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IDDEEA's proposal not in compliance with the EU regulations and jeopardizes the public procurement system

Instead of harmonizing the public procurement implementation with the Law, IDDEEA proposes to exclude procurement of the identification documents from the implementation of the Law on public procurement in Bosnia and Herzegovina, which is contrary to the EU regulations, challenges the purpose of the Law and creates new possibilities for the abuse

Banja Luka, 29th August 2017 -- Transparency International in Bosnia and Herzegovina (TI BiH) submitted its comments on the Draft Work Programme of the Agency for Identification Documents, Registers and Data Exchange (IDDEEA) for 2018, which proposes to exclude the identification documents procurement from the implementation of the Law on public procurement in Bosnia and Herzegovina.

Namely, after several annulments of the tender for the procurement of passport booklets due to the irregularities in the procedure and tender documentation, which led to the delays in issuing documents to the citizens of BiH, IDDEEA proposes the amendments to the Law on Public Procurement, instead of harmonizing the procurement procedure with the Law. As the reasons for such proposal, IDDEEA indicates the inability of the Agency to affect the decisions of the Public Procurement Body of BiH, and the fact that tender documentation has been canceled several times which significantly prolongs the duration of the entire procedure of identification documents procurement.

TI BiH emphasized that IDDEEA through its illegal actions from the previous period directly influenced the brought decisions, since it prescribed non-competitive conditions contrary to the legal regulations. The auditors found earlier that IDDEEA had not secured the implementation of the transparent procurement of identification documents nor the selection of the optimal technological solution, from the aspect of security, economy and functionality of the electronic ID card.

TI BiH warns that the exclusion of the identification documents procurement from the Law on Public Procurement would question the aim and purpose of existence of such law, including the entire public procurement system in BiH, and open new possibilities for the abuses. Besides, the proposed solution is not in compliance with the legislation of the European Union, whose regulations do not prescribe the exclusion of the identification documents procurement from the implementation of procedure.

TI BiH proposes that IDDEEA, instead of proposing the amendments to the Law on Public Procurement aimed at the exclusion of identification documents from the competition procedure, harmonizes its activities with primarily with the Law, but also with its proclaimed strategic goals and international standards as well. Otherwise, the approach that suggest the adjusting of laws to individual needs and interests, instead of ensuring the conditions for its compliance, show a complete neglect of the legal and institutional order and deepen the legal uncertainty that has been present for years now.

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