

MY TENDER

ANALYSIS OF LEGISLATION ON PUBLIC PROCUREMENT

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1. INTRODUCTION

Efficiency and transparency in public procurement continue to be special challenges of state institutions. All domestic and international reports, Auditor's General reports, and media reports show continual breaches of bidding procedures, respectively breaches of the Law on Public Procurement.

Notwithstanding the amendments made to the legislation, there are still problems in implementation. Initially, the public procurement domain was regulated by an UNMIK Regulation, which has continually been amended. The amendments made therein intended the harmonisation with European standards and the EU directives.

In order to elaborate the content of the law, Kosova Democratic Institute (KDI) – Transparency International Kosova (TIK), in the framework of the project “Transparency and Accountability in Public Procurement”, through this analysis aims at presenting, comparing and analysing the Law on Public Procurement, thus comparing it with European standards and the transparency the latter legislation establishes during its application. At the focus of this analysis there shall also be the objectives, rights, and the obligations deriving from this Law.

The main remarks in regards to the Law in the past have mainly been related to its harmonisation with the most democratic experiences and standards enabling sufficient transparency and accountability on spending and managing the public money. Therefore, through this analysis it is also aimed to analyse what has been done at harmonisation of current legislation with the European standards and legislation.

However, in many evidences and reports of different institutions there are still observations about the lack of implementation of the Law on Public Procurement. Even the European Commission Progress Reports have continuously provided remarks regarding the legislation regulating the public procurement. The 2011 Report finds out that the law contained a number of provisions that were not in accordance with the EU directives on public procurement and, even worse, it is underlined that these legal provisions “exposed the procurement officials at political interference and pressure”.

On the other hand, beside the progress made with EU standards and directives, the latter is revising its legislation on public procurement and during this year there will be prepared the proposals, aiming at simplifying and updating the European rules, that the provision of contracts is made more flexible and that the public contracts can be put in a better use in order to support other policies.

Meantime, comparison with the regional experiences will also be at an important focus. Because of the important role they have, the analysis also presents the contribution of the stakeholders. In democratic societies, civil society plays a crucial role as a catalyst to draft legislation that establishes transparency and fights the negative phenomena.

Finally, particular importance and interest lies in analysing the legislation on public procurement as regards at transparency and the possibility for access that is provided to the citizens or the media, representatives of civil society and all other stakeholders. Furthermore, implementation of the electronic system of public procurement would influence the increase of transparency and the possibility of reducing the misuse of public money.

2. LEGAL BASIS AND PURPOSE

Public procurement in Kosovo is regulated by the Law No. 04/L-042 on Public Procurement in the Republic of Kosovo that entered into force on 5 October 2011. This law was a continuity and improvement of the previous legislation and regulations.

Initially, this domain was regulated by a regulation of the United Nations Interim Administration Mission in Kosovo (UNMIK). Intending to regulate the public procurement and using the financial means of the Kosovo Consolidated Budget, UNMIK had issued a regulation called “Instruction on Financial Administration No. 2/1999”.

Later on, with the establishment of democratic self-governing institutions of Kosovo, the Law on Public Procurement No. 2003/17 was adopted and, after the declaration of independence Law on Public Procurement No. 2009/03-L-158 was adopted. The latest amendments were made in 2011 (04/L-042).

The new Law on Public Procurement No. 04/L-242 is divided into twelve sections where each and every one regulates different aspects of procurement procedures, and contains 135 articles. Beside the content that presents procurement procedures, the Law also contains the aims on economisation, efficiency and non-discrimination.

Article 6 of this Law regulates the economisation and efficiency: “1. All contracting authorities are under an obligation to ensure that public funds and public resources are used in the most efficient and cost-effective manner taking into account the purpose and object of the procurement; 2. Public funds and public resources provided or made available under a public contract may be used only within the scope of such contract and

only for the purposes specified in such contract.” This legal provision clearly presents the purpose of public procurement process, respectively that of a good management of public – the taxpayers' money.

While Article 7 provides for the Equality of Treatment/Non-Discrimination: “1. A contracting authority shall treat Economic Operators equally and non-discriminatorily and shall act in a transparent way...”.

As regards the procurement activities of the Public Services Operators, taking into account the fact that public enterprises operate on daily basis and that they deal with many complex and specific requests, the new law, with a new chapter, regulates especially this domain. This action has helped the activities of public enterprises giving them more flexibility during their procurement activities.

With the new law there have also been made improvements in regards to the opening of the bids and offers by the Economic Operators. Thus, legal provisions have excluded the reductions, which were misunderstood by the Economic Operators and procurement officials. This happened because the reduction was only possible to be provided in case the procurement activity was divided into Lots and if Economic Operators bid for several Lots, they had the opportunity to offer reductions in case they are awarded with more than one Lot.

THE PURPOSE OF THE LAW

Legal regulation of the public procurement domain is related to or aims at a better, more efficient, more economical use and without misusing the public money. Establishment of competitive and non-discriminatory environment in the public procurement is aimed to be the other purpose of the law.

The current law on public procurement in its aim underlines the need of transparency and determination of the conditions and criteria.

“1. The purpose of this law is to ensure the most efficient, cost-effective, transparent and fair use of public funds, public resources and any other funds and resources of contracting authorities in Kosovo by establishing the requirements and rules that shall be observed, the procedures that shall be followed, the rights that shall be respected, and the obligations that shall be performed, by persons, Economic Operators, undertakings, contracting authorities, works concessionaires

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Chapter II, Article 6.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Chapter II, Article 7.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Part V.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 58.

and public bodies conducting, or involved, participating or interested in, a procurement activity involving or relating to the use of such funds and/or resources.”

Excluding influence of personal interests in procurement procedures is another element that is mentioned in the aim of this law.

“2. This law also aims to ensure the integrity and accountability of public officials, civil servants and other persons conducting or involved in a procurement activity by requiring that the decisions of such individuals, and the legal and factual bases for such decisions, are free of any personal interest, are characterized by non-discrimination and a high degree of transparency, and are in compliance with the procedural and substantive requirements of the present law.”

3. RESPONSIBLE INSTITUTIONS

The Law on Public Procurement in Kosovo has assigned the competent institutions whose scope of work is public procurement. The responsible institutions related to the domain of public procurement are: Public Procurement Regulatory Commission (PPRC), Procurement Central Agency (PCA), and Procurement Review Body (PRB).

PUBLIC PROCUREMENT REGULATORY COMMISSION (PPRC)

By law PPRC is an independent regulatory agency meaning that no public official may exercise or try to exercise influence in the PPRC in relation to any action or certain operational or regulatory decision of the PPRC. “PPRC is a public authority and budget organisation. The PPRC is therefore subject to all applicable of all other laws and regulations of Kosovo to the same extent as any other public authority or budget organisations.”

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Part I, Article 1, Paragraph 1.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Part I, Article 1, Paragraph 2.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 86, Paragraph 1 and 2.

As regards the PPRC functions, the Law provides for that this institution is responsible for developing, functioning and general supervision of public procurement system in Kosovo.

PROCUREMENT CENTRAL AGENCY (PCA)

According to the Law on Public Procurement, it has been envisaged that in the respective Ministry of Finance be established the Procurement Central Agency (PCA). PCA will implement and conduct functions and responsibilities specified in this law. All the assets, including all archives and objects in use by the Public Procurement Agency (PPA) and the PPA personnel are transferred to the Procurement Central Agency (PCA).

Meanwhile, as regards the competencies of PCA, it is stated in this law that due to professional expertise, cost efficiency, efficiency or other legitimate causes, the Minister of Finance may have the authority to assign the PCA as the contracting authority responsible to conduct such a procurement activity. In such a case (i) the Minister of Finance notifies the respective contracting authority or authorities, which are not anymore authorised to conduct the procurement in question, and (ii) the PCA, for all purposes of the current law, will be considered "the contracting authority" for procurement activity in question. The Minister of Finance ensures the agreement from the responsible supervising board if the contracting authority is an enterprise in public ownership.

PROCUREMENT REVIEW BODY (PRB)

In a way the Procurement Review Body is considered as the Court of procurement processes which reviews complaints of discontented parties. Its decisions are obligatory after entering into force. Complaints against decisions of the PRB may be treated by the Supreme Court only, in the foreseen legal term. By law, PRB is an independent reviewing body and exercises the authority, competencies, functions and responsibilities determined by law. "The PRB is an

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 87, Paragraph 1.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 94, Paragraph 1.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 95, Paragraph 1.

independent administrative review body. The PRB consists of five (5) Board members. For administrative support the PRB is assisted by a Secretariat led by Head of the Secretariat. No person or public official may exert or attempt to exert any political or illicit influence over the PRB or any of its employees with respect to any specific decisions. Influence shall not be regarded political or illicit if it is exerted openly, in accordance with the rule of law and of procedure, and in good faith to fairly advance a complaint or defence.” And “the PRB is a public authority and a budget organisation. The PRB is therefore subject to all applicable provisions of all other laws and regulations of Kosovo to the same extent as any other public authority or budget organisation”.

In regards to the functions and competencies, according to the law the PRB is responsible to implement the procedures referring to reviewing of the procurement according to Part IX of this law and has the authority and responsibilities foreseen in that part. "Upon a written request of a contracting authority regarding the submission, by an economic operator, of false information or documents forged, the PRB is obliged and is authorized to review and disqualify the economic operator from participation in public procurement up to a period of one year. 3. All decisions issued by the PRB may be reviewed by the competent Court in accordance with the law on the judicial review of administrative matters”.

On the other side the Progress Report has analysed the work of these three institutions. In the Progress Report of 2011 it is stated that, in the current legislation, there is an overlap of competencies of the three public procurement institutions. Meantime, domestic reports on PRB also underline the need to increase the performance of these institutions.

KOSOVO INSTITUTE OF PUBLIC ADMINISTRATION (KIPA)

Kosovo Institute of Public Administration (KIPA) in cooperation with the PPRC, according to the Law on Public Procurement, is the responsible institution for training, certification and organisation of exams for the public procurement officials. The training last 15 days, while KIPA issues a “Professional Basic Procurement Certificate” – to persons who have attended all basic courses, while the “Advanced Professional Procurement Certificate” is issued to persons who have successfully passed the advanced courses; these certificates are valid for three (3) years.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 98, Paragraphs 1, 2 and 3.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 99, Paragraphs 1, 2 and 3.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 25.

4. TRANSPARENCY

The lack of transparency in procurement processes firstly endangers the accountability and raises the possibilities of increasing the corruption and misuses. Domestic and international organisations continuously underline in their reports that, the current law on public procurement does not create sufficient transparency or, in certain cases, minimises the possibility of access in the process.

European Commission Progress Report for 2011 also underlines the lack of necessary transparency. According to this report, non-harmonisation of the law with EU directives, allowing the possibility of political pressure and interference in the procurement, has undermined the transparency and accountability. This report, called on the PRB to publish its decisions in the official web-site.

Another element that would increase the transparency and would decrease the spaces for misuse is considered the Electronic Procurement System. Many countries have already started with the implementation of this system, like Albania, where the level of transparency however demands increase.

Meanwhile, as regards the law, specific articles have provided for the possibility of transparency. Article 10 provides for the promotion of transparency and procurement processes.

“1. A contracting authority shall maintain a well-ordered and comprehensive set of records for each procurement activity that it conducts, regardless of whether such activity results in a contract or design award.

2. At a minimum, the records for each procurement activity shall contain (i) all documents related to, developed or acquired in the course of, or used to initiate, conduct or conclude, a procurement activity, regardless of whether such activity results in a contract or design award, (ii) if the procurement activity has resulted in a contract or design award, all documents related to such award, and (iii) if the procurement activity has resulted in the execution of a public contract, a copy of the public contract and all documents relating to that contract and/or its performance. Documents concerning contract performance include especially the contract management plan required according to Article 81 of this Law.

3. Upon the request of any person, a contracting authority shall provide such person prompt and reasonable access to the records described in paragraphs 1 and 2 of this Article, other than confidential business information, relating to any procurement activity that has been concluded. For the purposes of paragraph 3 of this Article, a procurement activity shall be deemed to have been concluded (i) on the date of publication of the concerned contract award notice or design

results notice, (ii) on the date of the award of the concerned contract in case of tenders according to Article 37 of this law, or (iii) if the procurement activity was formally cancelled or otherwise terminated prior to the making of an award or the selection of a winner, on the date of the cancellation notice according to paragraph 2 Article 62 of this law or the date when the activities were otherwise terminated”.

However, in the following sentence a kind of barrier is presented in cases of interest to have access from outside. The possibility that is left to the operator, that through a request a documentation is qualified as secret, has many times been considered unfair due to the fact that potential danger exists that many operators will require such a right and that would automatically would mean decreasing the scale of transparency.

In Article 11 related to Business Secret Information, it is stated that: "Without prejudice to its obligations to provide access to interested parties and members of the public to procurement activity records, a contracting authority shall respect and safeguard items classified as confidential business information in accordance with this Article”. This provision minimises transparency, although the information is a business secret. However, there are three specific criteria for some information to be considered a business secret, and the law requires justification on why some information is to be a business secret.

In the meantime, the biggest paradox regarding the transparency in public procurement was the one established by UNMIK regulations in 1999. UNMIK Regulation "Financial Administration Instruction No. 2/1999", regulating public procurement at the time, provided a maximal space to public access. In Article 8, paragraph 8.3 established full transparency in regards to interested parties to have access in bidding procedures.

“8.3.1 PPRB and every procurement unit, in their premises, keep an office or library open for all interested parties of the society. In every such office or library, for all interested parties of the public are timely ensured copies of PPRB documents and the documents requested under paragraph 8.1 and, after granting the contract, under paragraph 8.2 they should be maintained and published. All persons have a right to check and copy all these documents in the photocopying machine which may be freely used in these premises. 8.3 Conduct and registration of every phase of

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 10, Paragraph 1, 2 and 3.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 11, Paragraph 1.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 11, Paragraph 3.

procurement process where more than one supplier are involved is allowed for the public.”

The new law has contributed to transparency increase by regulating “the Publication of Notices”. It requires that every Contracting Authority send all announcements, including the preliminary announcement, the contract announcement, the announcement on granting a contract and the announcement on cancellation, to PPRC for publication on the PPRC's web-site (<http://krpp.rks-gov.net>). The legislation, however, does not include announcement on quotations or the announcement for contracts of small values, including smaller contracts from €1,000 up to €10,000. Therefore, it is recommended that this domain is regulated through amending the current legislation in the future.

As regards the tender dossiers, submission of tender dossiers is regulated by law. Contracting Authorities may already submit to the Economic Operators the tender dossiers without any fee of charge after a written request by the latter. This helps the transparency, reduces the cost of applications for Economic Operators and affects the adaptability of deadlines which are regulated by the latest changes in the legislation.

To increase the accountability and quality of works, a new article was introduced which regulates the activities on managing the Contracts. Respectively, after the contract is signed, the Contracting Authority shall nominate a Manager of the Project who is responsible to prepare a plan on managing the contract using the standard form “The Plan on Contract Management”, about which the contracting parties should agree before initiating the contract implementation.

A basic change in favour of transparency is made through Article 10 “Means to Promote Transparency”. With the old law, the access in documentation by the Economic Operators was possible only 10 days after the publication of announcement on granting a contract, while complaints could not be submitted later than 8 days after publishing the announcement on granting a contract. Thus, the deadline on submitting the complaints ended before they could have access in the documentation. With the new law, the access is ensured immediately after publication of the announcement for granting a contract.

UNMIK Regulation “Financial Administration Instruction No. 2/1999.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 19, Paragraph 3.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 48.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 5.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 81.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 10.

5. SANCTIONS

The Law on Public Procurement, in the last part regulates the legal means, the punitive and final provisions. Notwithstanding the legal regulation, respectively the measures foreseen, business reports of the institutions that are mandated to enforce the law, present very few cases of disciplinary measures.

In Article 130, paragraphs 1 and later items 1.1, 1.2, 1.3 and 1.4 regulating the illegal influence, the following measures are foreseen:

“1. Without prejudice and subject to the relevant criminal and other applicable law, it shall be a violation of the present law punishable and enforceable in accordance with the relevant applicable law for any persons:

1.1. to provide, offer, solicit or accept or express or indicate a readiness to provide, offer, solicit or accept anything of value (including, but not limited to, money, an offer of employment, tangible or intangible property, a favor or service) for the direct or indirect benefit or enrichment of an employee, former employee, official or former official of a contracting authority, or any person or undertaking related to or associated with such an employee, former employee, official or former official wholly or partly for the purpose of influencing or attempting to influence a decision or action affecting or connected with the initiation, conduct or outcome of a procurement activity or review;

1.2. to take any actions, or to express or indicate a readiness to take any of action, for the purpose of intimidating, coercing, harming or causing harm (physically, financially, or otherwise) to any person or undertaking, wholly or partly for the purpose of influencing, attempting to influence, or retaliating for a decision or action related to the initiation, implementation or outcome of a procurement activity or review;

1.3. to solicit or enter into any agreement, arrangement or understanding with any other person or undertaking, if such agreement, arrangement or understanding has the purpose or effect of preventing, restricting or distorting competition for any public contract; or

1.4. to facilitate or encourage any person or undertaking to engage in any conduct specified in item “1.1.,” “1.2.” or “1.3.” above”.

Meanwhile, the four following items review the reports that every person should have with respective bodies in cases they become aware of misuse.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 130, Paragraph 1, 1.1, 1.2, 1.3 and 1.4.

On the other side, Article 131 regulates the Breaches of Law by a Contracting Authority. “The PRB shall impose a fine of not less than five thousand (5,000) euro on any contracting authority that fails to implement a decision or to comply with an order of the PRB within five (5) days.”

Regarding the technical specifications, the legislation prohibits a Contracting Authority from drafting technical specifications that favour or discriminate one or more Economic Operators, respectively: “A contracting authority is specifically prohibited from establishing a technical specification that favours or disfavors one or more Economic Operators.” However, even though it is prohibited, the law does not envisage clear sanctions in cases of breach of such a legal provision by public procurement officials or against all the institution respectively the Contracting Authority.

With article 118 of the new law on Public Procurement respectively Security, Penalties and Damages, there have been minimised the amount of ensuring the complaints. With the previous law, the amount of security was 5% of the contracts' value (but no less than €1,000 and no more than €5,000) while the new law has reduced it to €500. This has caused the increase of number of complaints reviewed by PRB and it can be understood as an influence at improving mistakes during tendering process. Finally, this tariff of €500 must be returned to the complainant whenever the PRB approves the complaint as based meaning that the Economic Operator receives the €500 paid initially if the PRB has decided in its favour.

Another very important provision of the current law is article 99 on Functions and Competencies of the PRB that relates to the sanctions against Economic Operators that submit false documentation. Based on a written request by the Contracting Authority related to the presentation of false or falsified data by the Economic Operator, “PRB is obliged and has the authority to review and disqualify the Economic Operator by participating in procurement for a period up to 1 year.” Drafting such a “Black List” was also recommended by the civil society organisations.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 131.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 28, Paragraph 2.

Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011), Article 99, Paragraph 2.

6. EUROPEAN STANDARDS EU LEGISLATION ON PUBLIC PROCUREMENT

Internal Market of the European Union (EU) was established to ensure free movement of goods, capital, services, and people within already 27 EU members. Granting of contracts for public works on buying goods and services by different public authorities, for the EU institutions level as well as the central, local or independent institutions of its member states, makes one of the basic issues of functioning the Common Market of EU.

But, regulation of the issue of public procurement dates back in 1962 when, at that time the Council of Ministers of European Communities decided to abolish quotations and other limitations in public procurement. Later, in 1985 the European Commission approved the White Paper related to non-tariff barriers on free movement of goods and services in Europe. Thus, in the 90' some directives which were consolidated and dealt with the services, supply, works and municipal services sectors were drafted.

Taking into account that in 2002 the public procurement practices did not ensure a healthy competition between the firms that were functioning within the EU members and that there was a deficient transparency in this regard, the public procurement not accidentally was called “the weakest tie in the Common Market”. In order to simplify and clarify the previous legislation, the need to draft new directives raised which needed to be transposed in the national legislation until, at the latest 31 January 2006, and which are:

- Directive 2004/17/EC on Coordination of Procurement Procedures of Entities Operating in the Water, Energy, Transport and Postal Services Sectors; and
- Directive 2004/18/EC on Coordination of Procedures for Granting Contracts of Public Works, Public Contracts on Supply and Public Contracts on Services.

While in 2007 the Directives on Legal Means as regards the improving of reviewing procedures efficiency related to granting of public contracts respectively Directive 2007/66, were also updated.

Taking into account that transparency increases the price competition between the suppliers and that it results in lower buying prices, it plays an important role in EU public procurement. In order for suppliers to be informed more on business opportunities, thus

Four EU Freedoms.

According to www.Europa.eu, the EU Single Market, accessed on 24 may 2012.

Bovis, Christopher H. (2007): EU Public Procurement Law. Elgar European Law Series. Edward Elgar Publishing, ISBN 978-1-84720-947-4.

increasing transparency, EU public procurement is organised in the way of publishing of three kinds of notices in the Official Gazette, including:

- Periodic Indicative Announcement (PIA) that presents the annual procurement calculated volume for every contracting authority;
- Formal invitations for tenders in order for suppliers to submit their offers to begin the process of granting a contract; and
- Contract Allocation Notifications (CAN) that informs the wider public on granting a contract to the successful bidder, including the price and the reason of selection.

Minimal thresholds are another important element in EU public procurement. The principles of minimal thresholds allow authorities to avoid a costly and time-consuming tendering process and, in such cases they use the procedures on low amounts of contracts where procedure expenses would overcome benefits of public wealth. These principles do also drive authorities to divide contracts in parts in order to avoid the annoying procedures. Although the Directives prohibit such actions, such avoidance of the procurement law is difficult to detect. The minimal threshold differ from €125,000 on supply and service contracts for the public sector of the central governing authorities, to €4,845,000 for the public sector contracts and municipal services, as well as for the contracts that have subsidised more than 50% by the government and that include activities of civil engineering or hospital, sport, re-creative or educative premises.

Depending on the sort of contract respectively if it is a contract on supply, works or services, there are some different procurement procedures for the public authorities that determine their limitations in the procurement authority, including:

- The Open Procedure, where all interested parties may submit their offers on the call for offers but the public authority has the right to review all or only a certain number of offers that meet the required criteria.
- The Limited Procedure, where all parties may express their interest in the tender, but only those which meet the selection criteria determined by the public authority are invited to bid.

They have lastly been amended with the Rule 1177/2009, dated 30 November 2009.
Directive 2004/18/EC, Article 7(a).
Directive 2004/18/EC, Articles 7(c) and 8(a).
Out Law, <http://www.out-law.com/page-5964> accessed on 25 May 2012.

- The Negotiated Procedure has two forms which are conducted without publishing the call for bidders – where the authority may directly negotiate with the supplier of its wish, and with the publication of the call for bidders.
- Dialogue Competing Procedures, which allows the contribution of Economic Operators and, during the dialogue, the parties may individually discuss with the contracting authority all aspects of the contract.

However, in the EU legislation there also exist specific forms of procurement like the Framework Agreement and the Public-Private Partnership. The Framework Agreement is an umbrella agreement that determines the criteria regarding the price, quality and quantity upon which the individual contracts can be based for a period of time as set in the agreement (normally up to 4 years). Differently from the Framework Agreement, the Public-Private Partnership is not a part of the aforementioned EU Directives, but it is regulated with different Treaties and with other secondary legislation.

Finally, EU is reviewing its legislation on public procurement. In a communication issued on the Single Market Act it is stated “Commission shall prepare the proposal-legislation until, at most, 2012 in order to simplify and update the European rules so that granting of contracts is made more flexible and that public contracts may be put in better use in support of other policy”. In January 2011, the Commission published a Green Paper on modernising the public procurement while in December 2011 the Commission published proposal on reviewing Public Procurement Directives on procurement on the sector of municipal services, and on issuing a new Directive on granting the Concession Contracts. The Commission also put forward some proposals on the access of suppliers of “third countries” in the EU public procurement market.

Taking into account that these proposals are being discussed and negotiated between the stakeholders and the European Parliament in Brussels, it is expected they are approved by the end of 2012 and this means that these directives would have to be incorporated in the legislation of every EU country until at latest June 2014. This also means that Kosovo legislation may and must incorporate these changes by the beginning of 2013.

Directive 2004/18/EC, Articles 9, 11, and 32.
 Scottish Government, accessed on 25 May 2012
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/eurevieeprocurement>
 Public Consultations, accessed on 25 May 2012
http://ec.europa.eu/internal_market/publicprocurement/modernising_rules/consultations/index_en.htm
 Scottish Government, accessed on 25 May 2012
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/eurevieeprocurement/countryaccess>

EUROPEAN COMMISSION PROGRESS REPORTS ON KOSOVO (2008 – 2011)

Taking into account that Kosovo is a potential candidate country for EU membership, the European Commission monitors and follows the drafting and implementation of Kosovo legislation. Thus, every year the European Commission publicly announces its evaluation through a Progress Report which, above all, underlines how the Kosovo legislation is compatible with the *Acquis Communautaire*.

Progress Report (Report) explicates the public procurement as a special item in the framework of economic criteria. Here will be presented only the assessments provided in the Report from 2008 to 2011 and only as regards the legislation development in this field.

In the 2008 Report it was underlined that the Public Procurement Law (PPL, amended in 2007), was “in general in compliance with European standards” and had determined detailed procurement procedures. However, there was a special accent on discrepancies in translation in the three languages and it required immediate actions in order to ensure legal accuracy

The 2010 and 2011 Reports present a worsening situation of the public procurement legislation. In 2010, the European Commission was not satisfied with the Draft-Law on Public Procurement that was submitted by the Government to the Assembly, warning institutions that “provisions regarding the concessions” in the proposed draft-law were clearly in contradiction with EU legislation (*acquis*). However, in the 2011 Report, commenting on public-procurement draft-law adopted in November 2010, it found that it contained a number of provisions not in compliance with EU Directives on public procurement and, even worse, it underlined that these provisions “expose procurement officials at interference and political pressure”. In this case, it is underlined that transparency and accountability of the whole process were undermined, opening the possibility for corruption.

But, the same Report (2011) found the new version of the law adopted in August 2011 to have addressed most of deficiencies of the previous law and which was much more in compliance with EU standards, including even the independence of procurement officials. However, this Report, the latest one, considers that public procurement legislation is not in compliance with European standards recommending that Kosovo complete and improve the Law on Public-Private Partnerships and that the part of concessions be amended in order for EU legislation requirements to be met.

The legal definition of the role of the main institutions of public procurement is also analysed, respectively that of Public Procurement Regulatory Committee (PPRC), Procurement Review Body (PRB), and the Procurement Central Agency (PCA). The 2009 Report remarks the lack of secondary legislation respectively the non-preparation of this secondary legislation by the PPRC, which is one of the main duties of this institution. But the latest Report stressed the issuance of some administrative instructions that, above all, also regulate the language of public procurement documents, the public opening and examination of offers, evaluation and comparison of offers, use of selection criteria, etc. Meanwhile, PRB was called to publish its decisions in its official web-site. Overall, the last Report (2011) underlined that, in the current legislation, there is a mixture of duties and responsibilities between the three public procurement institutions and it recommends the division of regulatory and executive powers.

The legislation on training and certifying the procurement officials was also criticised, which defined that “every procurement official had to attend at least 10 days annually obligatory training”. The remark was that, the then certifying system was, however, for one training for the whole life and was not in compliance with the law. But other reports stressed that this was improved underlining that a permanent procurement certificate would be issued to persons who successfully concluded the training during three successive years. While the latest Report underlined the change in law, increasing the number of days that procurement officials needed to be trained respectively from 10 to 15 training days in a year. Furthermore, as regards the accountability for the procurement process, the 2010 Report recommended that it is extended to include not the procurement officials only but their superiors as well, in both the administrative and political level.

As regards the procurement officials training by the Kosovo Institute on Public Administration, the law foresees also the training of the private sector. But, taking into account the limited capacities, KIPA is not doing so. Therefore, it is recommended that by law KIPA should be required to conduct training on public procurement also for the private sector, taking into consideration the lack of knowledge of the private sector on the functioning of this domain.

In general, the last Report concludes that procurement legislation, especially the one on public procurement, is still not in compliance with European standards. Therefore, it is recommended that the legal structure of the procurement be completed and improved.

Formerly called the Public Procurement Review Board (PPRB)
 Formerly called the Public Procurement Agency (PPA)
 Progress Report of 2009 for Kosovo

7. REGIONAL PRACTICES

The regional countries too, taking into account their course towards integration into the European Union, face same or similar problems in the domain of public procurement. The 2011 Progress Reports for the regional countries respectively Albania, Croatia, Macedonia and Serbia mainly showed progress and average advance in the domain of public procurement and underline certain deficiencies as regards the public procurement legislation in these countries. Exceptions in the progress on legislative framework in public procurement are remarked in Macedonia and Croatia. The following data are a summary of 2011 Progress Reports.

ALBANIA

According to 2011 Progress Report, Albania does not mark a success as regards the general principles, the legislative framework on public procurement and concessions which do not fully comply with Acquis Communautaire, compared to the previous year.

According to the Report, competencies of all procurement institutions, including Public Procurement Agency, Public Procurement Commission, and the Public Procurement Advocate, are not clearly defined, and it requires that, in order not to mix the duties and responsibilities and the system be cleaned from legal vagueness, their responsibilities be defined.

Transparency and competition remain weak. PPA possesses limited means to monitor the compliance with public procurement legislation. For this reason, the yet unapproved secondary legislation as foreseen by the public procurement law and current staff of PPA, does not allow it to discharge itself from the duties in the due manner.

However, there is noticed progress in the domain of granting public contracts which have already been involved in the legal framework of public procurement. There has also been noticed progress in the field of remedies. The Council of Ministers approved the decisions on functioning of Public Procurement Commission, including reviewing the appealed procedures and determination of tariff payments.

Aside to the progress in these two issues, general preparations on public procurement in Albania are considered by the Progress Report as an average advance.

MACEDONIA

The Progress Report estimates that Macedonia has achieved progress regarding general principles, transparency in granting public contracts and the system of legal means. The concessions responsible unit in the Ministry of Economy has improved cooperation with other institutions included in the public procurement.

Macedonia's progress in public procurement is noticed on the procurement procedures which have become more transparent and their implementation is increased but the administrative capacity of contracting authorities remains weak. The legal environment of implementing legal means is stressed to have been improved. Although in general preparations of Macedonia in the domain of public procurement are quite advanced, the 2011 Progress Report presents a range of weaknesses. Among others, the legislation on concessions and public-private partnerships is mentioned not yet to be in compliance with EU laws and directives. Administrative capacity in the field of legal means remains weak. Although the Public Procurement Bureau continues cooperation with State Office on Auditing, the State Commission on Preventing Corruption, and the Commission on Defending the Competition, judicial statistics on public procurement related to the judicial cases should be strengthened. Finally, it is estimated that the capacity of responsible units on concessions in the Ministry of Economy remains insufficient to handle big projects.

SERBIA

Serbia is characterised with minimal progress in the domain of public procurement in comparison to the previous year, based always in the EU Progress Report. Among the weaknesses stressed there, are the delays at creating a new Commission on Defending the Rights of Tender Bidders, and those of the current legislation, including the lack of a due regulatory framework on concessions. In contrast to Kosovo, Albania and Macedonia, where the certification of public procurement officials is provided, in Serbia, it is noted that the certification of public procurement officials has not begun yet.

Coordination of mechanisms among the main stakeholders in the system of public procurement in order to eliminate corruption remains weak. The strategy on improving public procurement system remains at an initial stage. As a result, as noticed in the 2008 Budget Report from the Supreme Audit Institution, insufficiencies in use of public money continue to remain where they have been. Also, what remains where it has been is the low administrative capacity of public procurement bodies, especially the public procurement unit at the Ministry of Finance, PPO and the review body.

CROATIA

Croatia is firm to be the 28th member state of the EU on 1 July 2013. This is witnessed by the progress in the domain of public procurement. Croatia has approved the new law on public procurement in July 2011, which is almost in full compliance with EU legislation.

The continual implementation of policy in the domain of public procurement and the improvement of coordination mechanisms and the training events, has caused the increase of transparency and accountability of the system.

The consolidation process of the Agency for Public-Private Partnership (APPP) has continued. The APPP Guidance has been drafted and published in line with the new legal system. The APPP personnel has attended training courses in the domain of concessions and APPP, in cooperation with other key institutions in this field. The State Commission on Supervising the Public Procurement Procedures has continued its efforts at improving the management of legal means. Transparency and accountability of this Commission has been improved and it has a new and updated web-page.

A special accent is required to be put on the secondary legislation of the new public procurement law in order to maintain the coordination mechanisms, to increase institutional capacities in the sector through continued training and professional development of their staff. Specifically, further efforts in building capacities of State Commission are needed. Even further efforts are needed to finalize the harmonisation of secondary legislation in relation to the Act of Concessions, and to improve the administrative capacity of the Concessions Department. Increasing further the administrative capacity and improving the quality of tender documents is needed also in the Central Procurement Office, which has gradually built its capacities.

The 2011 Progress Report witnesses an average advance in the domain of public procurement in neighbouring countries, more precisely in Albania, Macedonia and Serbia, and the excellent advance in Croatia.

The public procurement legal framework in Albania is estimated not to be in line with EU directives and laws. It is recommended that greater efforts be made to improve the institutional framework and an exact determination of public procurement institutions in order to avoid the complication of duties or responsibilities and to avoid vagueness and non-compliance in the system.

Notwithstanding the noted success in the field of public procurement in Macedonia, respectively the general principles, the transparency on granting contracts and the legal means system, the Progress Report recommends improvement of legislation on

concessions and public-private partnerships and the strengthening of administrative capacities in the field of legal means. The same recommendation is also applied to Serbia, the main weakness of which in the current legislation is the lack of a due regulatory framework on concessions.

8. STAKEHOLDERS

Several publications as regards the public procurement and public procurement legislation have been published by different non-government organisations and research institutions such as FOL Movement, Group for Legal and Political Studies (GLPS), RIINVEST, American Chamber of Commerce in Kosovo, INPO. There are some of these stakeholders which have conducted analysis related to different versions of the legislation and have presented a number of recommendations in order to improve the legal framework which would promote the increase of transparency and accountability in the domain of public procurement.

FOL movement considers that, promoting the level of transparency as the basic means in fighting corruption in public procurement according to the Law No. 04/L-42, is endangered through some deficiencies such as Article 3 of this law, which includes the exceptional cases of certain activities in public procurement while implementing the said law. FOL movement further considers that these exceptions harm the transparency of contract granting procedure, influence the increase of their cost financing, and the danger of appearance of corruption in cases of granting such contracts is increased.

FOL has drafted a variety of recommendations on the new draft of the Law on Public Procurement and addressed them to the Ministry of Justice on 31 May 2011. Containing altogether 25 recommendations, FOL, among others, stresses the importance of setting up the electronic public procurement in Kosovo, reducing the bureaucracy and ensuring the transparency and accountability through simple, open, and effective procedures. FOL recommended PPRC draft periodic quarterly reports on implementation of contracts by the central government as well as the local one, which would be scrutinised in the Assembly's sessions and at the Government's meetings.

The Group for Legal and Political Studies (GLPS), in its publication “Different Models of (Mis)Using the Public Money: Trends and Practices in Public Procurement Management in Kosovo Municipalities”, has also recommended the digitalisation of

Group for Legal and Political Studies (GLPS) (2012): Different Models of (Mis)Using the Public Money: Trends and Practices in Public Procurement Management in Kosovo Municipalities

procurement process considering as abusive that public tenders and that the manner on how decisions are rendered are hidden to the general public. According to the GLPS, digitalisation of the procurement process which should include the right of pretender in every tender process, when granting the contract, to have access in the decision-making method and that every other detail of procedure allowing the wider public access in most of the tender process details, including the summary of notes of the monitoring procedure. This would also allow for quite a big increase in the level of transparency in municipal tenders, while the right procurement decisions increase the public trust in such a process.

According to GLPS, duly and rigorous annual procurement activities planning would avoid actions like “more party” of the municipalities enabling the decision-making for the procurement agenda be more transparent and accessible for all.

GLPS also considers that establishing more rigorous criteria in procurement would avoid the use of authority by municipal governments in granting public tenders to their party preferred businesses. Therefore, GLPS recommends establishing a rigorous mechanism in the PPRC that would supervise the municipal trust. Based on this, PPRC would continually issue directives and legal regulations in order to fight abuses and violations by local government.

Establishing the “Black List” is also recommended by FOL Movement and the Legal and Political Studies Group. This list is referred to Economic Operators which have abused with the public tenders. GLPS stresses that the Black List is necessary for the integrity of procurement performance process and would serve as a prohibition for the right of application to those Economic Operators which have abused in the past with public tenders and underlines that this prohibition should be precisely regulated by law and setting of deadlines. FOL recommends that this deadline be two (2) years. A similar form is foreseen in the current legislation, respectively Article 99, but it only applies to false documentation, and not to mismanagement or problems with implementing the contracts by the Economic Operators.

GLPS also recommends a higher level of external auditing, suggesting that OAG and PPRC increase their capacities on auditing, especially in relation to performance of granted tenders and not only the regularity of procedures as regards the tender granting procedure. What is required is to provide monitoring and overall and continued evaluation.

The American Chamber of Commerce in Kosovo has also dealt with public procurement. In a publication entitled Business Agenda in Kosovo, based on many complaints of

businesses in relation to technical specifications, there is suggested that the latter should be drafted by experts of the field the tender has been announced for. Furthermore, the document seeks prohibition of practices of annulling tenders in a arbitrary manner in order to take in consideration the time, money, and effort spent by the companies, taking into responsibility those who suspend the public procurement without presenting factual justifications as foreseen by the law (LPP, Article 62, paragraph 1).

American Chamber of Commerce in Kosovo, based on the information received by its member businesses, requests that delays in responding to the questions raised by companies should be eliminated and the complainants shall be provided all the information in time, as required by law. On the other side, they estimate that procurement bodies or commissions of evaluating tenders, should stop the practices on highly depending on the criteria of lowest price, and be based on other criteria as well. This Chamber of Commerce also recommends that contracts not be signed until all the complaining mechanisms have been used.

As regards the legal deficiencies which have characterised the public procurement legislation, the conclusions of the Initiative for Progress-INPO in their analysis 'Public Procurement at the Local Level—Problems and Challenges at the Functioning of Municipal Procurement Offices of Ferizaj, Kaçanik and Shtime for the period October 2010-April 2011' can also be noted, which underlines that the frequent change of public procurement legislation has caused that Economic Operators face difficulties at understanding it.

The Progress Report Made in Kosova, published in October 2010, stresses that the biggest vagueness in the Law on Public Procurement and at signing contracts have been created by the Government of Kosovo which, under the obligation of signing by ministers and other administrative officials, the procurement professional officials have been equalised with the political representatives. According to this report, this manner of signing contracts causes further procrastination of tendering procedures.

Analytical works of stakeholders witness the continual deficiencies that characterise public procurement legislation. These deficiencies harm transparency and provide for space for corruption. For instance, Article 3 of the current Law was considered as such since it excludes certain cases from legal obligations in public procurement.

Equal and transparent access of all parties in tender processes is enabled through the digitalisation process in procurement and it is recommended by GLPS and the SPEAK movement. Both these organisations also stress the necessity of creating a “Black List”,

INPO, KDI, RIINVEST, FPC, SPEAK, KCSS, YIHR (October 2010): Progress Report Made in Kosova 2011, supported by Fridrich Ebert Stiftung.

which would include the names of Economic Operators that have abused with their duty, and the time limit that would determine their participation in the future tendering processes.

However, legally there exists a measure which excludes operators that provide false documents. Article 99, second paragraph on the Functions and Competencies of PRB, provides for this institution the right to exclude operators which present complaints with falsified documents. According to this Article, upon a written request by the contracting authority in relation to the presentation of false data or a falsified document by the Economic Operator, PRB is obliged and has the authority to review and disqualify an economic operator by participating in public procurement for a period up to one (1) year.

9. CONCLUSIONS AND RECOMMENDATIONS

Analysing the public procurement legislation of the Republic of Kosovo, and comparing it with that of the European Union legislation and that of the neighbouring countries, highlights deficiencies and legal gaps of different aspects of this domain.

Current legal regulation minimises transparency in certain situations. Furthermore, to a considerable extent, the responsible institutions of public procurement also avoid obligations to be transparent towards the general opinion. A general assessment of the stakeholders related to the public procurement considers that increasing transparency and accountability is very necessary in order to increase security of the right management of public money. Even the 2011 Progress Report on Kosovo, underlines that the transparency and accountability of the whole process has been undermined allowing the possibility for corruption.

Increase of transparency, in order to increase the accountability, is sought by concrete institutions. In the 2011 Progress Report, the PRB is asked to publish its decisions on its official web-site. Such an action, fundamental to transparency and accountability, is recommended to be regulated with legal and sub-legal provisions.

There are some contracts that are not required to be published. Taking into account that the current legislation requires only the publication of those contracts with values higher than €10,000, it is recommended that, when the current legislation is amended, be scrutinised also the possibility of publishing contracts with a small value (from €1,000 to €10,000). This requirement would affect the increase of transparency and well-information of Economic Operators to participate in Quotations for Contracts with small values.

Another recommendation – coming also from the civil society – deals with the Public Procurement Regulatory Commission. It is requested that PPRC's announcements include not the tender winner only but the other bidders as well in order to identify the cases of nepotism and to find out what is the unit and total amount of the project. Furthermore, business representative organisations recommend that this body should draft a list of prices per unit for the most usable and requested products by the Contracting Authorities, in order for this list to be a point of reference for prices offered by the Economic Operators.

Nevertheless, a concrete solution to this would be the use of electronic procurement system, “e-procurement”, which would forever solve the problem of transparency and accountability of management of the Kosovar taxpayers' money.

As regards the training of public procurement officials, the reorganisation of these trainings intending to advance this aspect of their education is appreciated. However, it is

recommended that the training process does not stop at the procurement officials level only but be regulated by law that KIPA is annually obliged to train a certain number of procurement officials of Economic Operators.

There is no need to comment on whether the public procurement legislation in Kosovo needs to be reviewed and amended. But, taking into consideration that the European Union itself is reviewing the public procurement legislation, and that the Kosovo legislation on public procurement also needs to be amended, it is recommended that this happens after these changes have taken place in the legal system of the EU. Such an action would affect at minimising interference in the legislation. Otherwise, the legislation has had enough interference, a phenomenon that has created confusion to Economic Operators and contracting authorities.

Meantime, many stakeholders have also raised other concerns as regards, especially, the punitive measures for the abusers and violators of public procurement processes. In this case, it is recommended, that the drafting of the Black List by PRB be regulated by law in a way that includes not only the Economic Operators that present false documents – as is currently regulated – but also the Economic Operators that mismanage the taxpayers' money and those who have not fully implemented the contracts awarded by the Contracting Authorities, for a period of up to 2 years.

Another important aspect is considered to be the need for a better application of the Law on Public Procurement. The biggest remarks of those who do not favour the amendment of law, insist on inducing the competent institutions to implement the Law. According to them, many barriers presenting themselves in the procurement procedures, relate to the lack of full implementation of the law. Informing Economic Operators in regards to the contracts is also required, since it is reported that there are often cases when, one, the Economic Operators cannot make the distinction between different types of contracts, and, two, they sign contracts without reading their respective articles, so whether they can fulfil the requirement or not.

The technical specification in the published offers is often presented as a problem that affects the increase of the number of irregularities and misuses. It is estimated that often the tender winner is placed by manipulating with technical specifications of offers. It is recommended that when defining the criteria for bidders, standard criteria and specifications be determined.

10. BIBLIOGRAPHY

LEGISLATION:

- Law No. 04/L-042 on Public Procurement in the Republic of Kosovo (5 October 2011).
 - Law No. 03/L-241 on Public Procurement in the Republic of Kosovo (16 November 2010-abrogated).
 - Law No. 2003/17 on Public Procurement in Kosovo (1 January 2008-abrogated).
 - Law No. 02/L-99 on Public Procurement (1 June 2008-abrogated).
 - Law No. 03/L-158 on Public Procurement (10 August 2009-abrogated).
- UNMIK Regulation “Financial Administration Instruction No. 2/1999” (abrogated).
- EC/Directive 2004/17 on Coordinating Procurement Procedures of Entities Operating in the Water, Energy, Transport, and Postal Services Sector.
- EC/Directive 2004/18 on Coordinating Procedures for Granting Contracts to Public Works, Public Works of Supply, and Public Contracts of Services.
- European Commission Progress Report on Kosovo and the Region (2008-2011), Article 4.1.6: Public Procurement.

INSTITUTIONS:

- Public Procurement Regulatory Commission – PPRC (<http://krpp.rks-gov.net>).
- Central Procurement Agency – CPA (<http://aqp.rks-gov.net/>).
- Procurement Review Body – PRB (<http://oshp.rks-gov.net/>).
- Kosovo Institute of Public Administration – KIPA (<http://ikap.rks-gov.net>).

PUBLICATIONS AND OTHER SOURCES:

- Bovis, Christopher H. (2007): EU Public Procurement Law. Elgar European Law Series. Edward Elgar Publishing. ISBN 978-1-84720-947-4.
- Group for Legal and Political Studies – GLPS (2012): Different Models of (Mis)Using the Public Money: Trends and Practices in Public Procurement Management in Kosovo Municipalities.
- INPO, KDI, RIINVEST, FPC, SPEAK, KSSC, YIHR (October 2010): Progress Report Made in Kosova 2011, supported by Fridrich Ebert Stiftung.
- Public Consultations, accessed on 25 May 2012
http://ec.europa.eu/internal_market/publicprocurement/modernising_rules/consultations/index_en.htm.
- American Chamber of Commerce in Kosovo (September 2011): Kosovo Business Agenda.
- Out Law, <http://www.out-law.com/page-5964> on 25 May 2012.
- Public Procurement at the Local Level—Problems and Challenges at the Functioning of Municipal Procurement Offices of Ferizaj, Kaçanik and Shtime for the period October 2010-April 2011, by INPO.
- Scottish Government, accessed on 25 May 2012
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/eurevieprocurement>.
- Scottish Government, accessed on 25 May 2012
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/eurevieprocurement/countryaccess>.
- According to the web-site Europa.eu, the EU Single Market, 24 May 2012.