**Application of Article 152a and Article 181, paragraphs 3 and 4 of the** **Law on Public Procurement to procurements to which the provisions of the Law do not apply**

 Article 152a of the Law on Public Procurement (“Official Gazette of the Republic of Serbia”, Nos. 91/19 and 92/23, hereinafter referred to as: the PPL) stipulates the obligation to publish contract data on the Public Procurement Portal starting from 1 January 2024. Namely, this article stipulates that the contracting authority shall publish on the Public Procurement Portal data on all contracts concluded after the public procurement procedure has been carried out, on all amendments to contracts pursuant to Articles 156-161 of this law, as well as data on contracts/purchase orders concluded or issued in accordance with Article 27 of this law and their amendments. The provisions on the obligation to publish data on contracts and their amendments apply to framework agreements concluded by applying the provisions of the PPL and framework agreements concluded without applying the provisions of the PPL in accordance with Article 27 of this law, in accordance with Article 2, paragraph 1, items 2) and 5) of the Rulebook on the method of publication and type of data on contracts and amendments to contracts that contracting authorities publish on the Public Procurement Portal (“Official Gazette of the Republic of Serbia”, No. 115/23).

 On the other hand, Article 181, paragraph 3 of the PPL stipulates that the contracting authority is obliged to record data on the value and type of public procurement referred to in Articles 11-21 of this law, separately for each ground for exemption, as well as public procurement referred to in Article 27, paragraph 1 of this law. Paragraph 4 of the same Article stipulates that contracting authorities shall publish the data referred to in paragraph 3 of this Article collectively on the Public Procurement Portal no later than 31 January of the current year for the previous year, in accordance with the instructions published by the Public Procurement Office on its website.

The instructions for publishing data on public procurements exempted from the application of the law, issued by the Public Procurement Office in accordance with Article 181, paragraph 4 of the PPL, stipulate that the following data shall be published collectively for each basis for exemption:

1. basis for exemption from the application of the Law;
2. type of subject-matter of public procurement (goods, services, works);
3. total contracted value excluding value added tax;
4. total contracted value with value added tax.

It follows based on the above legal provisions:

* When it comes to procurements under Articles 11 – 21 of the PPL (exceptions from the application of the law), contracting authorities do not act in accordance with Article 152a of the PPL, i.e., they do not publish data on contracts concluded in accordance with the aforementioned articles in the contract database, but only in accordance with Article 181, paragraphs 3 and 4 of the PPL.
* When it comes to procurements under Article 27 of the PPL (thresholds up to which the law does not apply), contracting authorities shall also act in accordance with Article 152a, i.e., they shall publish data on contracts concluded in accordance with the aforementioned Article in the contract database and in accordance with Article 181, paragraphs 3 and 4 of the PPL.