**RATIONALE**

**I. THE CONSTITUTIONAL BASIS FOR THE ENACTMENT OF LAW**

The constitutional basis for the adoption of this law is contained in Article 97, paragraph 1, items 6, 11 and 16 of the Constitution of the Republic of Serbia (“Official Gazette of the Republic of Serbia”, No. 98/2006), which stipulates that the Republic of Serbia regulates and ensures the single market, the legal position of economic operators, the control of the legality of the disposal of funds of legal entities, financial audit of public funds, the collection of statistical and other data of general interest and the organisation, competences and work of republic bodies.

**II.**  **THE REASONS FOR THE ENACTMENT OF LAW**

The field of public procurement in the Republic of Serbia is governed by the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19; hereinafter referred to as: the Law on Public Procurement). The Law on Public Procurement entered into force on 1 January 2020, and began to be applied from 1 July 2020. The Law on Public Procurement has a total of 247 articles, which are divided into 19 chapters and contains nine appendices that are an integral part of the law.

On the basis of the Law on Public Procurement, the Government adopted the following by-laws:

1. Decision on determining the List of contracting authorities/entities referred to in Article 3, paragraph 1, item 1) of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 85/20);
2. Decree on Public Procurement in the Field of Defence and Security (“Official Gazette of the Republic of Serbia”, No. 93/20);
3. Decree on the organisation and manner of performing centralised public procurement at the national level (“Official Gazette of the Republic of Serbia”, No. 25/23).

The Public Procurement Office adopted the following by-laws:

1. Rulebook on the content of tender documentation in public procurement procedures (“Official Gazette of the Republic of Serbia”, No. 21/21);
2. Rulebook on the content of tender documentation in public procurement procedures - *repealed* (“Official Gazette of the Republic of Serbia”, No. 93/20);
3. Rulebook on the tender opening procedure (“Official Gazette of the Republic of Serbia”, No. 93/20);
4. Rulebook on monitoring the implementation of public procurement regulations (“Official Gazette of the Republic of Serbia”, No. 93/20);
5. Rulebook on determining the general procurement glossary (“Official Gazette of the Republic of Serbia”, No. 93/20);
6. Rulebook on determining the content of standard forms for publishing public procurement notices through the Public Procurement Portal (“Official Gazette of the Republic of Serbia”, No. 93/20);
7. Rulebook on Amendments to the Rulebook on the Procedure and Conditions for Obtaining Certificates for Public Procurement Officers and Keeping the Register of Public Procurement Officers (“Official Gazette of the Republic of Serbia”, No. 21/21);
8. Rulebook on Amendments to the Rulebook on the Procedure and Conditions for Obtaining Certificates for Public Procurement Officers and Keeping the Register of Public Procurement Officers (“Official Gazette of the Republic of Serbia”, No. 93/20);
9. Instruction on how to send and publish public procurement notices (“Official Gazette of the Republic of Serbia”, No. 93/20);
10. Instruction for the Use of the Public Procurement Portal (“Official Gazette of the Republic of Serbia”, No. 93/20);
11. Statement on fulfilment of criteria for qualitative selection of economic operator (SFC);
12. Instruction for publishing data on public procurement that are exempt from the application of the Law.

The Ministry responsible for financial affairs adopted the following by-laws:

1. Rulebook on the content of the Register of Bidders and the documentation submitted with the application for registration of bidders (“Official Gazette of the Republic of Serbia”, No. 17/20);
2. Rulebook on Amendments to the Rulebook on the content of the Register of Bidders and the documentation submitted with the application for registration of bidders (“Official Gazette of the Republic of Serbia”, No. 94/20);
3. Dinar value of European thresholds (“Official Gazette of the Republic of Serbia”, No. 127/21) – *applied as of 1 January 2022;*
4. Dinar value of European thresholds (“Official Gazette of the Republic of Serbia”, No. 93/20) – *applied as of 1 January 2020.*

The Law on Public Procurement represents the general normative framework that governs the system of public procurement in the Republic of Serbia. The aforementioned law regulates the rules of public procurement procedures carried out by contracting authorities/entities or other entities in the cases determined by this law for the purpose of concluding a contract on the public procurement of goods, services or works, a framework agreement, as well as conducting a competition for the design, operations and form of organisation of the Public Procurement Office, jurisdiction, regulation and other issues related to the scope of work of the Republic Commission for the protection of rights in public procurement procedures, the procedure for the protection of rights in public procurement procedures and other cases and other issues of importance for public procurement.

The current Law on Public Procurement established a legislative framework in the field of public procurement in the Republic of Serbia that is in accordance with the legislation of the European Union, i.e., a system was established that enables compliance with the basic principles of freedom of movement of goods, freedom of business establishment and freedom of service provision and the principles derived from them arise, such as the principle of economy and efficiency, the principle of ensuring competition and the prohibition of discrimination, the principle of transparency of the public procurement procedure, the principle of equality of economic operators and the principle of proportionality.

Compliance of the legislative framework in the field of public procurement in the Republic of Serbia with the legal acquis of the European Union is extremely important not only because of the need for public procurement procedures, which represent very professional and complex procedures, to be legal and in accordance with the principles of public procurement, i.e., transparent, efficient, to enable the greatest possible market competition in the public procurement procedure, to enable an equal position of all interested economic operators, without discrimination, especially small and medium-sized enterprises.

In addition, the goal of the legislative framework of public procurement is to implement the most efficient and transparent public procurement procedures in order to achieve positive interaction between the state and economic operators, and for the benefit of society as a whole.

The general goal of the Public Procurement Development Programme in the Republic of Serbia for the period 2019-2023 (“Official Gazette of the Republic of Serbia”, No. 82/19) is further development of a modern and efficient system of public procurements. In this sense, the expected indicator of the achievement of this goal is the further modernisation of public procurement procedures through the full application of electronic communication methods, with the consequent improvement of their efficiency, transparency and reduction of the risk of irregularities. The achievement of the stated general goal is foreseen through four established special goals, namely: increasing the efficiency and cost-effectiveness of public procurement procedures, strengthening competition on the public procurement market, reducing the risk of irregularities in the public procurement system, promoting and encouraging the environmental and social aspects of public procurement and innovations.

The existing normative solutions of the Law on Public Procurement and by-laws have greatly contributed to the development of the public procurement system in the Republic of Serbia. However, in order to achieve complete modernisation of this area, it is necessary to implement new solutions, which would increase the efficiency of the entire public procurement system. The provisions of the Draft Law on Amendments to the Law on Public Procurements would improve certain areas of the public procurement system, compared to the previous period.

The implementation of the provisions of the Draft Law on Amendments to the Law on Public Procurement will contribute to increasing the transparency, efficiency and cost-effectiveness of public procurement procedures, the impact on the environment in accordance with the goals defined by the Green Agenda for the Western Balkans, strengthening competition on the public procurement market, reducing the risk of irregularities in the public procurement system, i.e., a higher degree of legal protection of participants in public procurement procedures, but also increased control by authorised institutions.

The new legal solutions will result in raising the level of awareness of participants in public procurement procedures about the importance of environmental protection, as well as more frequent application of ecological aspects in public procurement, i.e., a significantly higher number of green public procurements compared to the previous period. Also, the application of new normative solutions through the transparency of additional data, as well as enabling access to the same to a greater number of institutions, will result in the establishment of a greater degree of control over public procurement procedures.

The Draft Law on Amendments to the Law on Public Procurement, in addition to the principles of economy and efficiency, introduces the principle of environmental protection. In this sense, an obligation is introduced for contracting authorities/entities to procure goods, services or works that have a minimal impact on the environment, which is in accordance with the goals defined by the Public Procurement Development Programme in the Republic of Serbia for the period 2019-2023, with the circular economy development programme in the Republic of Serbia for the period from 2022-2024 (“Official Gazette of the Republic of Serbia”, No. 137/22), the goals defined by the Green Agenda for the Western Balkans, as well as other applicable public policy documents.

The Draft Law on Amendments to the Law on Public Procurement enacts a rule related to the makeup of the public procurement commission, i.e., that the public procurement officer is one of the mandatory members.

The provisions of the Draft Law on Amendments to the Law on Public Procurements introduce the obligation to apply criteria for awarding contracts that are not based only on price, but also on quality, for precisely defined categories of services. Such a solution, which is in accordance with EU directives governing the field of public procurement and which is applied in EU member states, both from the region and beyond, will contribute to an increase in the number of contracts awarded on the basis of criteria that are not based only on price, primarily contracts, the subject matter of which are services of an intellectual nature, where the quality of professional qualifications, knowledge and professional experience of the service provider are of crucial importance for the full achievement of the goals that are sought to be achieved through the implementation of public procurement.

The Draft Law on Amendments to the Law on Public Procurement introduces a novelty related to the definition of reserve criteria on the basis of which the contract will be awarded, that is, the new provisions give the contracting authority/entity the opportunity, but not the obligation, to determine it.

The Draft Law on amendments to the Law on Public Procurement foresees the legal basis for the adoption of a by-law by the Public Procurement Office, which will prescribe the types of goods, services and works for which the contracting authorities/entities are obliged to apply environmental aspects when determining technical specifications, the criteria for the selection of an economic operator, criteria for the award of contracts or conditions for the performance of public procurement contracts, all in accordance with the goals defined by valid public policy documents in the Republic of Serbia.

The provisions of the Draft Law on Amendments to the Law on Public Procurement introduce the obligation to re-evaluate tenders and make a decision on the award of contracts for contracting authorities/entities, in the event that the selected bidder refuses to conclude the contract regardless of the type of contract award criteria.

One of the important novelties provided for in the Draft Law on Amendments to the Law on Public Procurement is the creation of a database on the Public Procurement Portal, which, in addition to information on all contracts concluded after the public procurement procedure and all amendments thereto, also contains data on contracts/orders concluded, i.e., issued in accordance with Article 27 of the Law on Public Procurement, which prescribes the thresholds up to which the provisions of this law are not applied. Such a solution will enable significantly greater transparency in terms of data on changes to contracts, data on awarded contracts/issued purchase orders for procurement whose value is below the thresholds for the application of the Law on Public Procurement, which will make it much easier for authorities responsible for controlling the legality of spending public funds to view the data of significance for the performance of tasks within their jurisdiction, but also to the interested public.

The Draft Law on Amendments to the Law on Public Procurement introduces a provision that foresees the basis for the ministry in charge of financial affairs to pass a by-law that more closely regulates the supervision of the performance of public procurement contracts.

In addition to the above, the Draft Law on Amendments to the Law on Public Procurement contains a provision that allows the Commission for the Protection of Competition access to the database on the Public Procurement Portal for the purposes of performing tasks under its jurisdiction.

In the area of ​​protection of the rights of bidders, the key innovation foreseen by the Draft Law on Amendments to the Law on Public Procurement refers to the introduction of the obligation to submit requests for the protection of rights, appeals and other submissions in the procedure for the protection of rights exclusively by electronic means, as well as the submission of decisions of the Republic of the Commission by electronic means through the Public Procurement Portal, which will significantly contribute to a more efficient implementation of rights protection procedures, and thus to a more efficient implementation of public procurement procedures.

The Draft Law on Amendments to the Law on Public Procurement contains provisions that delete the provisions on offences related to the non-publication of the public procurement plan and the non-publication of tender documents, since in the course of the current implementation of the Law on Public Procurement it has been determined that, thanks to the functionalities of the Public Procurement Portal procurement, there is practically no possibility of committing those violations.

The provision of the Draft Law on Amendments to the Law on Public Procurement foresees a basis for all state authorities responsible for controlling the legality of spending public funds to submit a request for the initiation of misdemeanour proceedings when, acting within their jurisdiction, they determine that a violation of this law has been committed, which can be the basis misdemeanour liability.

The key changes introduced by the Draft Law on Amendments to the Law on Public Procurement are:

1) introduction of environmental protection principles;

2) a public procurement officer, i.e., a person who has obtained a certificate for a public procurement officer is a mandatory member of the public procurement commission in public procurement procedures whose estimated value is greater than RSD 3,000,000;

3) application of criteria for awarding contracts that are not based only on price, but also on quality, for precisely defined categories of services;

4) the possibility, but not the obligation, for the contracting authority/entity to define a reserve criterion for awarding contracts in every public procurement procedure;

5) the basis for the adoption of a by-law of the Public Procurement Office, which will prescribe the types of goods, services and works for which the contracting authorities/entities are obliged to apply ecological aspects when determining technical specifications, criteria for the selection of an economic operator, criteria for awarding contracts or conditions for execution public procurement contracts;

6) the obligation to re-evaluate the tenders and make a decision on the award of the contract for the contracting authorities/entities, in the event that the selected bidder refuses to conclude the contract;

7) creation of a database that, in addition to information on all contracts concluded after the public procurement procedure and their amendments, also contains data on contracts/orders concluded or issued in accordance with Article 27 of the Law on Public Procurement, which prescribes the thresholds up to which the provisions of this they do not apply the law;

8) the basis for the adoption of a by-law of the ministry responsible for financial affairs, which regulates the supervision of the execution of the contract;

9) the Commission for the Protection of Competition is granted access to the database for the purposes of performing tasks within its jurisdiction;

10) the basis for all state authorities responsible for controlling the legality of spending public funds to submit a request for initiation of misdemeanour 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.

In the part of the Draft Law on Amendments to the Law on Public Procurement and the part of the law related to legal protection, the key changes refer to:

1) the obligation to submit requests for the protection of rights, appeals and other submissions in the procedure for the protection of rights exclusively electronically;

2) submitting the decisions of the Republic Commission electronically via the Public Procurement Portal.

The draft law on amendments to the law on public procurement was drafted in accordance with the Uniform Methodological Rules for Drafting Regulations adopted by the National Assembly of the Republic of Serbia (“Official Gazette of the Republic of Serbia”, No. 21/10). It consists of a total of 16 members.

Considering the above, it is expected that the adoption of this law will speed up the implementation and increase the efficiency and transparency of public procurement procedures, and thus lead to greater market competition in public procurement procedures. It is also expected that the adoption of this law will greatly contribute to the increase in the number of green public procurements, which is important both from the point of view of environmental protection and from the point of view of meeting the goals defined by other public policy documents. In addition, it is expected that the adoption of this law will enable a greater degree of legal protection of participants in public procurement procedures and greater control of contracting authorities/entities during the implementation of public procurement procedures.

**III.** **EXPLANATION OF BASIC LEGAL INSTITUTES AND INDIVIDUAL SOLUTIONS**

Article 1

This article changes the title and content of the existing article of the law, which prescribes the principle of public procurement in such a way that the principle of environmental protection is added to the principles of cost-effectiveness and efficiency.

Acting in accordance with the principle of environmental protection and foreseeing the obligation for the contracting authority/entity to procure supplies, services or works that have a minimal impact on the environment is in accordance with the goals defined by the Green Agenda for the Western Balkans and the activities undertaken in order to procure goods, services and works with a reduced environmental impact during their life cycle compared to goods, services and works of the same primary function that would otherwise be procured.

Article 2

In Article 45, paragraph 2, item 10), after the words: “request for the protection of rights”, the words: “and other submissions in the procedure for the protection of rights” shall be added, which contributes to a more efficient implementation of procedures for the protection of rights.

Article 3

This article foresees changes in article 92, paragraph 4 of the Law, which prescribes the composition of the commission for public procurement.

The proposed amendment refers to the provision of a public procurement officer as a mandatory member of the public procurement commission, unlike the previous decision that instead of a public procurement officer, a member of the commission can be a person with a higher education in legal science.

Namely, bearing in mind the legal solutions, and the existence of the Public Procurement Portal through which public procurement procedures are carried out with functionalities that differ from the previous Public Procurement Portal, we are of the opinion that a law graduate does not have enough knowledge to successfully implement public procurement procedures. Public procurement tasks, including work on the Public Portal, can only be handled efficiently and effectively by a public procurement officer.

Article 4

This article introduces a new legal provision, which foresees the types of services in which contracting authorities/entities cannot use a contract award criterion that is based only on price. These are the following services:

* computer programme development services,
* architectural services,
* engineering services,
* translation services and
* advising services.

The value of the service is certainly important for the contracting authority/entity, that is, the price it will pay for the services included in the technical specification. However, for the aforementioned public procurements, the quality of the person who will be engaged in the execution of the service in question is more important.

Article 5

This article proposes an amendment to Article 133, paragraph 8, which refers to the definition of reserve criteria. Instead of the obligation to define a reserve criterion, it is suggested that the contracting authority/entity can determine it, bearing in mind that based on previous experience in the application of the law, it has been determined that in certain public procurement procedures there is no probability that the contracting authority/entity will receive two tenders that are defined by the application of the award criteria of the contract are completely equalised, and in such cases the definition of a reserve criterion would represent an unnecessary additional burden for the contracting authority/entity.

Article 6

This article foresees the basis for the Office of Public Procurement to pass by-laws that will prescribe the types of goods, services and works for which the contracting authorities/entities are obliged to apply environmental aspects when determining technical specifications, criteria for the selection of an economic operator, criteria for awarding contracts or conditions for the execution of public procurement contracts.

The definition of this provision is also in line with the objectives defined by the Green Agenda for the Western Balkans and the activities undertaken in order to procure goods, services and works with a reduced environmental impact during their life cycle in relation to goods, services and works of the same primary function that would otherwise have been acquired.

In this way, the number of green public procurements, i.e., public procurement procedures in which ecological aspects are applied, will be much higher compared to the previous period.

We emphasise that in order to prepare this by-law, a detailed analysis will be done in order to determine the goods, services and works, all in order to achieve the principles of public procurement prescribed by the provisions of the Law.

Article 7

This article envisages an amendment to Article 152, paragraph 4, which prescribes the situations when the contracting authority/entity is obliged to re-evaluate the tender and make a decision on awarding the contract, in case the bidder refuses to conclude the contract. In the current legal solution, this obligation exists only if, due to the weighting methodology, it is necessary to determine the first next most favourable bidder.

We are of the opinion that the current legal solution is not good, considering that it does not include situations when in the public procurement procedure only price is applied as a criterion for awarding contracts. In this case too, it is necessary for the contracting authority/entity to make a new decision on awarding the contract and to undertake all the activities prescribed by the provisions of the Law in the stage of expert evaluation of tenders. If the decision to award the contract did not exist in this case as well, the interested parties would be prevented from contesting the result of a new expert evaluation of the tenders, which must be carried out after the first-ranked bidder refused to conclude the contract, with a request for the protection of rights.

Article 8

This article envisages the creation of a database on all contracts, as well as on all contract amendments. This includes both the information on all contracts concluded after the public procurement procedure and their amendments, as well as data on contracts/orders concluded or issued in accordance with Article 27 of the Law, which prescribes the thresholds up to which the provisions of the Law are not applied.

The new database, in addition to the data already available on the Portal (contracts concluded after the implementation of the public procurement procedure and amendment of contracts in accordance with Articles 157 and 158 of the Law), would also include data that is not currently available on the Portal, namely are data on contracts/orders concluded or issued in accordance with Article 27 of the Law, as well as data on changes to contracts based on Art. 156, 159, 160 and 161 of the Law.

In this way, the transparency of concluded contracts and their amendments increases, but also facilitates the control of them by the competent authorities.

Article 9

This article amends Article 154, paragraph 5 of the Law and provides the basis for the Ministry of Finance to issue a by-law regulating the supervision of contract performance.

Article 10

This article envisages the amendment of point 11) paragraph 1 of article 183, which prescribes the authorities that have access to the database.

In order for the Commission for the Protection of Competition to have access to the database for the purposes of performing tasks within its competence, an amendment is proposed, in such a way as to add the Commission for the Protection of Competition to the already mentioned authorities.

Article 11

This Article amends Article 213, paragraph 1, which prescribes the manner of submitting a request for the protection of rights.

Since the beginning of the implementation of the law, it has been observed that the request for the protection of rights is submitted electronically in more than 90% of cases.

For this reason, it is proposed to introduce submission of applications electronically as mandatory.

Article 12

This article amends article 219, paragraph 9, which prescribes the manner of filing a complaint.

Since the beginning of the implementation of the law, it has been noticed that the appeal is submitted electronically in most cases.

For this reason, it is proposed to introduce the submission of complaints electronically as mandatory.

Article 13

This Article amends Article 227, Paragraph 4, which prescribes the manner of delivering the decision of the Republic Commission.

Given that these amendments to the Law propose the mandatory submission of requests for the protection of rights and the submission of appeals electronically, this provision stipulates that the decision of the Republic of the Commission is also submitted electronically through the Public Procurement Portal.

Article 14

This article proposes the deletion of offenses related to the non-publication of the public procurement plan and the non-publication of tender documents.

The previous practice and activities undertaken by the contracting authorities/entities on the Portal during the implementation of public procurement procedures show that there is no possibility for the contracting authority to commit these two violations.

For this reason, it is suggested to delete them.

Article 15

This article provides a basis for the state authorities responsible for controlling the legality of spending public funds to submit a request to initiate misdemeanour 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 current legal solution recognizes this basis only for the Public Procurement Office and the Republic Commission for the Protection of Rights in Public Procurement Procedures.

Article 16

This article of the law prescribes entry into force on the same eighth day from the date of publication in the “Official Gazette of the Republic of Serbia”, as well as the beginning of application on 1 January 2024.

**IV.** **ASSESSMENT OF FUNDS NEEDED FOR IMPLEMENTATION OF THE LAW**

For the implementation of this law, it is not necessary to provide funds in the budget of the Republic of Serbia for the year 2023.

**V. AN ANALYSIS OF THE EFFECTS OF THE LAW**

During the drafting of the Draft Law on Public Procurement (hereinafter referred to as: the Draft Law), the effects of the current Law on Public Procurement were analysed. In drafting the text of the Draft Law, comparative legal solutions, experiences and practices of countries in the region and the European Union and other international experiences as well as the experiences of employees, i.e., experts in the field of public procurement who applied the Law on Public Procurement in previous years, were used and analysed.

The text of the Draft Law was published on the website of the Ministry of Finance, the Public Procurement Office and on the eKonsultacije portal. The consultative process is ongoing and all interested parties are able to submit comments and opinions electronically.

1. **Determining the problems that the law should solve**

The Law on Public Procurement (“Official Gazette of the Republic of Serbia”, No. 91/19) is in force from 1 July 2020.

In the course of the current implementation of the Law on Public Procurement, the need for certain improvements was observed, which would increase the efficiency and transparency of the entire public procurement system, while at the same time contributing to the achievement of sustainable development goals. The provisions of the Draft Law on Amendments to the Law on Public Procurements would improve certain areas of the public procurement system, compared to the previous period.

First of all, there is a need for a significantly wider application of green public procurement, i.e., public procurement that includes environmental aspects. In addition, there is a need for qualitative elements to be taken into account significantly more when defining the criteria for awarding contracts, in order to enable public funds to be spent in a way that enables contracting authorities/entities to obtain the greatest value for the money invested.

Also, there is a need for greater transparency of data on changes to public procurement contracts, as well as data on contracts whose value is below the thresholds for the application of this law, which will enable enhanced control by competent institutions.

In the field of legal protection, it is necessary to ensure a faster and more efficient implementation of the procedures for the protection of rights.

1. **Goals that are achieved by passing the law**

The goals that will be achieved by passing the law are reflected in increasing the transparency, efficiency and cost-effectiveness of public procurement procedures, contributing to the reduction of harmful effects on the environment, strengthening competition on the public procurement market, reducing the risk of irregularities in the public procurement system, i.e., a greater degree of legal protection of participants in public procurement procedures, but also increased control by authorised institutions.

**3) Have other possibilities for solving the problem been considered and why is the adoption of a law the best way to solve the problem**

Solving the identified problems is possible only by changing the legal framework. In this sense, other possibilities were assessed as inadequate.

By passing the Law on Amendments to the Law on Public Procurement, a legal framework will be created that prescribes the obligations for contracting authorities/entities and economic operators that participate in public procurement procedures.

**4) Who and how will most likely be affected by the solutions in the law**

The proposed solutions have an immediate and positive effect on all entities that are obliged to apply the Law, both on public procurement contractors – the public sector, and on economic operators – the business sector. The positive impact is reflected, first of all, in more efficient implementation of public procurement procedures and more effective protection of rights in public procurement procedures, creating the basis for prescribing the obligation for contracting authorities/entities to include environmental aspects in the implementation of public procurement, for those items of public procurement that are assessed that the inclusion of environmental aspects will not have a negative impact on the state of market competition. In addition, the proposed solutions should prevent corrupt behaviour and ensure competition in public procurement procedures.

**5) What costs will the implementation of the law create for citizens and the business sector (especially small and medium-sized enterprises)**

The implementation of the law will not create additional costs for citizens and the business sector.

**6) Are the positive consequences of passing the law such that they justify the costs it will create?**

The implementation of this law will not cause additional costs in the business sector.

**7) Does the law support the creation of new economic operators on the market and market competition**

The draft law foresees solutions that increase the efficiency of the implementation of procedures and competition, as well as improve the procedure for the protection of rights.

Due to all of the above, positive effects on the establishment of new economic operators are expected because public procurement is an important segment of business and a source of income for economic operators.

**8) Did the interested parties have the opportunity to comment on the law**

The draft law was published on the website of the Ministry of Finance, the Public Procurement Office and the eKonsultacije portal, and all interested parties were invited to send their proposals and suggestions.

**9) What measures will be taken during the implementation of the law in order to achieve what is intended by the adoption of the law**

In the function of effective application of the law, a presentation of the law will be organised, in order to acquaint the public sector and the business sector with the new solutions in the legal regulation and the effects that these solutions should produce.