

ANNEX 25
to the Treaty on the
Eurasian Economic Union

PROTOCOL
on Regulation of Procurement

I. General Provisions

1. This Protocol is developed in accordance with Section XVII of the Eurasian Economic Union treaty (hereinafter – Treaty) and defines the regulatory framework for the procurement.

2. Definitions used in Section XXII of the Treaty and this Protocol mean the following:

“web portal” - official website of the member State on the Internet, providing a single point of access to information on procurement;

“customer” - state authority, local government, budget-funded organization (including government (municipal) institutions), as well as other persons in cases specified by the legislation of the member State on procurement who conduct procurement in accordance with this legislation. Procurement legislation of a member State can provide for the establishment (operation) of a procurement organizer, whose activity is conducted in accordance with this legislation. It shall not be permitted to transfer the functions of the customer to conclude procurement agreements (contract) to the procurement organizer;

“procurement” – government (municipal) procurements, which shall be understood as purchase goods, works, services by customers, and other purchases financed by the budget and other funds in the cases stipulated in the procurement legislation of the member State, as well as relationships associated with the performance of the agreements (contracts) for procurement;

“procurement information” - a notice of the procurement, procurement documentation (including the draft procurement agreement (contract)), changes to such notification, documentation, explanations of procurement documentation, protocols, elaborated in the procurement process, information on a result of the procurement procedure, details of procurement agreements (contracts) and the addendum to such agreements, information about the result of execution of the procurement agreement (contract), information on the receipt of complaints to the competent regulatory and (or) controlling authorities of the member State in the field of procurement, about their content and decisions taken as a result of consideration of these complaints, the prescriptions issued by such bodies. Procurement information is subject to mandatory placement on the web portal;

“national treatment” - a regime, providing that each member State shall provide for the procurement of goods, works and services originating on the territories of member States, the potential vendors and suppliers of the member States offering such goods, works and services, treatment no less favorable than that accorded to domestic goods, works and services, as well as potential suppliers and providers of the state, offering such goods, works and services. Country of origin of goods shall be determined in accordance with the rules of origin of goods, operating on the customs territory of the EAEU;

“electronic trading platform operator (electronic platform operator)” - a legal entity engaged in entrepreneurial activity or a natural person who, in accordance with the legislation of the member State owned electronic trading platform (electronic platform) necessary for its operation software and hardware, and (or) provides its operation;

“supplier” - a supplier or Contractor and performer who has signed the Agreement (contract) for the purchase;

“potential supplier” - any legal entity or any individual (including a sole proprietorship);

“electronic trading platform (electronic platform)” - an Internet site that is defined in accordance with the legislation of the member State on the procurement for the purchasing in electronic format. At the same time the legislation of a member State of the procurement can be found that the electronic trading platform (e-platform) shall be a web

portal, and shall be determined by a limited number of electronic trading platforms (electronic platforms);

“electronic procurement form” - procedure of organization and procurement carried out by using the Internet, web portal and (or) electronic trading platform (electronic platform), as well as software and hardware.

3. If the legislation of a member State establishes other meanings than those established by this Protocol, bringing the legislation of a member State in accordance with this Protocol is not required.

II. Procurement requirements

4. Methods of procurement in the member States shall be:

open tender including steps of conducting and prequalify (hereinafter - tender);

request a price proposals (request for price quotation);

request for proposals (if the legislation of a member State shall required);

open electronic auction (hereinafter - the auction);

exchange trading (if the legislation of a member State shall require);

procurement from a single source or a single supplier (performer, contractor).

Member States shall provide a competition and auction in electronic format only and tend to transition to electronic format by implementation of other procurement methods.

5. Procurement through an open tender shall be conducted based on the requirements provided for in paragraph 1 of Appendix No. 1 to this Protocol.

6. Procurement through the request of price proposals (request for quotations) shall be conducted based on the requirements provided for in paragraph 5 of Appendix No. 1 to this Protocol.

7. Procurement through the request of proposals shall be conducted based on the requirements provided for in paragraph 6 of Appendix No. 1 to this Protocol, in cases provided for Appendix No. 2 to this Protocol, as well as in the cases provided for in

paragraphs 10, 42, 44, 47, 59 and 63 Appendix No 3 to this Protocol, if it is established by the legislation of the member State on procurement.

8. Procurement shall be conducted through an auction based on the requirements provided for in paragraph 7 of Appendix No 1 to this Protocol, in accordance with Appendix No. 4 to this Protocol.

A member State has the right to establish in its procurement legislation wider range of goods and services to be procured through an auction.

9. Commodity Exchange may be used for the procurement of commodity exchange goods (including goods covered by Appendix No. 4 to this Protocol).

The member State has a right to determine in its procurement legislation commodity exchanges, where the procurement can be conducted.

10. Procurement from a single source or from a single supplier (performer, contractor) shall be conducted based on the requirements set forth in paragraph 10 of Appendix No. 1 to this Protocol, in cases provided for Appendix No. 3 to this Protocol.

The member State has a right to reduce a list of goods and services in its procurement legislation on procurement specified in Appendix No 3 to this Protocol.

11. The member State has a right to unilaterally establish in its procurement legislation specifics of conducting procurement related to the need for confidentiality of information about potential suppliers before the end of the procurement, and in exceptional cases for a period of not exceeding 2 years – specifics of conducting procurement of certain goods, works and services.

Decisions and actions regarding the establishment of such specifics shall be taken in the manner prescribed in paragraphs 32 - 33 of this Protocol.

12. Procurement shall be conducted by the customers themselves or by involving procurement organizer (if the legislation of a member State provides for the operation of the procurement organizer).

13. The procurement legislation of the member States shall provide for the formation and maintenance of the Register of Unfair Suppliers, which shall contain information:

on potential suppliers, avoiding the conclusion of agreements (contracts) on procurement;

about the suppliers, non-performing or improperly performed its obligations under the Agreements (contracts) for procurement with them;

on the suppliers, with whom customers unilaterally terminated the procurement agreements (contracts) during the execution of which it was revealed that the supplier does not comply with the requirements of the procurement documentation to potential suppliers (suppliers) or provided misleading information about its compliance with such requirements, allowing him to become a winner.

The procurement legislation of the member States may provide for including to the Register of Unfair Suppliers of information on founders, members of the collegial executive bodies, persons performing functions of the sole executive body of the person.

Inclusion in the register of unfair suppliers provided upon confirmation of information (fact-finding) under subparagraphs second - fourth of this paragraph on the basis of court judgment and (or) authorized regulatory and (or) the supervisory authority of the member State in the field of procurement for 2 years.

A person, whose details are included in the register of unfair suppliers, shall have the right to appeal in this register in court.

Member States' legislation on procurement shall provide exceptions in respect of the inclusion in the register of unfair suppliers and potential suppliers' providers identified under paragraphs 1 and 6 of Appendix No. 3 to this Protocol.

14. The procurement legislation of member States may provide for a right or obligation of the customer to carry out admission to a purchase on the basis of information contained in the register of unfair suppliers that member State and (or) in the register of unfair suppliers of other member States.

15. Member States restrict admission to a procurement:

1) by establishing, in accordance with its procurement legislation, additional qualification requirements for potential suppliers on the procurement of certain goods and services;

2) by other ways established by this Protocol.

16. The procurement legislation of member States shall prohibit:

- 1) to be included in any procurement conditions not measured quantitatively and (or) unmanaged requirements for suppliers and potential suppliers;
- 2) for admission to participate in the procurement of potential suppliers of non-compliant documentation of the procurement;
- 3) the refusal to admit for potential suppliers to participate in the procurement on grounds not provided for the notification of the procurement and (or) the procurement documentation.

17. It is not admissible to charge a fee for potential suppliers involved in the procurement, except in cases stipulated by the procurement legislation of the member States on the procurement.

18. The legislation of the member States may establish procurement requirements to potential suppliers on software applications for participation in the procurement, as well as on the enforcement of the Agreement (contract) for the purchase.

Member States' legislation on procurement set the size and form of the security application for participation in the procurement and enforcement of the Agreement (contract) for the purchase. The amount of software applications for the purchase should not exceed 5 percent of the initial (maximum) Contract price (contract) for the purchase of (the estimated cost of procurement), and enforcement of the Agreement (contract) for the purchase of - 30 per cent of the initial (maximum) Contract price (contract) for the purchase of (the estimated value of procurement), except case when the Agreement (contract) for the purchase of advance payment is provided. In this case, the size of enforcement of the Agreement (contract) for the purchase shall be at least 50 percent of the size of the advance.

In case of the Agreement (contract) for the purchase contain the requirement to provide advance provider, the provider shall have the right to refuse it.

Member States' legislation on procurement should be set at least two ways (s) to secure an confirmation for participation in the procurement and enforcement of the Agreement (contract) for the purchase.

At the same time to secure an application for participation in the procurement and enforcement of the Agreement (contract) for the purchase of accepted including:

guarantee monetary contributions paid into the bank account of the Customer;
bank guarantee.

Requirements for bank guarantees for procurement established by the legislation of the member States.

Member States' legislation on procurement should ensure timely return of the Customer to ensure the application for participation in the procurement and enforcement of the Agreement (contract) for the purchase of potential suppliers and vendors in the cases provided for in this legislation.

19. The documentation of procurement and other documents in procurement shall not be included requirements (instructions) to trademarks, service marks, trade names, patents, utility models, industrial designs, the appellation of origin, producer or supplier, except when there is no other sufficiently precise way of describing the characteristics of the object of procurement (in such cases the Customer includes documentation for the purchase of the words "or equivalent (analogue)"). The exception is the incompatibility of the purchased goods to the goods used by the Customer when necessary to ensure the compatibility of such products (including resupply, upgrading and retrofitting the main (set) equipment).

Customer shall be entitled to set the standard indicators, requirements, symbols and terminology relating to the technical and quality characteristics of the object of procurement as determined in accordance with technical regulations, standards and other requirements stipulated by international treaties and acts constituting the right of the EAEU, and (or) the law of the member State.

20. Commission members (including tender, auction and bidding) shall not be individuals, personally interested in the results of procurement (including individuals who have filed an application for participation in the contest, auction, request for price quotations (request for quotations) or query proposals), workers of potential suppliers that have applied to participate in the contest, auction, Request for Quotations (request for quotations) or request for proposals, or to natural persons who are capable of influencing

potential providers (including individuals who are the members (shareholders) potential suppliers, their employees and government creditors potential suppliers), as well as directly exercising control in procurement officials authorized to regulate and (or) the controlling authorities of the member State in procurement.

21. The Agreement (contract) for the purchase should contain the following mandatory prerequisites:

1) The responsibility of the parties for failure or improper performance provided by such Agreement (contract) for the purchase of obligations;

2) the procedure for payment and Customer acceptance of the result of the procurement for the evaluation of its compliance (including the amount (volume), completeness, quality) requirements established by the Agreement (contract) for the purchase.

22. The law of the member States on procurement shall be provided for the prohibition:

1) to establish the conditions of the Agreement (contract) for the purchase of which entail limiting the number of potential suppliers and suppliers in cases not provided for by the legislation of the member States;

2) the unilateral refusal to Customers and suppliers of contractual obligations in the case of the proper performance of the other party under the Agreement (contract) for the purchase of and in cases not provided for by the legislation of member State;

3) to change the terms of the contractual obligations, including changes in the price of the Agreement (contract) for the purchase of, except in cases stipulated by the legislation of the member States of the procurement. Not allowed reducing the number of goods, volume of works and services without a proportional reduction in the price of the Agreement (contract) on the purchase.

23. Allowed to sign the Agreement (contract) for the purchase of multiple suppliers in the cases provided by the legislation of the member States.

24. The legislation of the member States on the procurement shall be established requirement of the Agreement (contract) for the purchase of providing for the purchase of

goods or work, subsequent maintenance, operation over the lifetime, repair and disposal of goods delivered or created as a result of the object (contractual life cycle).

25. The legislation of the member States on the procurement in respect of a particular procurement shall be provided need to include in the draft Agreement (contract) for the purchase of which is an integral part of the procurement documentation, additional conditions of its execution (including non-subject procurement).

26. The legislation of the member States on the procurement shall provide for an obligation of the potential supplier and (or) the supplier to provide the Customer information on all co-executors and subcontractors under the Agreement (contract) for the purchase.

27. The legislation of the member States of the procurement shall provide banking support for the procurement agreement (contract).

28. Member States shall seek to switch to the conclusion of procurement agreements (contracts) in electronic format before 2016.

29. Member States shall ensure openness of information and transparency of procurement, including by:

- 1) creation of web portal by each member State;
- 2) publication (posting) of information on procurement, registry of unfair suppliers (including in Russian language) on the web portal;
- 3) publication (posting) on the web portal of normative legal acts of the member State in the field of procurement (including in Russian language);
- 4) identify a limited number of electronic trading platforms (electronic platforms) and (or) a web portal as a single point of access to information on procurement in electronic format to electronic services related to such procurements, if the procurement legislation of the member State provides for it;
- 5) organization of unhindered and free of charge access to information on procurement, the registry of unfair suppliers and acts that shall be hosted on the web portal, as well as ensuring the widest possible search for information of such information, the registry and acts.

III. National treatment and its security features

30. Each of member States grants national treatment in procurement to goods, works and services, originating in the territories of other member States, as well as potential suppliers and suppliers of other member States offering such goods, works and services.

31. The member State is entitled in exceptional cases to unilaterally establish by its procurement legislation exemptions from the national treatment for a period of not exceeding 2 years.

32. The authorized regulatory and (or) the supervisory authority of the member State in the field of procurement in advance, but no later than 15 calendar days before the date of the act establishing exemptions in accordance with paragraph 31 of this Protocol, in writing, notify the Commission and each of the member States of the intention of making such an act on the rationale for its decision.

Member State which has received such notice may apply to the body which sent such notice to him with a proposal to conduct appropriate consultations.

The member State which has sent such a notice should not refuse to conduct consultations.

33. The Commission shall make a decision to cancel the act establishing exemptions adopted by a member State in accordance with paragraph 31 of this Protocol, within 1 year from the date of its adoption.

In the case of the Commission's decision on the need to repeal the said act has taken its member State shall ensure in 2 month period taking relevant changes in the act (its invalidation).

The Commission's consideration of notifications of acts in accordance with paragraph 31 of this Protocol and requests of member States on their withdrawal, as well as the Commission's decision on the need to abolish such acts shall be carried out in the manner determined by the Commission.

If after 2 months from the date of entry into force of the decision of the Commission on the need to abolish the act adopted in accordance with paragraph 31 of

this Protocol, the member State in respect of whom the judgment did not execute it, each of the other member States has unilateral right not to accord national treatment to the member State. The relevant notification shall be immediately sent to the Commission and each member State.

34. If the member State fails to fulfill its obligations under this Article, the other member States shall apply to the Commission. Upon review of the appeal the Commission shall take one of the following decisions:

the absence of a violation;

on the recognition of the need to eliminate violations and member State of the violation.

If after 2 months from the date of the decision on the need to eliminate the identified violations, the member State in respect of which such a decision, it does not comply with each of the other member States shall have the right to unilaterally not to extend national treatment to such member State .

Notification immediately shall be sent to the Commission and each member State.

IV. Safeguarding the rights and lawful interests of individuals when participating in procurement

35. Each member State shall take measures to prevent, detect and suppress violations of its procurement legislation.

36. The volume of provided rights and lawful interests of individuals in the field of procurement is defined by the Protocol and the procurement legislation of the member States.

37. To ensure the rights and lawful interests of individuals in the field of procurement, as well as to monitor compliance with the procurement legislation of the member State, each member State in accordance with its legislation ensures that the authorized governing and (or) the controlling authorities in procurement . If it is allowed to perform these functions, one body, whose powers include:

1) Control of procurement (including through inspections);

2) consideration of complaints and appeals for action (or inaction) of Customers purchasing the organizers, operators of electronic trading platforms (electronic platforms), operators, web portals, commodity exchanges, commissions and other entities for the procurement of violating the legislation of a member State of the procurement. However, actions (inaction) of customers purchasing the organizers, operators of electronic trading platforms (electronic platforms), operators, web portals, commodity exchanges, commissions and other entities for the procurement made before the deadline for submission of applications for participation in the procurement of the right to appeal is not. Once any potential supplier, but also a person in accordance with the legislation of the member State of the procurement;

3) prevention and detection of violations of the law of the member State of the procurement, as well as measures to address these violations (including by issuing a binding order to eliminate such violations and bring the perpetrators to justice for such violations);

4) establishment and maintaining of a registry of unfair suppliers.

V. Ensuring measures to improve the efficiency of procurement and implementation aimed at social functions

38. The procurement legislation of a member State shall set the requirement for procurement planning.

39. The procurement legislation of a member State may stipulate following rules designed to ensure the effectiveness of procurement:

1) rationing procurement by establishing requirements for goods, works and services (including the marginal price of goods and services) and (or) legal costs of providing the functions of customers;

2) implementation of public scrutiny and public discussion of procurement;

3) application of anti-dumping measures;

4) involvement of experts and expert organizations.

40. In cases and order stipulated by the legislation on the member State of purchase can be established for the procurement of benefits for institutions and enterprises penal system, organizations of disabled persons, small and medium-sized businesses, as well as socially-oriented non-profit organizations.

Information on the establishment of such benefits is specified by the customer in the notification about conduction of the procurement and the procurement documentation.

41. If there is mutual interest in discussing the most pressing issues of law enforcement, information exchange, and the problems of improving harmonization, joint development of teaching materials, the Commission jointly with relevant regulatory and (or) the supervisory authorities of the member States in the field of procurement holds regular meetings at the experts and managers in the state (municipal) procurement.

Appendix 1
to the Protocol on
Regulation of Procurement

Requirements
for Organizing and Conducting
Competition, Price Proposals Request (Request for Quotation), Request for Proposals,
Auction and Procurement from a Single Source or a Single Supplier (Performer,
Contractor)

1. Competition is held in electronic format, including providing for filing of applications for participation in the competition in the form of an electronic document.

The winner shall be the potential supplier to offer the best conditions for the execution of the Agreement (contract) for the purchase.

Imposition of assessment criteria and the procedure for the evaluation and comparison of applications for participation in the competition, entailing biased and (or) the definition of unmanaged provider does not comply with the legislation of the member State procurement.

2. Competition is held with the following requirements:

1) Approval of the tender documentation;

2) approval of the tender committee;

3) Publication (placement) on the web portal of tender notice and tender documentation within the time stipulated by the legislation of the member State of the procurement, but not less than 15 calendar days before the deadline for applications to participate in the competition. In case of changes in the notice of the competition and (or) tender documentation deadline for participation in the competition is extended so that the date of publication (placement) on the web portal changes before the deadline for applications to participate in the competition this term was not less than 10 calendar days. It is not allowed to change the subject of the Agreement (contract) for the purchase;

4) Clarification of tender documentation and publishing (publishing) such explanations on its website no later than three calendar days before the deadline for filing applications for participation in the competition. Clarification of tender documentation provided on request if it is received not later than 5 calendar days before the deadline for applications to participate in the competition;

5) call for participation in the competition in the form of an electronic document on the electronic trading platform (electronic platform) and (or) web portal;

6) autopsy, examination of the competitive commission of applications for participation in the contest to determine the applications that meet the requirements of the tender documentation, the purpose of admission of potential suppliers to participate in the competition;

7) publishing (publication) web portal autopsy, examination of applications for participation in the competition and tolerance of potential suppliers to participate in the contest and inform each potential supplier on the results of an autopsy, examination and approval not later than the day following the day the competition commission relevant decisions;

8) assessment, a comparison of applications for participation in the tender submitted by potential suppliers admitted to participation in the contest, as well as to determine the winner of the contest and publishing (publishing) on the web portal of the relevant protocol, informing each potential supplier on the results of such evaluation, comparison and determination the winner no later than the day following the day the competition commission of relevant decisions;

9) Finally, the Agreement (contract) for the purchase of the conditions specified in the application for participation in the competition potential supplier certain winner, and in the tender documentation no earlier than 10 business days and no later than 30 calendar days from the date of the decision on the winner of the contest or recognition contest invalid in cases stipulated by the legislation of the member State procurement. Legislation of member State procurement also set the order and priority of the Agreement (contract) for the purchase of between the Customer and the potential supplier on the basis of the need to conclude the Agreement (contract) for the purchase of a potential vendor to

provide the best conditions for the execution of the Agreement (contract) for the purchase, as well as procedures in case the Customer competition failed;

10) publishing (publishing) of information about the result of the competition on the electronic trading platform (electronic platform) and (or) web portal and inform each potential supplier of the competition results not later than the day following the day the auction commission appropriate decisions.

3. During the competition, providing prequalify, the requirements referred to in paragraph 2 of this Appendix shall be with the following features:

1) The winner is determined by the number of potential suppliers prequalified;

2) Additional requirements apply for the implementation of pre-qualification and cannot be considered as a criterion for assessing applications for participation.

4. In the cases and manner specified by the legislation of a member State, the competition can be conducted in two stages.

At the 1st stage of the competition held building activities expert (expert committee) technical specification of goods, works and services on the basis of technical proposals from potential suppliers, developed in accordance with Customers' specifications.

At the 2nd stage of the competition held the activities outlined in the competition to meet the requirements specified in paragraph 2 of this Appendix.

5. For the price proposals request (request for quotation) the law of the member State Procurement determined limit the initial (maximum) contract price (contract) for the purchase of (cost of purchase), including the procurement of goods, works and services on the list in accordance with Appendix No. 4 of the Protocol on the procedure of procurement regulation (Appendix No. 25 to the Agreement on the Eurasian Economic Union).

Winner quotations request (request for quotation) recognized the potential supplier who offered the lowest price of the Agreement (contract) for the purchase. Any member State shall seek to move from holding quotations request (request for quotation) primarily to conduct auctions.

At the request of the quotations (request for quotation) on its website published (hosted) notice of its holding in the terms established by the legislation of the member

State procurement, but not less than 4 working days before the deadline for submitting applications to participate in the Request for Quotations Proposals (request for quotations). Protocols of the commission, composed during the quotations request (request for quotation), published (posted) on the electronic trading platform (electronic platform) and (or) web portal and notification of decisions taken by bidding commission sent to each potential supplier no later than the day following the date of their adoption.

6. Purchases through request for proposals shall be made in respect of the goods and services provided by Appendix No. 2 of the Protocol on the procedure of the procurement regulation (Appendix No. 25 to the Agreement on the Eurasian Economic Union). The winner of the query proposal shall recognize the potential supplier, to offer the best conditions for the execution of the Agreement (contract) for the purchase of in accordance with the laws member State procurement.

When conducting procurement through the RFP on its website published (hosted) notice of its holding in the terms established by the legislation of the member State of the procurement, but not less than 5 working days before the deadline for applications to participate in the RFP.

Protocols of the commission, made during the request for proposals, published (posted) on the electronic trading platform (electronic platform) and (or) web portal, and notification of the Commission's decision sent to each potential supplier no later than the day following the date of their adoption.

7. In order to participate in auctions potential suppliers are subject to mandatory accreditation for at least 3 years on the web portal and (or) electronic trading platform (electronic platform), if the legislation of the member State procurement.

The winner of the auction shall be the potential supplier with the lowest price of the Agreement (contract) for the purchase and the corresponding requirements of the auction documentation.

8. Public electronic auction shall be held with the following requirements:

- 1) approval of the auction documentation;
- 2) approval of the auction committee;

3) placing the electronic trading platform (electronic platform) and (or) web portal notice about the auction and the auction documentation within the time stipulated by the legislation of the member State of the procurement, but not less than 15 calendar days before the deadline for applications to participate in the auction. In case of changes in the notice of the auction and (or) the auction documentation deadline for participation in the auction is extended so that the date of publication (placement) on the electronic trading platform (electronic platform) and (or) web portal made changes prior to the deadline for applications to participate in the auction, this period is not less than 7 calendar days. It is not allowed to change the subject of the Agreement (contract) for the purchase. If the legislation of a member State Procurement provided the initial (maximum) Contract price (contract) for the purchase of (cost of procurement), in which the auction is possible in a shorter period, the legislation of a member State of the procurement can be set shorter time limits for filing Applications for participation in the auction, than provided for in this subparagraph, but not less than 7 calendar days before the deadline for applications to participate in the auction, and in case of changes in the auction documentation - not less than 3 calendar days before the deadline for submission of applications for participate in the auction from the date of publication (placement) on the electronic trading platform (electronic platform) and (or) web portal for such changes;

4) Clarification of the auction documentation and publishing (publishing) such explanations on the electronic trading platform (electronic platform) and (or) web portal no later than three calendar days before the deadline for filing applications for participation in the auction. Clarification of the auction documentation provided on request if it is received not later than 5 calendar days before the deadline for applications to participate in the auction;

5) call for participation in the auction in the form of an electronic document on the electronic trading platform (electronic platform) or a web portal;

6) autopsy and examination of the Auction Commission applications for participation in the auction to determine the applications that meet the requirements of the auction documentation regarding the admission of potential suppliers submitting to the procedure specified in paragraph 8 of this paragraph;

7) publishing (publishing) on the electronic trading platform (electronic platform) and (or) web portal autopsy, examination of applications for participation in the auction and the admission of potential suppliers to the procedure specified in paragraph 8 of this paragraph and shall inform each potential supplier of the results of such an autopsy, examination and approval not later than the day following the day the tender committee of the relevant decisions;

8) conducting procedures to mitigate the initial (maximum) Contract price (contract) for the purchase of (the estimated cost of procurement) by lowering the price on the auction. At the same time the legislation of a member State of the procurement can be provided that in case of price reduction Agreement (contract) for the purchase of up to 0.5 percent of the initial (maximum) Contract price (contract) for the purchase of (the estimated value of procurement) and lower auction continues through Gainers Agreement (contract) for the purchase of which in this case, the Customer pays the supplier;

9) publishing (publishing) Protocol on the results of the procedure referred to in paragraph 8 of this paragraph, the electronic trading platform (electronic platform) and (or) web portal and inform each potential supplier on the results of such a procedure on the day of its closure;

10) Consideration of the Auction Commission applications for participation in the auction of potential suppliers who participated in the procedure referred to in paragraph 8 of this paragraph, to identify potential suppliers that meet the requirements stipulated by the auction documentation, and determine the winner of the auction, as well as publishing (publishing) Protocol about it on the electronic trading platform (electronic platform) and (or) web portal and informing each potential supplier on the results of such review and determine the winner of the auction is not later than the day following the day the auction commission relevant decisions;

11) Finally, the Agreement (contract) for the purchase of the conditions specified in the application for participation in the auction of the potential supplier, a certain winner in the auction documentation, at a price Agreement (contract) for the purchase of such potential supplier according to the Protocol on the results of the procedure in paragraph 8 of this paragraph shall not be earlier than 10 working days and no later 30 calendar days

from the date of the decision on the winner of the auction or the auction is invalid in cases stipulated by the legislation of the member State procurement. Legislation of member State procurement order and priority set to sign the Agreement (contract) for the purchase of between the Customer and the potential supplier on the basis of the need to conclude an Agreement (contract) for the purchase of a potential vendor to provide the lowest price Agreement (contract) for the purchase, as well as procedures Customer in case the auction is invalid;

12) publishing (publishing) of information about the auction on the electronic trading platform (electronic platform) and (or) web portal and inform each potential supplier on the outcome of the auction is not later than the day following the day the auction commission appropriate decisions.

9. If the legislation of a member State of the procurement, purchasing, permitted, without application of the rules, governing the selection of the supplier and signed the Agreement (contract) for the purchase. In addition, these purchases are made in accordance with the civil law of the member State in cases stipulated by the Appendix No. 3 of the Protocol on the procedure of procurement regulation (Appendix No. 25 to the Agreement on the Eurasian Economic Union).

10. Purchase from a single source or a single supplier (contractor, contractor) performed in the presence of calculation and justification of the Contract price (contract) for the purchase. Requirements for the placement of information on procurement from a single source or a single supplier (contractor, artist) determined by the legislation of the member State procurement.

Appendix 2
to the Protocol on Regulation
of Procurement

List
of Cases of Procurement by the Request for Proposals

1. Procurement of goods, works or services that are the subject of the Agreement (contract) for the purchase of, termination is performed by the Customer to meet the requirements of paragraph 21 of the Protocol on the procedure of procurement regulation (Appendix No. 25 to the Agreement on the Eurasian Economic Union). In the case before the termination of the Agreement (contract) for the purchase of the supplier partially fulfilled obligations under the Agreement (contract) for the purchase of, at the conclusion of a new Agreement (contract) for the purchase of this paragraph on the basis of a number of goods, the amount of work performed or services rendered should be reduced taking into account the quantity of the goods, the volume of work performed or services provided to terminate the Agreement (contract) for the purchase, and the price of the Agreement (contract) for the purchase should be reduced in proportion to a number of delivered goods, the volume of work performed or services provided.

2. Implementation of procurement of drugs needed for administration to a patient on medical indications (idiosyncrasy, for health reasons) by decision of the medical commission, which is recorded in the patient's medical records and papers of the medical commission. The volume of procured drugs shall not exceed the amount of drugs required by the patient during the period of treatment. Also, for the procurement, in accordance with this paragraph, the subject of one of the Agreement shall not be the medications necessary for the appointment of two or more patients.

Appendix 3
To the Protocol on Regulation
of Procurement

List
of Procurement Procedures from a Single Source
or from Sole Supplier (Executor, Contractor)

1. Procurement of services related to the sphere of natural monopolies activities, except for liquefied natural gas sales services, as well as the connection (joining) to the engineering networks for the controlled prices (tariffs) in accordance with the law of the member State, power services or electrical power sale with guaranteed supply company.
2. Procurement of services for storage and import (export) of narcotic drugs and psychotropic substances.
3. Acquisition of goods, works and services at prices (tariffs), established by the legislation of member State.
4. Supply of cultural properties (including museum and museum collections, as well as rare and valuable editions, manuscripts, archival documents, including copies of historical, artistic or other cultural value) intended to replenish the state museum, library, archive funds, cinema, photo-funds, and other similar funds.
5. Execution of work on mobilization preparation.
6. Procurement of goods, works and services from a particular person, defined by legislative act of member State, as well as procurement of goods, works and services, delivery, execution or rendering of which shall be carried out exclusively by executive authorities in accordance with their empowerment or by subordinate state institutions, by public (unitary) enterprises, by legal bodies, 100 percent of voting shares (partnership share) of which belong to the state, the corresponding empowerment of which is established by legislative acts of member State.
7. Procurement of certain goods, works and services in consequence of force-major circumstances, including emergency situation (localization and (or) mitigation of

emergency situations consequences), accidents, need for urgent medical intervention, wherefore procurement by other means that require time consumption is inadvisable.

8. The procurement of goods, works and services from the institutions and institutions of the penal systems, occupational therapy (work therapy), preventative clinics and occupational therapy (work therapy) workshops, as well as from the organizations, created by the public association of people with disabilities, in which a number of disabled people is not less than 50 percent of staff.

9. Procurement of raw materials, materials and components by penal institution for production of goods, works and services in order to place in a job convicted persons on the basis of contracts, concluded with legal entities, provided that the procurement by the specified institutions of such raw materials, materials and components is carried out at the expense of the funds, provided by these contracts.

10. Procurements, which were cancelled according to the results of procurement procedures (in cases provided by legislation of member State).

11. Telecommunications services for the needs of national defense and national security, as well as enforcement of the law.

12. Determination of the maximum amount of transactions (either quarterly or annual limit volume), which shall be set by the legislation of member State and which permits to procure from a single source or from a sole Supplier (Executor, Contractor), provided that the specified size shall not have to be distinctive (member States shall endeavor to minimize this threshold in order to maximize access of potential suppliers to the procurement).

13. Placing orders for the supply of arms and military equipment from a single Supplier in accordance with the legislation of member State, as well as procurement of works, services for maintenance (modernization) of weaponry, military and special equipment.

14. Specific procurement from a potential Supplier, defined by decree or order of the President of member State, by the order of the supreme body of executive authority of member State by a decision or by order of the president of member State. Decisions and actions in relation to the adoption of such acts are carried out in the manner prescribed in

paragraphs 32 - 34 of the Protocol on the procurement regulation procedure (Appendix No. 25 to the Agreement on the Eurasian Economic Union).

15. Acquisition of work of literature and art from a certain authors (except for the purchase of movie for distribution), performances of specific performers, phonogram of specific producers in case if a single person has exclusive rights to such works, performance or phonogram.

16. Subscription for a certain periodical printed and electronic publications, as well as the procurement of printed and electronic publications of certain authors, rendering of services for provision of access to electronic publications for the activities of the state and municipal educational institutions, state and municipal libraries, public research organizations from the publishers of these printed and electronic publications in the case if specified publishers have exclusive rights to use such publications.

17. Placing order for visiting the zoo, theater, cinema, concert, circus, museum, exhibitions and sporting events, as well as the conclusion of the Agreement for services on realization of admission tickets and subscriptions to the theatrical entertainment, cultural, educational and spectacular entertainment events, excursion tickets and sightseeing tickets.

18. Acquisition of materials for exhibitions, seminars, conferences, meetings, forums, workshops, training and payment for participation in such activities, as well as the conclusion of the Agreement services to participate in the event, held for the needs of several Customers with the Supplier (Contractor, Executor) which is defined by the Customer, which is the organizer of this event, in the order established by the legislation of member State.

19. Procurement of teaching services, and services of interpreter (guide) from individuals.

20. Placing order of theatrical-spectacular organization, museum, club, cinema organization, other cultural organization, educational institution in the field of culture, broadcasting organization from a particular individual or particular individuals – writer, artist, performer, choreographer, television and radio host, designer, conductor, playwright, trainer, composer, accompanist, author of the libretto, operator of movie, video, sound recording, writer, poet, director, tutor, sculptor, choreographer, choir

director, artist and other creative workers for creation and execution of works of literature or art, as well as from a particular individual, including an individual entrepreneur or legal entity to manufacture and supply of scenery, stage furniture, costumes (including hats and shoes) and required to create scenery and costumes materials, as well as theatrical requisites, props, makeup, products, theatrical puppets required for creation and (or) performance by organizations specified in this paragraph.

21. Procurement of services for author's control of the design documentation development for capital construction projects, supervision for construction, reconstruction and repair of capital construction projects by respective authors.

22. Placing order for technical and architectural supervision on preservation of cultural heritage (monuments of history and culture) of the peoples of member States.

23. Procurement of services associated with sending of employee on a business trip, goods, works and services related to hospitality expenses, as well as purchase of services associated with sending of students, post-graduate students to participate in creative competitions (contests, competitions, festivals, games), exhibitions, plain-airs, conferences, forums, workshops, internships, performance of educational practical tasks, including travel to the venue of these activities and back, to rent premises, transportation, catering.

24. Placing order for rendering services related to the provision of visits of foreign heads of the governments, heads of foreign governments, heads of international organizations, parliamentary delegations, government delegations, delegations of foreign governments (hotels, transport services, computer devices exploitation, catering services).

25. Procurement of goods, works and services required for the safety and security of the president of a member State, other protected persons and facilities intended for protected persons stay (domestic, hotel, transport services, computer device exploitation, provision of sanitary-epidemiological well-being, provision of safe meal) as well as services to build a video archive and information services of the activities of the President of a member State.

26. Procurement of material valuables realized from the state and mobilization material reserves.

27. In case if Customer, who made a purchase from a particular supplier has need for additional quantities of the relevant goods, a number of additional purchased goods shall not exceed 10 percent of the quantity of goods covered by the Contract (unit price of additionally supplied goods shall be determined as the quotient of the original Contract price provided in the Contract amount of such goods).

28. Procurement of services for multi-compartment building management on the basis of the choice of the owners of premises in multi-compartment building or by local authority in accordance with housing legislation of management organization, if the rooms in multi-compartment building located in a private, state or municipal property.

29. Conclusion of Contract Agreement (contract) for the procurement, the subject of which is the acquisition of building, structure, premises, rooms with nonresidential purpose, defined by act in accordance with the legislation of member State, as well as rent of building, structure, premises with nonresidential purpose, procurement of services for maintenance, protection and handling of the leased premises, procurement of services for maintenance, protection and handling of one or more non-residential premises, handed over for the free use to state or municipal Customer, in case if these services are provided to other person or persons using non-residential premises located in the building in which the premises are located, handed over for the free use and (or) to the operational management.

30. The necessity for procurement of daily and (or) weekly requirements for the period before the results of the procurement and the entry into force of the Agreement (contract) for the purchase, if such purchases are carried out during the first month of the year on the list established by the legislation of member State. In this case, the volume of purchases shall not exceed the quantity of goods, facilities and services required to ensure the needs of the Customer during the term of the purchase, but not more than 2 months.

31. Procurement of goods, works and services for the implementation of operational and investigative activity, investigation by bodies authorized to carry them out, to ensure the safety of persons subject to state protection, in accordance with the legislation of member State, as well as the services of officials and experts with necessary scientific and technical or other specialized knowledge.

32. Acquisition of a right for the use of natural resources.

33. Acquisition of services for training, retraining and raising of qualification of employers abroad.

34. Acquisition of services for rating agencies, financial services.

35. Acquisition of services from specialized libraries for blind and visually impaired citizens.

36. Procurement of securities and participating interests in the charter capital (authorized capital) of legal entities.

37. Procurement of goods, works and services provided by the legislation of the member States on the elections and referendum, purchases of which are made in accordance with this List and the list of which is provided by the legislation of member States on procurement.

38. Procurement of goods, works and services carried out in accordance with international agreements of the member States, according to the list approved by the supreme executive authority of a member State, as well as within the implementation of investment projects financed by international organizations the member of which is the member State.

39. Acquisition of works and services in the design, manufacture, storage, and delivery of notes and coins of the national currency of a member State, as well as goods, works and services required for their design and manufacture.

40. Procurement of goods, works and services related to the use of funds provided by the supreme executive authority of a member State to the national (central) banks of member States on a grant basis of the countries, governments, international and governmental organizations, foreign non-governmental organizations and foundations whose activities have charitable and international character, as well as funds allocated to co-finance of these grants in cases when in the agreements on their provision stipulated other procedures for procurement of goods, works and services.

41. Acquisition of services related to the state educational order for individuals (in case if the individual has chosen educational organization himself).

42. Procurement of services for treatment of citizens of member States abroad, as well as services for their transportation and escort.

43. Procurement of goods and services that are subject to intellectual property, the person who has exclusive rights in respect of goods and services purchased.

44. Procurement of goods, works and services by foreign institutions of the member States, separate divisions of Customers acting on their behalf, to ensure their activities on the territory of a foreign state, as well as for peacekeeping operations.

45. Procurement of goods on information services by international news organizations.

46. Procurement of goods, works and services required for the implementation of monetary operations and management activities national fund of the member State and pension assets.

47. Procurement of advisory and legal services to protect the interests of the member State in case of application by physical and (or) legal entities in the courts of foreign states, international courts and arbitration claims against the member State with the need to attract foreign specialists and (or) specialists of member States, experts and lawyers for such services.

48. Procurement of services associated with trust administration of property from a person, determined by the legislation of member State.

49. Procurement of services for statistical observations' data processing.

50. Procurement of property (assets) sold at auction (auction) by bailiffs in accordance with the legislation of the member State regarding enforcement proceedings conducted in accordance with the legislation of the member State concerning the bankruptcy, land legislation and the privatization of state property.

51. Acquisition of services rendered by lawyers to persons released from their payment in accordance with the legislation of member State.

52. Acquisition of goods into the state material reserve to make the regulatory impact on the market if as stipulated by applicable legislation of member State.

53. Acquisition of services for material values storage of state material reserves.

54. Procurement of services for cosmonaut preparation and flights management of astronauts into space as stipulated by the legislation of member State, as well as services for design, assembly and testing of spacecrafts.

55. Acquisition of services for repair aircrafts on specialized aircraft repair enterprises.

56. Acquisition of services for the production of state and departmental awards and accompanying documents, lapel badge of deputy of legislative authorities of member State, and accompanying documents, the state verification marks, passports (including official and diplomatic), identity cards of citizens of member State, registration certificate of a foreigner in member State, authorization document of a person without citizenship, certification of vital record, as well as acquisition from suppliers, defined by supreme executive authority of the member State of printed materials requiring special protection, according to the list approved by the supreme executive authorities of a member State.

57. Procurement of precious metals and gemstones to replenish state funds of precious metals and gemstones.

58. Acquisition of services for compulsory medical examination of workers engaged in heavy works or jobs with harmful (particularly harmful) and (or) hazardous working conditions, as well as jobs associated with increased risk, with vehicles and machinery.

59. Acquisition of sports facilities and equipment (kit), sport outfit required for participation and (or) the preparation of sports national and picked teams of member States, as well as for participation of sports national and picked teams of member States in the Olympic, Paralympics, and Deaflympics and other international sporting events on the basis of the schedule approved by a agency of State administration realizing regulation in this area.

60. Acquisition of goods, works and services using the funds allocated from the reserve of the president or government of member States for emergency expenses in case of occurrence of threatening situations to political, economic and social stability of a member State or a political subdivision.

61. Acquisition of goods, works and services required for the operation of special forces of law enforcement and special government agencies associated with the detection

and neutralization of explosives and explosive devices, conducting anti-terrorist operations, as well as special hostage release operations, apprehension and neutralization of armed criminals, extremists, terrorists, members of organized crime groups, perpetrators of grave and especially grave crimes.

62. Acquisition of special, social services provided by a guaranteed amount of social services provided to persons (families, consisting of persons) with a permanent disability of the body, caused by physical and (or) mental capabilities, and (or) to persons with no fixed abode, and to persons (families consisting of individuals) who are incapable to look after themselves due to old age, as well as services for assessing and determining the need in special social services.

63. Acquisition of folk artistic crafts products, in cases as specified by the legislation of the member States.

Appendix 4
to the Protocol on Regulation
of Procurement

List of
Goods, Works and Services for which Procurements shall be carried out on the Basis of
Auction

1. Agriculture production, hunting products, services in agriculture and hunting, except the live animals, products and services related to hunting, fishing and game propagation, as well as hunting products and cropping.*
2. Forest product and forest procurement, services for forestry and forest procurement.
3. Fisheries, fish hatcheries and fish farms, services related to fishing industry.*
4. Coal, lignite and peat.
5. Crude oil and natural gas services in their production, except for survey operations.
6. Metal ores.
7. Stone, clay, sand and other types of minerals.
8. Foodstuff and potables.*
9. Textile and textile products.
10. Clothing, fur and fur goods, except children's clothing.
11. Leather and leather products, saddler, except footwear.
12. Wood, woodwork, cork, straw and plaiting, except furniture.
13. Cellulose, paper and paperboard and articles made wherefrom.
14. Printing and publishing products, except for advertising materials, pictures, drawings, printed photographs, souvenir and gift sets (notepads and notebooks), ballot papers for elections and referendums.
15. Coke-oven products.
16. Products of organic and inorganic synthesis.

17. Rubber and plastic products.
18. Other nonmetallic mineral products, except of housekeeping glass products, products for interiors, as well as non-constructional non-refractory ceramic products.
19. Metal industry products.
20. Metal products, except for machinery and equipment, nuclear reactors and parts of nuclear reactors, particle accelerators.
21. Machinery and equipment not elsewhere classified, except for weapons, ammunition and their components, explosives and explosives of national economic destination.
22. Office and computing equipment.
23. Electric motors and electric installation (including electrical equipment), not elsewhere classified.
24. Equipment and instruments for radio, television and communication.
25. Medical equipment and apparatus, measuring instruments, photo and video equipment (except for medical equipment and medical devices as defined by the legislation on Procurement of member State).
26. Vehicles, trailers and semi-trailers, car bodies, parts and accessories for automobiles, garage equipment.
27. Vehicles, except for commercial and passenger ships, warships, aircraft and space vehicles, equipment and aircraft parts.
28. Off-the-shelf goods except for jewelry, and related goods, musical instruments, games and toys, equipment for training labor processes, textbooks and school equipment, products, arts and crafts, art and collectibles, exposed film, a human hair, animal, made of synthetic materials and articles thereof.
29. Waste and scrap in form suitable for use as a new raw material.
30. Services for trade, maintenance and repair of motor vehicles and motorcycles.
31. Wholesale services and commission trade services, except for motor vehicles and motorcycles business.
32. Land transport services, except for railway transport services, underground railway systems, pipeline transportation services.
33. Water transport services.

34. Auxiliary and additional transport services, services in the field of tourism and sightseeing, except for travel and tourist agencies, other services for rendering assistance to tourists.

35. Communications, except for courier services, except for national mail, electrical communication services.

36. Financial intermediation services, except for insurance and pension funding, services for arrangement of bonds.

37. Auxiliary services in relation to financial intermediation, except for evaluating services.

38. Services for the maintenance and repair of office equipment, computers and shared to peripheral equipment.

39. Building cleaning services.

40. Services for packaging.

41. Waste disposal services, sanitation and similar services.

* In addition to the procurement in organizations engaged in education, bringing-up process for children, health organizations, social service organizations and recreation organization for children, catering services, specified institutions and organizations.