



Republic of Serbia
REPUBLIC COMMISSION FOR
PROTECTION OF RIGHTS IN PUBLIC
PROCUREMENT PROCEDURES

No. 110-00-3/2013
Date: July 30th 2013
Belgrade

Based on Article 146 Paragraph 12 and 13 of Public Procurement Law (“Official Gazette of Republic of Serbia” no. 124/12, hereinafter: Public Procurement Law), at V General Session held on July 30th 2013 Republic Commission for Protection of Rights in Public Procurement Procedures has adopted:

RULES¹
OF PROCEDURE OF REPUBLIC COMMISSION FOR PROTECTION OF RIGHTS
IN PUBLIC PROCUREMENT PROCEDURES

I GENERAL PROVISIONS

Subject and Application of the Rules of Procedure

Article 1

These Rules of Procedure govern method of operation of Republic Commission for Protection of Rights in Public Procurement Procedures (hereinafter: Republic Commission), rules of managing and deciding in case files conducted before Republic Commission within the scope of its authority established by Article 139 of Public Procurement Law, as well as other important issues relevant for proceedings and operations of Republic Commission.

Issues related to operations of Republic Commission that are not regulated by these Rules of Procedure can be regulated by a separate decision of Republic Commission made at college session in accordance with the provisions and within the proceedings established by these Rules of Procedure.

President of Republic Commission (hereinafter: President) is responsible for conducting and correct application of Rules of Procedure through orders and instructions.

¹ Consolidated version including amendments and modifications to Rules of Procedure of Republic Commission for Protection of Rights in Public Procurement Procedures, adopted on 8th General Session held on December 27th 2013., 6TH General Session held on May 5th, 2014 and 1st general Session held on February 12th, 2015

Secretary and Heads of organizational units of Republic Commission's Service are responsible for direct implementation of orders and instructions of President of Republic Commission.

When there is a need, President may transfer certain level of authority concerning implementation and enforcement of Rules of Procedure to the Secretary of Republic Commission with a separate written decision.

Terminology

Article 2

The terms used in this Rules of Procedure have the following meaning:

Corruption denotes relationship based on misuse of official, i.e. social position or influence in public or in private sector aimed at obtaining personal gain or gain for somebody else.

Advisor denotes every person working in Republic Commission in a position of junior advisor, advisor, independent advisor, or senior advisor, and performing activities as described in Rulebook on Internal Organization and Systematization of Jobs in Republic Commission.

Party denotes any person appearing in the case file decided by Republic Commission either as contracting authority, bidder, interested party, their representatives or officials.

Conflict of interests denotes situation in which President or Members of Republic Commission have personal interest which exerts influence, can exert influence, or seems to exert influence on conduct of persons appearing in the case file decided by Republic Commission in a way which endangers public interest or legality of operations of Republic Commission, or situations regulated by Public Procurement Law.

Case file denotes legal matter decided upon by Republic Commission within the scope of its authority established by Public Procurement Law, registered in Republic Commission's entry registry in accordance with the regulations on office administration of state institutions.

Terms concerning public procurement used in these Rules of Procedure have the meaning to them ascribed by Article 3 of Public Procurement Law.

In accordance with the principle of equality of genders, all the terms hereinafter used in masculine grammar gender denote both female and male individuals.

Office and Place for Conducting the Proceedings

Article 3

Office of Republic Commission is in Belgrade.

Republic Commission conducts the proceedings within the scope of its authority on its premises, whereas certain activities in the protection of rights procedure in themselves require

work in the field. Also, monitoring of implementation of Republic Commission's decisions by contracting authorities can be completed outside of premises of Republic Commission.

Working Hours

Article 4

Working hours of Republic Commission is from 7.30 am till 3.30 pm on workdays.

All persons employed by Republic Commission are obliged to work after work hours, on days off and on state holidays in case of increased work flow and in accordance with the Law regulating work in state institutions.

Rubber Stamp, Registry Rubber Stamp, Metal Seal and Memorandum

Article 5

Republic Commission has a rounded stamp diameter of 32mm, consisting of 2 concentric circles on its rim.

The lettering is Cyrillic, in Serbian language in two circles. The first outer circle reads "REPUBLIC OF SERBIA" and "BELGRADE", the inner circle reads: "REPUBLIC COMMISSION FOR PROTECTION OF RIGHTS IN PUBLIC PROCUREMENT PROCEDURES". In the very center there is the Coat of Arms of Republic of Serbia.

Registry rubber stamp of Republic Commission is square in shape, dimensions of 55x15 mm.

The lettering is Cyrillic, in Serbian language in four horizontal lines. The first line reads: "REPUBLIC OF SERBIA", second: "REPUBLIC COMMISSION", third: „FOR PROTECTION OF RIGHTS", fourth: „, IN PUBLIC PROCUREMENT PROCEDURES“.

Both these stamps are kept in a safe place in order to prevent unauthorized use.

President of Republic Commission decides on total number of rubber stamps in Republic Commission, the ways to use them and person responsible for keeping and using them.

For wax sealing metal seal of same size, shape and lettering as round rubber stamp is used.

Memorandum of Republic Commission is stylized application consisting of the following: Coat of Arms of Republic of Serbia, (first line), „Republic of Serbia“ (second line), „REPUBLIC COMMISSION FOR“ (third line), „PROTECTION OF RIGHTS IN“ (fourth line), „PUBLIC PROCUREMENT PROCEDURES“ (fifth line), “number” with space left to

enter the number of the actual case file (sixth line), „Date:“ with space left to enter day, month and year (seventh line) and „Belgrade“ (eight line).

Language

Article 6

Serbian language and Cyrillic alphabet are officially in use in Republic Commission.

Parties are obliged to submit documents to Republic Commission in Serbian language, and documents originally made in a foreign language should be submitted both in original version and in official translation to Serbian language.

National minorities' representatives are entitled to use their mother tongue in proceedings before Republic Commission in accordance with the law concerning the official usage of languages and alphabets.

II PRINCIPLES OF ORGANIZATION OF WORK OF REPUBLIC COMMISSION

Principle of Legality

Article 7

Republic Commission conducts the case files that come into the scope of its authority based upon laws and other regulations and exclusively within the boundaries of its authority and in accordance with the aim for which the authority has been granted, bearing in mind the principle of independence in decision making.

Principle of Efficiency and Effectiveness

Article 8

Republic Commission conducts the case files that come into the scope of its authority timely, within the deadlines prescribed by law, incurring minimum expenses for the party and other participants in the proceedings, at the same time trying to completely establish findings of facts and make fair and legal decision.

Principle of Publicity of Work

Article 9

The work of Republic Commission is public.

President of Republic Commission, or one of the employees of Republic Commission that President authorizes, are responsible for providing publicity of work of Republic Commission.

Publicity of work of Republic Commission is achieved in the following ways:

1) Through submission of semiannual reports on its work to National Assembly within the prescribed deadlines: no later than September 30th and March 31st, contents of which are prescribed by Public Procurement Law;

2) Through publishing and regular updating of information on activities of Republic Commission;

3) Through regular maintenance and updating of website in Serbian and English language, which in its structure and contents acts as overall presentation of Republic Commission;

4) Through regular publishing of important notifications and decisions of Republic Commission in case files that come within the scope of its authority on both website of Republic Commission and Public Procurement Portal;

5) Through regular publishing of principal legal positions adopted on general sessions of Republic Commission on website of Republic Commission;

6) Through official announcements to media of President of Republic Commission or person responsible for PR, or interviews and press conferences;

7) Through organizing expert and science visits to Republic Commission.

Publicity of work of Republic Commission can be excluded in accordance with the law.

Principle of Data Protection

Article 10

While conducting its activities and informing public on its activities, Republic Commission is obliged to provide data protection concerning personalities, state, military, official or business secret and other confidential data, in accordance with the law.

President of Republic Commission passes separate document closely defining ways, conditions and procedures concerning data protection and usage and measures to secure them.

Civil Servants and appointees employed by Republic Commission are obliged to keep secret of all facts and date they became aware of while performing business activities and that are considered to be data as defined in Paragraph 1 of the Article.

Principle of Prevention of Conflict of Interests

Article 11

Besides rules for prevention of conflicts of interests prescribed by provisions of Public Procurement Law, President and Members of Republic Commission cannot act in any case file that comes within the scope of authority of Republic Commission if there are reasons to arise

doubt concerning their impartiality or pointing towards possible existence of conflict of interests.

Principle of prevention of conflict of interests is applied through rule for case files distribution in Republic Commission and through exemption of Members of Republic Commission.

Principle of Corruption Prevention

Article 12

All employees of Republic Commission are obliged to inform President of Republic Commission in case there is reasonable doubt on existence of any type of corruption within Republic Commission.

Republic Commission has integrity plan which includes legal and organizational measures to prevent, diminish, or avoid risks for development of non-ethical and professionally unacceptable actions, corruption and other irregularities.

Process of creation of the integrity plan is conducted in accordance with the law regulating fight against corruption and directives and guidelines given by the body responsible for fight against corruption.

Secretary of Republic Commission is responsible for creation and implementation of the integrity plan.

In case there is a need, and aimed at improving fight against corruption, the integrity plan can be amended or complemented in the procedure prescribed for its adoption.

III PRESIDENT AND MEMBERS OF REPUBLIC COMMISSION

President of Republic Commission

Article 13

President of Republic Commission:

- 1) Represents Republic Commission;
- 2) Organizes and manages the work of Republic Commission;
- 3) Adopts documents and decisions regulating operations of Republic Commission;
- 4) Proposes semiannual report on work of Republic Commission to National Assembly of Republic of Serbia;
- 5) Summons and presides the general sessions of Republic Commission;

6) Informs public on work of Republic Commission;

7) Achieves communication with other state authorities, domestic and foreign institutions, and international organizations;

8) Performs other activities in accordance with the law.

In the absence of the President of Republic Commission, activities that come into the scope of his responsibility are performed by the Deputy of President of Republic Commission.

President can transfer part of his authority to Members of Republic Commission or other employees of Republic Commission with special authorization.

Members of Republic Commission

Article 14

Members of Republic Commission are obliged to perform activities predicted by Public Procurement Law precisely, timely, and in accordance with the Rules of Procedure or other documents governing work of Republic Commission.

Members of Republic Commission are obliged to attend the sessions of the panel and general sessions, take part in discussions on case files on the agenda, and to vote on proposed decisions and other documents.

In case a member of Republic Commission from a justifiable reason cannot attend the session of a panel or general session, he is obliged to inform President of Republic Commission in the shortest period of time and no later than a day before the session, unless under particularly justifiable circumstances when it is not possible to stick to the deadline.

Official ID

Article 15

President, Members and advisors in Republic Commission have official ID, the contents and form of which determines President of Republic Commission with separate rulebook.

Official ID is exclusively used to prove personal identity of the persons mentioned in the Paragraph 1 of this Article and for the official purposes of conducting official activities outside of the premises of Republic Commission.

Any misuse or usage of the official ID for the purposes not mentioned in Paragraph 2 of this article is strictly forbidden.

Upon compulsory retirement or termination of employment official ID is to be returned and destroyed.

IV MANNER OF OPERATION OF THE REPUBLIC COMMISSION

1. PANEL SESSIONS

Panel Composition

Article 16

The Republic Commission works and makes decisions in panels of three members.

President of Republic Commission decides on composition of the panel and president of the panel, in accordance with prerequisites for panel composition prescribed by Public Procurement Law and in such a way to enable continuous operations of Republic Commission.

In his decision mentioned in paragraph 2 of this article, President of Republic Commission may, in order to provide equal work load, establish that in every panel among members meeting the prerequisites from Article 141, Paragraph 3 of Public Procurement Law there is a monthly rotation when it comes to the position of Panel President.

In case of absence of a member of panel, he/she will be replaced by President of the Republic Commission or member of the Republic Commission from another panel designated by President of the Republic Commission.

Prerequisites for Panel Session and its Subject

Article 17

Schedule and daily schedule of the sessions is established by President of the Panel.

President of the Panel upon proposal of Panel Members is obliged to include in the agenda the case files on which they report, taking into consideration the principle of equal representation.

Panel Session is held exclusively in the presence of three Members of Republic Commission, and in accordance with the established schedule which includes time of the beginning of the session, its agenda and registry numbers of the case files that will be decided upon.

Persons other than President and Members of Republic Commission, advisors, person keeping the minutes, and experts cannot attend the session of the Panel, except in case oral hearing is held, in accordance with the provisions of these Rules of Procedure.

Exceptionally, President of Republic Commission may allow, upon well explained request and with consent of President of the Panel, presence of other persons at the session, for the purposes of scientific research or presenting work of Republic Commission in cooperation with other state authorities, domestic and foreign institutions, and international organizations

Service of Republic Commission is obliged to prepare Panel Sessions, which includes timely copying and distribution of case initiating and other documents to Panel Members so that they can get familiar with their contents before the time set for session.

The minutes of Panel sessions are being kept, and they include: names of Panel President and Members, person keeping the minutes, other persons present at the session, time it started and the time it ended, the agenda and decisions made in the case files.

Panel Session Procedure

Article 18

Panel President presides Panel session, and in his absence it is either President of Republic Commission or member of Republic Commission from another Panel, which has been selected by separate decision of President of Republic Commission in accordance with the Article 16 Paragraph 3 of these Rules of Proceedings.

President of the Panel at the beginning of discussion on particular case file announces the subject to be decided upon in accordance with the agenda and member – rapporteur, who explains the contents of case initiating document, important facts and proposes decision.

In more complex cases President of the Panel may demand member of the Panel – rapporteur, to make written analysis of debatable legal matters and deliver it to President and another member of the Panel for the purpose of better preparation for the session.

Advisor of Republic Commission which was previously involved in legal and factual analysis of particular case file also attends the session, but he has no right to vote when decision is being made.

After Panel Member – rapporteur finishes presentation of the case and gives proposal of decision, President of the Panel opens discussion on decision and its reasoning.

During the course of the discussion on the case, Member of the Panel who reported on it can change the initial proposal of decision.

When the discussion is over, President puts the proposal of the decision to the vote.

Ways of Deciding at Panel Session

Article 19

The decision is made when majority of Panel members vote for it.

The voting is public and panel members state whether they are for or against the proposal of the decision.

Members and President of the Panel cannot restrain from voting at Panel session.

In case majority of Panel members does not vote for the proposal of decision, President of the Panel will put to the vote another proposal for the decision.

Separate minutes on deciding and voting are being kept in accordance with the Law which states the way each of the Panel members voted and decision reached.

Panel member who voted against the adopted proposal of the decision or who does not agree with reasoning given to back it up, will give his opinion separately in the minutes on deciding and voting and will explain it accordingly.

President and Members of the Panel, as well as person keeping the minutes sign the minutes on deciding and voting which make component part of the case file.

Participation of Experts at Panel Session

Article 20

In case prerequisites from Article 146 Paragraphs 5 and 6 of Public Procurement Law are met, experts of relevant profession may take part in work of the Panel, but they don't have the right to vote.

Participation of experts in the work of the Panel, their tasks and choice from the list of experts of Republic Commission is decided on panel session, and this decision is delivered to the parties in the proceedings.

Such decision also defines appropriate deadline for making and delivering written findings and opinion to Republic Commission.

The expert may be invited to explain his findings and opinion at the Panel session, and on the occasion Panel members may ask questions, and the expert is obliged to answer them in a way that helps establish the findings of fact and in accordance with the rules of the profession and code of professional ethics.

The statement of the expert is included in the minutes of the session.

The list of experts of Republic Commission is kept in accordance with the rulebook arranging conditions and procedure of choosing the experts to enter the list.

Republic Commission adopts this rulebook at the general session.

Oral Hearing

Article 21

When prerequisites prescribed by Article 155 of Public Procurement Law are met, on Panel session is decided on proposal to hold oral hearing, and the decision made contains day and time scheduled for oral hearing.

Panel President presides oral hearing.

Exemption of Panel Members

Article 22

Members of Republic Commission are obliged to stop working and to inform President of Republic Commission in written form on existence of any of the reasons for exemption provided for by Article 144 of Public Procurement Procedure in the particular case as soon as they learn of them.

President of Republic Commission will, upon receiving written information, make a decision to change composition of the Panel deciding in the particular case and will name another Member of Republic Commission to take part in deciding on the case, or will personally replace the exempt Member.

Party in the proceeding before Republic Commission can submit a written request for exemption of a member of Republic Commission throughout the entire proceedings.

President of Republic Commission decides on request for exemption with a solution which adopts the request as reasonable, dismissed as unfounded, or rejected as incomplete or inadmissible.

Party is obliged to name the case in which it requests the exemption and Member whose impartiality it doubts in the submitted request for exemption, and also to give reasons and proofs on which it bases the doubt in impartiality of Member of Republic Commission.

Incomplete request is the one that does not include all that is necessary to act upon it, that is the one that does not include the elements mentioned in the previous paragraph of this Article.

President will reject as incomplete the request that asks for exemption of more than three Members of Republic Commission.

If the request for exemption is adopted, President of Republic Commission will by same decision name another Member of Republic Commission to act in the particular case.

Expenses of the Proceedings

Article 23

Decision on expenses of the proceedings is made as an integral part of the decision on request for protection of rights or as a separate conclusion.

When deciding on expenses to be reimbursed, Republic Commission will take into consideration only those expenses that were necessary and substantial for protection of rights procedure.

Lawyers' fees, experts' fees and other expenses for which the specified tariff is prescribed will be assigned in accordance with the tariff.

Claim to Annul Public Procurement Contract

Article 24

Panel makes a decision to initiate proceedings for annulment of public procurement contract after it establishes the facts and reasons for the annulment.

Once the decision to initiate the proceedings for annulment of the public procurement contract is made, new case file is created and all of the documents concerning the court proceedings are filed there.

On behalf of Republic Commission President, or the person he authorizes, signs, submits and presents the claim before the competent court.

2. GENERAL SESSION

Participants and subject of general session

Article 25

President and all Members of Republic Commission constitute general session.

Advisors of Republic Commission can also take part at general session and give their expert opinion on legal issues, but do not have the right to vote.

Summoning and Conditions for General Session

Article 26

President of Republic Commission summons general session in accordance with the Public Procurement Law.

General session as a rule is held during the working hours of Republic Commission and at the time when there are no panel sessions scheduled.

President of Republic Commission is obliged to summon general session upon reasoned demand of four members of Republic Commission, or if there is a discrepancy between panels regarding regulations application and no later than 15 days from the day written demand was received, or discrepancy was acknowledged.

If Members of Republic Commission submit written demand to summon general session separately, than deadline of 15 days is counted from the day the last (fourth) demand has been submitted.

Invitation to take part in general session can either be passed over the phone or via email.

All Members and President of Republic Commission have to attend general session.

Agenda of the General Session

Article 27

The agenda of the general session is adopted when majority of those present states themselves in favor of it.

Every Member or President of Republic Commission may request the change of the proposed agenda, but has to give reasons for that.

President of Republic Commission can change the order of separate points of the agenda or conjoin discussion on separate points, if that is deemed expedient.

General Session Procedure

Article 28

President of Republic Commission presides the general session and once the agenda is established he opens the discussion on the subject of the general session.

Discussion begins by exposition of President or Member of Republic Commission - rapporteur, which provides information and explanations regarding the subject of general session necessary to make a decision, and present (orally and concisely) facts and legal nature of the issues that are subject of the general session.

All those present at general session can take part in discussion and express their legal opinion after President of Republic Commission allows them to speak.

Discussion of participants of general session can be time limited.

After all the participants express their opinion, Presidents puts the decision proposal to the vote.

Once the vote is finished, it is determined whether the proposal of the decision is adopted, i.e. what kind of decision was adopted.

Principal legal positions adopted at general session are being published on the web page of Republic Commission.

Minutes from the general Session

Article 29

The minutes are kept on general session, and it includes the name of those present, time the sessions started and ended, the agenda of the session, outcome of vote, decisions made and separate opinions on the subject that was being decided.

President and Members of Republic Commission, as well as person keeping the minutes from the session all sign the minutes.

The minutes from the session are put together with other material and written decisions made at general session and are kept as one file in the archive.

To all the issues related to the keeping of minutes from general session that are not regulated by these Rules of Procedure, the provisions of the law regulating administrative proceedings are being applied accordingly.

Ways of Deciding at General Session

Article 30

The decision is made when majority of total number of members of Republic Commission votes in its favor.

The voting at general session is open and President and Members of Republic Commission declare themselves for or against the proposal.

President and Members of Republic Commission cannot abstain from voting at general session.

Every Member and President of Republic Commission can have separate opinion on the matter that is the subject of the general session.

3. COLLEGE

Members and Subject of College

Article 31

College is a body within Republic Commission summoned by President of Republic Commission if there is a need, and Members, advisors and other employees of Republic Commission may take part in its work. Within college decisions to amend Rules of Procedures of Republic Commission, decisions concerning organization of activities within organizational units of Republic Commission are made, organizational issues are being discussed, as well as certain expert issues that are of importance for standardization of practice of Republic Commission, initial preparation and harmonization of proposals to be discussed and decided at general session is being conducted, reports on operations are being adopted, opinions on drafts of the laws and other regulations coming within the scope of authority of Republic Commission are being given, and other issues of importance for functioning and operating of Republic Commission are being discussed.

Summoning and Conditions for College Meeting

Article 32

The College meeting can be held if at least five Members of Republic Commission are present.

Summoning for college meeting is direct, either via phone or in any other convenient informal way.

President of Republic Commission establishes the agenda of the college meeting and presides the meeting.

When college makes decisions, conclusions, takes legal positions, gives opinions and adopts reports, they are all deemed adopted when 4 members of Republic Commission, i.e. majority of total number of Members, vote in their favour, except in the case described in Article 146 Paragraph 13 of Public Procurement Law.

V DISTRIBUTION OF CASE FILES

General Rules for Assigning of Case Files

Article 33

President of Republic Commission assigns the case files in a way that at the end of a cycle of distribution all Members of Republic Commission have approximately the same number of case files.

In order to provide equal work load for all Members of Republic Commission and in order not to make known in advance the Member of Republic Commission to be assigned to the case file (Panel member – rapporteur), first the existence of urgency, type of procedure and complexity is established, and then the case files are being assigned to the Members of Republic Commission in accordance with the order in which they have been received and bearing in mind the alphabet order of surnames of the Members of Republic Commission.

The case files assigned are being manually entered in corresponding registry book.

For every type of case file that comes within the scope of authority of Republic Commission the process of assigning as per paragraph 1 of this Article is being conducted.

Principle of Correction for Assigning of Case Files

Article 34

In case of work overload of a Member of Republic Commission with unsolved cases that impedes the efficient operating and meeting of legally prescribed deadlines, in case of longer justifiable absence of a Member of Republic Commission, or in case Member of Republic Commission is assigned a case of extraordinary factual or legal complexity demanding disproportionately higher level of engagement compared to what is normally needed,

president of Republic Commission may decide to pass over this Member of Republic Commission when assigning the newly received case files until equal work load of all members is reestablished.

Specific Cases of Case Assigning

Article 35

Case file that is within the scope of authority of Republic Commission related to minor offence proceedings cannot be assigned to the Members of Republic Commission that were part of the Panel that had decided in protection of rights proceedings concerning the same public procurement procedure.

If both Panels of Republic Commission consist of Members that were part of the Panel that had decided in protection of rights proceedings, President of Republic Commission with a separate decision will establish for that case a panel consisting of Members that previously had not been involved in deciding on protection of rights proceedings concerning the same public procurement procedure.

Case files that are within the scope of authority of Republic Commission related to control and monitoring of implementation of decisions of Republic Commission, are being assigned to the member of Republic Commission that had previously been assigned as a rapporteur in protection of rights proceedings.

VI MANAGING CASE FILES

Registry Office of Republic Commission

Article 36

Registry office of Republic Commission conducts reception, opening, reviewing, distribution and sending of all mail, registering of case files, joining of documents, delivery of case files to internal organizational units of Republic Commission, delivery of documentation to the parties, registering of completed case files and their filing and storing.

Case files are being formed in the Registry Office of Administration for Joint Services of the Republic Bodies, which on behalf of Republic Commission initially receives all mail and delivers it timely to the Registry Office of Republic Commission.

Mail having a stamp of military, state, official, or business secret is delivered directly to President of Republic Commission.

Received and distributed mail is being registered in proper registry book on the day and under the date they were received.

Employees of the Registry Office are obliged to inform Members and advisors of Republic Commission on all the changes concerning the case files, to give them case files for inspection, and to join to the case files without delay all additionally received documents and advices of delivery .

More detailed arranging of ways of operations of Registry Office of Republic Commission is given in separate Rule Book given by President of Republic Commission.

Joining and Separating of Case Files

Article 37

Panel of Republic Commission may, in order to simultaneously examine and decide on more than one request for protection of rights submitted in same public procurement procedure, or in order to make decision in some other proceeding in case files based on same factual or legal situation, with conclusion decide to conduct one proceeding in accordance with the provisions of Law on General Administrative Proceedings.

Conclusion from Paragraph 1 of this Article constitutes part of the minutes from the Panel session of Republic Commission and is not written as a separate document. However, in argumentation of the decision the joining of the proceedings is to be quoted.

Proposal to join the proceedings can come from the Member of Republic Commission who is a rapporteur for the case.

Case files are being joined in such a way that the case initiating the posterior proceedings before Republic Commission is being joined to the initial case file, and they both bear the number of the initial case file.

If there is a need, previously joined case files can be separated in order to complete the proceedings efficiently. After they are separated, each case file bears the number it initially had before joining.

Documents Catalogue

Article 38

Every case file contains documents catalogue with chronologically marked documents case file consists of, and this documents catalogue is kept in electronic form.

Case File Record Keeping

Article 39

In Republic Commission case file record keeping is done both manually and via computer software.

Restoring of Documents

Article 40

If certain registry books, case files or parts of them get lost and cannot be retrieved even they've been thoroughly looked for, or if they get destroyed or damaged to the extent they cannot be used, the process of their restoration is to be initiated.

Restoring of documents is conducted in accordance with the guidelines of non-contentious proceedings, applying the provisions concerning documents declaring void.

When it comes to the case files that are in the work process, case files with justified public interest present, President of Republic Commission ex officio initiates procedure for restoring the documents without delay.

When it comes to case files where proceedings have been legally completed or where there exists justified interest of a party in the proceedings, restoring of documents is initiated by the request of said party.

Procedure of restoring of documents will not be initiated if deadline for keeping that type of documents has expired.

In case complete case kept in electronic form is lost or damaged, its restoration in electronic form is conducted.

Only documents relevant for the proceedings are being restored.

Parties are invited to submit all copies of documents, minutes, decisions and other documents they are in possession of.

Documents are restored based on copies owned by parties or Republic Commission, data from registry books, and if needed based on congruent statements of parties, witnesses, experts, representatives and other persons involved in the proceedings.

When there are no data on certain activities, and statements of stated persons are not congruent, these activities will be repeated if the decision in the case file has not been made.

Request for restoring of documents as well as all the activities in the procedure of restoring are registered under the same number in the registry book as document that was lost, damaged or destroyed.

Reports and Statistics

Article 41

Work in Republic Commission is organized in such a way that entering and processing of data from case files is standardized and conducted in adequate software for automated management of case files.

Registry office of Republic Commission creates regular monthly or periodic reports which contain information on number of received, solved and unsolved cases, number of case files assigned to each Member of Republic Commission, duration of each of the proceedings,

deadlines for solving cases and other data of importance for operations of Republic Commission.

Based upon report mentioned in Paragraph 1 of this Article work results and proposals for improvement of operations of Republic Commission are being considered.

Inspection of Case Files

Article 42

Based on written request, a party in the proceeding is entitled to inspect and examine documents related to the proceedings conducted before Republic Commission.

Inspection and examination of the documents is carried out on the premises of Republic Commission and under the supervision of a person designed for this activity by the decision of President of Republic Commission and at the convenient time, when case file is not with Member of Republic Commission or advisor working on it.

Formal note is made on inspection and examining of documents.

Notice Board

Article 43

Notice board is placed on adequate place somewhere on the premises of Republic Commission and decisions, notices, announcements and delivery notes conducted in accordance with the procedural laws are being published on the board.

Said documents can at the same time be published on the web page of Republic Commission so that they are available to greater number of people.

Issue of Testimonial

Article 44

Upon written request of a party in the proceedings, Republic Commission issues testimonial concerning facts Republic Commission keeps registry books on, and said testimonial is issued on a form prescribed by president of Republic Commission.

Person responsible for keeping record on the facts from the testimonial signs the testimonial.

VII DECISIONS OF REPUBLIC COMMISSION

Original and Copy of Decisions of Republic Commission

Article 45

Original decision of Republic Commission is the one written in prescribed form and signed by panel President. Original decision is kept in the case file.

Copies of the original decision are made through printing on laser printers, photocopying, microfilming, or in another convenient mechanical way.

The contents of the copy have to match the original.

Before their dispatch, copies are matched to the original and signed.

Copy contains name of the Panel President, i.e. name of the Member of Republic Commission who signed the original document, square rubber stamp signed by Head of Registry Office or other person authorized by President of Republic Commission and round rubber stamp of Republic Commission. It also contains instruction on legal remedies.

Appearance of Documents and Decisions of Republic Commission

Article 46

The upper left corner of all documents of Republic Commission has memorandum of Republic Commission.

Decisions of Republic Commission are written on full A4 paper.

Original documents and copies of documents of Republic Commission have to be legible, precisely composed, typed on PC using adequate application / software for text processing and printed on laser printers.

Exceptionally, due to the specific nature of certain activities taking place outside of the premises of Republic Commission, if it is impossible to use laptops documents can be written in pen or ball point pen.

Form and appearance of decisions of Republic Commission is standardized with special guidelines given by President of Republic Commission concerning size and font type, number of lines and characters, margins and line spacing etc.

Composition and signing of Decisions and Other Documents

Article 47

Panel Member – rapporteur, i.e. Member of Republic Commission to whom the case file is assigned writes the decision made on Panel Session. Member can entrust an advisor with writing of the decision.

Panel President signs decisions of Republic Commission that have been previously initialed by Panel Member – rapporteur, i.e. Member of Republic Commission to whom the case file is assigned.

In case Panel President is absent, Panel Member – rapporteur, i.e. Member of Republic Commission to whom the case file is assigned sign the decisions of Republic Commission.

In case of temporary absence of Panel President or panel Member – rapporteur i.e. Member of Republic Commission to whom the case file is assigned, President of Republic Commission can sign the decision.

Documents related to the proceedings before Republic Commission are signed by Panel Member – rapporteur, i.e. Member of Republic Commission to whom the case file is assigned, or panel President, and in case they are absent President of Republic Commission can sign said documents.

VIII METHODS OF COOPERATION OF REPUBLIC COMMISSION

Cooperation with Other State Institutions and Organizations

Article 48

Republic Commission cooperates with other state institutions, domestic institutions and organizations in a way that provides independence of Republic Commission.

International Cooperation

Article 49

Republic Commission establishes contacts and cooperation with relevant foreign institutions and experts in the field of public procurement, as well as with international organizations aimed at improving the ways in which it operates professional trainings of its employees, predicting and efficient solving of difficulties in organization, and following of comparative law practice in the field of public procurement.

International cooperation is achieved through organizing of expert gatherings, participation of representatives of Republic Commission at international seminars, conferences, and other relevant gatherings, as well as through realizing of direct contacts with institutions of other states.

IX TRANSITORY AND FINAL PROVISIONS

Application of Rules of Procedure on Initiated Proceedings

Article 50

Proceedings for protection of rights initiated before Public Procurement Law (“Official Gazette of Republic of Serbia” no. 124/12) entered into force shall be governed by provisions of Rules of Procedure of Republic Commission for Protection of Rights in Public Procurement Procedures no. 110-00-00001/2011-02 of February 25th 2011.

Termination of Force of the Previous Rules of Procedure

Article 51

As of the day of commencement of application of these Rules of Procedure, the Rules of Procedure of Republic Commission for Protection of Rights in Public Procurement Procedures no. 110-00-00001/2011-02 of February 25th 2011 shall cease to be in force.

Entry into Force and Commencement of Application of Rules of Procedure

Article 52

These Rules of Procedure shall come into force on the 8th day from the day they have been adopted at the General Session of Republic Commission.

Provisions of Article 38 of these Rules of Procedure will be applied from January 1st, 2016.

Belgrade, July 30th, 2013

PRESIDENT
OF REPUBLIC COMMISSION

Sasa Varinac