**Draft on amendments to Public Procurement Law**

Article 1.

The name of the Article and Article 6 are amended to read as follows:

“The principle of cost-effectiveness, efficiency and environmental protection

The contracting authority/entity shall purchase supplies, services or works of adequate quality having in mind the purpose, function and value of public procurement, i.e., namely, the cost-effective and purposeful spending of public funds and minimal impact on the environment.”

Article 2.

In Article 45, paragraph 2, item 10), the words: “and other submissions in the procedure for the protection of rights” shall be added after the words: “request for the protection of rights”.

Article 3.

Article 92, paragraph 4 is amended to read as follows:

“In the public procurement commission, one member must be a public procurement officer with a higher education in undergraduate academic studies in the scope of at least 240 ECTS points or master’s academic studies, specialist academic studies, specialist professional studies, i.e., undergraduate studies for the duration of at least four years or specialist studies at a university or a person who acquired a certificate for a public procurement officer by the date of entry into force of this law.”

Article 4.

In Article 132, after paragraph 2, paragraph 3 is added, which reads:

“In the case of awarding a contract for the public procurement of computer programme development services, architectural services, engineering services, translation services or advisory services, the contracting authority shall determine the most economically advantageous tender based on the criteria from paragraph 1, items 2) or 3) of this article.”

Article 5.

In Article 133, paragraph 8, the word: “shall determine” is replaced by the words: “may determine”.

Article 6.

After Article 134, Article 134a is added, which reads as follows:

“The Public Procurement Office shall lay down the types of goods, services and works for which contracting authorities are obliged to apply environmental aspects when determining technical specifications, criteria for the selection of a economic operetor, criteria for awarding contracts or conditions for the performance of public procurement contracts.”

Article 7.

Article 152, paragraph 4 is amended to read as follows:

“In the case referred to in paragraph 3 of this article, the contracting authority will perform a repeated expert evaluation of the tenders and adopt a contract award decision, that is, the concluding of the framework agreement.”

Article 8.

After Article 152, Article 152a is added, which reads as follows:

“The contracting authority shall publish the data on all contracts concluded on the Public Procurement Portal after the public procurement procedure has been carried out, data on all amendments to contracts based on Art. 156 - 161 of the Law, as well as data on contracts/purchase orders concluded or issued in accordance with Article 27 of the Law.

The data on contracts concluded after the conducted the public procurement procedure and data on contracts/ purchase orders concluded or issued in accordance with the provisions of Article 27 of the Law shall be published within the period prescribed by Article 109, paragraphs 1 and 2 of this Law.

The data on amendments to the contracts on the basis of Articles 156, 159, 160 and 161 of this Law shall be published within the period prescribed by Article 155, paragraph 2 of this Law.

The Public Procurement Office shall regulate in detail the manner of publication and the types of data, in terms of paragraph 2 and 3 of this article.”

Article 9.

Article 154, paragraph 5 is amended to read as follows:

“The Ministry in charge of financial affairs shall more closely regulate the methods of performing supervision and carries out supervision over the performance of public procurement contracts.”

Article 10.

In Article 183, paragraph 1, item 11) after the word: “institution”, a comma and the words “Commission for the Protection of Competition” are added.

Article 11.

Article 213, paragraph 1 is amended to read as follows:

“The request for the protection of rights shall be submitted electronically through the Public Procurement Portal simultaneously to the contracting authority/entity and the Republic Commission.”

Article 12.

Article 219, paragraph 9 is amended to read as follows:

“The appeal shall be filed electronically through the Public Procurement Portal simultaneously to the Republic Commission and the contracting authority/entity.

Article 13.

Article 227, paragraph 4 is amended to read as follows:

“The Republic Commission will deliver the decision referred to in paragraphs 1 and 2 of this article to the contracting authority/entity, the applicant and the selected tenderer within the time limit of ten days from the date of adoption electronically through the Public Procurement Portal, whereby the day when the decision was delivered through the Public Procurement Portal to the mentioned persons will be considered as a day of receipt of the decision from parties thereof, in accordance with the Law”.

Article 14.

In Article 236, paragraph 1, items 5) and 7) are deleted.

Article 15.

Article 238 is amended to read as follows:

 “All state authorities responsible for controlling the legality of spending public funds submit a request to initiate misdemeanor proceedings when, acting within their jurisdiction, they determine that a violation of this law has been committed, which can be the basis for misdemeanour liability.

 The statute of limitations for initiating and conducting misdemeanour proceedings occurs upon three years from the day on which the offense referred to in Articles 236 and 237 of this law was committed.”

Article 16.

This Law enters into force on the eighth day from the day of publishing in the “Official Gazette of the Republic of Serbia” and shall become applicable from 1st January 2024.