 5 November 2013, they organised the workshop: ``Good Practice of Procurement in the Utility Sector``