# Procurement Monitoring Report Template

**In view of the Member States' reporting process
under the Directives 2014/23/EU, 2014/24/EU and 2014/25/EU**

# Purpose and key features of the template

* This template aims at facilitating Member States' (MS) reporting in the context of Directives 2014/23/EU, 2014/24/EU and 2014/25/EU (the directives). The template sets out the scope of the reporting requirements and recommends MS a methodology to gather and systematise the collection of relevant information. Furthermore, it strives to propose a harmonised structure of the reports in order to allow easier comparison of the information provided by the MS.
* The questions in this template are non-binding specifications of the directives' legal obligations on monitoring reports. The template should be followed only as far as possible by the MS, especially as concerns the availability of quantitative information. When information is not available, this may be noted in the report, possibly together with an explanation of whether there are plans to start collecting such information and including it in the future edition of the report.
* MS' reports will be published on the European Commission website. The information will feed the new Report on the implementation and best practices of national procurement policies in the internal market to be issued by the European Commission. The information provided by the MS will support the policy analysis work of the Commission.
* The template covers all domains for which reporting requirements are defined under the directives.

* The template contains the following types of questions:

 i) qualitative descriptions and assessments,

ii) supporting documents which provide the evidence for the descriptions and assessments made above,

iii) quantitative indicators.

* In the tables below, the left side contains the name of the information to be submitted, while the right side contains further specifications of what this means. The report should be submitted as a text (.doc) and PDF document based on this template.
* To avoid duplication of reporting obligations and reduce administrative burden, MS are invited to indicate any information/data requested in the template that has been already provided to the Commission via another channel (e.g. procurement irregularities falling within the scope of ESIF funds). When it is the case, please specify these channels, the context of the reporting and the nature of the information already provided.

**Scope of reporting**

The report should cover the period between 1st January 2018 and 31st December 2020. For quantitative data based on procurement notices, this means that the contract award notice should have been published in this period. For each reply to the questions in this template, please indicate if the reply concerns all directives or only specific ones. The Directive 2009/81/EC on defence and sensitive security procurement should be excluded from the reporting.

If the scope of your report is broader than that indicated in the directives (e.g. because of lower thresholds, broader definition of contracting authorities, contracting entities, or subsidised contracts), please indicate this here. In such a case, for every indicator, information about procurement according to the directives and any other information should be presented separately, so that the same information can be compared between the MS.

National thresholds for public procurement are 200.000,00 HRK (27.000 EUR) for goods and services and 500.000,00 HRK (67.000 EUR) for works (explained in the Article 14 of the Public Procurement Act (Official Gazette no. 120/2016; hereinafter: PPA).

## Key quantitative indicators

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **I.1. The number of procurement procedures**  | Information to be provided on a yearly basis:* the number of notices announcing a call for competition and,
* the number of awarded contracts.
* the number of contract award notices

|  |  |  |
| --- | --- | --- |
| 2018 | below EU thresholds | above EU thresholds |
| The number of notices announcing a call for competition | 9.209 | 1.904 |
| The number of awarded contracts | 12.361 | 5.751 |
| The number of contract award notices | 8.803 | 1.802 |

|  |  |  |
| --- | --- | --- |
| 2019 | below EU thresholds | above EU thresholds |
| The number of notices announcing a call for competition | 10.372 | 1.971 |
| The number of awarded contracts | 15.359 | 8.995 |
| The number of contract award notices | 10.279 | 2.278 |

|  |  |  |
| --- | --- | --- |
| 2020 | below EU thresholds | above EU thresholds |
| The number of notices announcing a call for competition | 8.268 | 2.057 |
| The number of awarded contracts | 14.520 | 8.390 |
| The number of contract award notices | 9.176 | 2.290 |

The numbers should be reported separately for:* above EU thresholds procurement (i.e. procurement covered by the directives) and,
* below EU thresholds (i.e. procurement, which would have been covered by the directives if its value had exceeded the relevant thresholds).
 |
| **I.2. The total value of procurement** | Information to be provided on a yearly basis (chose one from below, depending on which one will produce the most reliable estimate):* the total value of awarded contracts.

Or* the total value of contract award notices.

|  |  |  |
| --- | --- | --- |
| The total value of awarded contracts in: | below EU thresholds | above EU thresholds |
| 2018 | 10.756.522.416 HRK | 25.839.970.759 HRK |
| 2019 | 15.622.212.720 HRK | 27.411.122.334 HRK |
| 2020 | 18.627.135.952 HRK | 32.720.971.053 HRK |

The value should be reported separately for:* above EU thresholds procurement (i.e. procurement covered by the directives) and,
* below EU thresholds (i.e. procurement, which would have been covered by the directives if its value had exceeded the relevant thresholds).

If the reported value is an estimate, the methodology used for its computation should be explained in **Annex I**.  |

Annex II provides a suggestion on how to present the above general quantitative indicators. The data and methodologies used to compute quantitative indicators should be clearly indicated in the report or by providing the relevant documents, (this is valid for all quantitative indicators of this template). Whenever relevant, the value of national thresholds and the scope of their application should be provided.

## Most frequent sources of wrong application or of legal uncertainty, including possible structural or recurring problems in the application of the rules

|  |  |
| --- | --- |
| **II.1.** **Qualitative reporting on application of public procurement rules** |  |
| Main sources of wrong application or of legal uncertainty | The information should focus on:- the most frequent cases of wrong application of the rules and of legal uncertainty * *in what phase of the process do the contracting authorities make the most mistakes, in what procedures, what type of contracting authority, what subject matter type etc.*

- the key causes for the wrong application of the rules and the legal uncertainty, including their relative importance, as well as the circumstances that explain their occurrence * *for example: lack of knowledge/skill, lack of staff, staff retention issues, internal organisation, planning issues etc.*

- what are the persistent patterns, what are the lessons learned?The Ministry of the Economy and Sustainable Development provides guidance and interpretations for the application of the Public Procurement Act in the form of: written opinions/ responses to the received questions from contracting authorities and economic operators.

|  |  |  |  |
| --- | --- | --- | --- |
| **Opinion analysis** | 2018. | 2019. | 2020. |
| Number of written opinions: | 407 | 375 | 364 |
| Inquiries most often refer to: | 1. Exemption from the scope of PPA
2. Subject of procurement
3. Is an entity bound by the Public Procurement Act?
4. Amendments to the contract
5. Subcontracting
6. Register of contracts and procurement plan
7. Technical and professional ability, references
8. MEAT criterion
9. Supplementation and clarification of information or documents in the bid
10. Questions about warranty
11. Legal protection
 | 1. Execution and amendments to the contract
2. Determining the subject of procurement
3. Is an entity bound by the Public Procurement Act?
4. Mandatory grounds for exclusion (taxes / impunity)
5. Negotiated procedure and exemption from the scope of PPA
6. Conflict of interest
7. References
8. Warranties
9. Legal protection
10. Transfer of the economic whole
11. Supplementation and clarification of information or documents in the bid
 | 1. Is an entity bound by the Public Procurement Act?
2. Amendments to the contract
3. Exemption from the scope of PPA and conditions for the negotiated procedure without prior publication of a call for tenders
4. Conflict of interest
5. Determining the subject of procurement
6. Comparison of offers, prices with and without VAT and status change during execution
7. Reference, subsidiaries and legal succession
8. Warranty issue
9. Subcontracting
10. the equivalence of the subject of procurement
 |
| Prevailing context in which the inquiries were used: | Are the conditions for negotiation and exemption from the application of the PPA met?Method of determining the subject of procurement(thresholds, groups, whether it is an independent whole) | New frequently asked questions: Airline tickets as a subject of procurement and legal services as a subject of procurementStatements for foreign nationalsTransfer of the contract to the new economic wholeWhat to do when the decision of the State Commission for Supervision of Public Procurement Procedures is appealed and when the high administrative court annuls the decision of the State Commission | COVID 19 and earthquake - increased demand for urgent procurements and exemptionswhat are the substantial changes to the contract?Question comparison of bid prices VAT and without VATIncreased number of queries about what "equivalent" means Question about the subsidiary, its references and legal succession |

Administrative monitoring is conducted by the central body of state administration responsible for the public procurement policy with a view to preventing, remedying and detecting irregularities that can result or that have resulted from infringements of the provisions of PPA and its subordinate legislation.

|  |
| --- |
| MONITORING |
| Year | Number of conducted monitorings | The most common applicants | The most common irregularities | Number of recommendations given | Number of motions to indict filed before the misdemeanour court |
| 2018 | 55 | Natural and legal persons, Municipal State Attorney's Office, ministries, anonymous petitions, law firms | Failure to conduct public procurement procedures,Irregularities during the evaluation of bids, Non-publication and non-updating of the contract register and procurement plan, Irregularities in the preparation of procurement documents,Splitting of the subject of procurement to avoid the application of PPA, Irregularities in simple procurement | 4 | 5 |
| 2019 | 36 | 2 | 6 |
| 2020 | 47 | 7 | 1 |
| Total | 138 | 13 | 12 |

 The Ministry of the Economy and Sustainable Development conducts quick procurement documents monitoring in the Electronic Public Procurement Classifieds.

|  |
| --- |
| QUICK MONITORING |
| Year | Number of conducted monitorings | The most common irregularities |
| 2018 | 224 | Determining a shorter deadline for submission of bids,Prescribing the possession of certain standards as proof of technical and professional ability,Determining the conditions of technical and professional ability that are not related to the subject of procurement and are not proportional to the subject of procurement |
| 2019 | 141 |
| 2020 | 112 |
| Total | 477 |

 |
| Specific legal provisions (from EU or national law) which appear to raise significant problems of application | The information should focus on:- the specific legal provisions in question and how often then occur in practice * *for instance: is it badly worded, is it too strict/vague, is it difficult to interpret, are different interpretations possible, is constant guidance required/given etc.*

- a description of the type of difficulties identified, if any* *i.e. what specific issues arise from such problems? Are certain procedures avoided, are there many appeals, many cancellations of procedure by decision of the contracting authority etc.?*
 |
| An assessment of patterns and behaviours that are not illegal or non-compliant, but still indicate possible problems | The information should focus on:- the specific type of problems identified* *for instance: preference for lowest price as award criteria irrespective of the context, overly frequent use of derogatory procedures or shortest possible deadlines, recurrent, particularly low number of bidders or of non-domestic bidders*

- any possible assessment of the impact of these difficulties on the efficiency of the public procurement process* *for instance: is it difficult to achieve environmental protection policy goals because of low use of green PP criteria? Is there low competition, always the same bidders, market lock-in?*
 |
| **II.2 Supporting documents** |  |
| Please provide any available evidence of the issues identified under section II.1. | *Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):** *Audit reports on identified irregularities related to public procurement, including auditors specialising in ESIF irregularities*
* *Existing typologies of the most frequent errors in public procurement*
* *Reports on the most frequent requests for guidance*
* *Additional interpretative guidance documents published in order to clarify legal issues*
* *Policy or other administrative documents discussing issues in relation to the implementation of the rules*
 |
| II.3. Quantitative indicators  | *This section contains quantitative indicators related to section II.1. Other indicators can also be included in the report.* |
| Indicators about the national review system  | The following three indicators have been defined based on the findings of a study commissioned by DG GROW in 2017 and further discussed with the Member States in the framework of the Network of first instance public procurement review bodies.1. **Number of first instance review decisions** - It shall include all the first instance review decisions.
2. **Median length of first instance reviews** - It shall be the median length of all the first instance reviews. Length is defined as the number of calendar days between a starting date and an end date. The starting date is when the complaint is registered or an *ex officio* proceeding initiated. The end date is when the review decision is issued.
3. **Number of first instance review decisions that were appealed to the (next) judicial level and its results** - It shall include all the first instance review decisions that were appealed to the (next) judicial level, both on merit or procedural reasons. For first instance judicial review bodies, “next judicial level” refers to the second judicial level; for first instance administrative review bodies, “next judicial level” refers to the first judicial review. Furthermore, it shall include the number of first instance review decisions that were a) (primarily) upheld; b) (primarily) rejected; or c) neither upheld nor rejected by the (next) judicial level (e.g. because they were not yet decided, retracted).

The following definitions will help with the understanding of the key elements for the above indicators:* *Public procurement procedures falling under the EU public procurement directives (i.e. above EU thresholds, including exemptions and exceptions). For those Member States that cannot disaggregate the data based on the EU thresholds or have only a part of the data available (e.g. no information on post-contractual review, regional information not shared), if possible, please give your “best guess” estimate of the additional/missing information in the relevant comments section.*
* *Reviews made both before and after contract signature.*
* *Review of all relevant bodies, regardless of whether they are administrative or judicial; regardless of whether they are national, regional or local. In case of multiple level administrative review, it shall only include the data from the first instance.*
* *The data on reviews started following a complaint and ex officio*[[1]](#footnote-2) *shall be collected separately.*
* *Figures are requested per year. Decisions should be included in the calculation for the calendar year in which they were issued (i.e. dates relating to years where the complaint was submitted, or where decisions were appealed to a higher instance should be excluded/ignored).*
* *“Decision” means a binding outcome of the review (be it started following a complaint or ex officio). It includes decisions to reject a complaint decision on interim measures containing an assessment of the case and not followed by any other decision, and decisions regardless of whether multiple decisions are linked to the same procedure. Decisions not on the merits, i.e. “procedural” or “technical” decisions should not be included (e.g. decisions on nomination of experts to provide expert view).*

Annex III provides a suggestion on how to present the indicators about the national review system. The State Commission is an autonomous and independent government body responsible for considering appeals in connection with public procurement procedures, concession award procedures and procedures for selection of private partners in public private partnership projects.Public Procurement Act applies to contracts which are above national thresholds. Also, the competence of the State Commission covers public procurement procedures above national thresholds.Value of national thresholds is lower than the value of thresholds laid down in the Directive.According to the Public Procurement Act, unsuccessful party can instigate an administrative dispute against the State Commission’s decisions before the High administrative court (one instance of court proceeding).Information presented below is based on the State Commission’s database, considering procedures above national thresholds.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **2018** | **2019** | **2020** |
|  |  |  |  |
| **Number of decisions** | 1014 | 1102 | 1058 |
|  **upon a complaint** | 1014 | 1102 | 1058 |
|  **ex officio** | 0 | 0 | 0 |
| **Comments** | The State Commission for the Supervision of Public Procurement Procedures does not initiate an appeal procedure ex officio. The State Commission is competent to resolve appeals lodged in accordance with the provisions of the PPA and legislation governing public procurement involving defence and security aspects.  |
| **Average length of the review** | 34 | 34 | 30 |
|  **upon a complaint** | 34 | 34 | 30 |
|  **ex officio**  |  |  |  |
| **Comments** | Duration of the proceeding is calculated from the date when the complaint is registered to the date of the issuing the State Commission’s decision. But, when we calculate the average length of the review procedure from receiving complete documentation from the parties, the average length is **14 days** in 2018. and **16 days** in 2019. and 2020. |
| **Number of review decisions challenged** | 72 | 125 | 147 |
| **Number of decisions (primarily) upheld** | 59 | 100 | 132 |
| **Number of decisions (primarily) rejected** | 13 | 25 | 15 |
| **Number of decisions – other** | - | - | - |
| **Comments**  | - | - | - |

 |

## Prevention, detection and adequate reporting of cases of procurement fraud, corruption, conflict of interests and other serious irregularities

|  |  |
| --- | --- |
| III.1. Qualitative reporting on fraud, corruption, conflict of interests etc. |  |
| Describe the actions undertaken and/or mechanisms put in place to ensure compliance with the new provisions on the prevention, detection and adequate reporting of public procurement irregularities including fraud and corruption and conflicts of interests. | The information should focus on:- how these actions/mechanisms have been implemented including key measures that have been put in place* *what are the relevant sources of law (i.e. legal provisions in PP law, general anti-corruption rules, whistle-blower protection, criminal law, guidance, codes, declarations etc.)*
* *Institutional arrangements made*
* *Soft-law and soft measures (for example Guidance documents, Codes of conduct, Declarations of absence of conflict of interest, training, awareness raising etc.)*
* *Use of data analysis to perform control such as red-flag systems.*
* *Any specificities of the regime for conflict of interest, such as a broader definition or additional institutions or other measures.*

The AFCOS Network is established in order to achieve full operability of the AFCOS system within the framework of which the coordination of legislative, administrative and operational activities, for the purposes of protecting financial interests of the European Union in the Republic of Croatia, and direct cooperation with the European Anti-Fraud Office (OLAF) shall be carried out. The AFCOS Network has been established by Decision 151/2013 of the Government of the Republic of Croatia, establishing also the bodies in the AFCOS Network and defining the tasks of the bodies in the AFCOS Network. The AFCOS Network comprises the representatives of: 1. The Ministry of Justice and Public Administration,2. Ministry of the Interior,3. Ministry of Finance - Tax Administration, Customs Administration, Sector for Harmonization of Internal Audit and Financial Control, Anti-Money Laundering Office, Sector for Financial and Budget Supervision, 4. Ministry of Economy and Sustainable Development- Directorate for Public Procurement Policy, 5. State Attorney's Office of the Republic of Croatia, and 6. Agency for the Audit of European Union Programmes Implementation System.The tasks of the AFCOS Network are following: - cooperation with OLAF regarding the issues of the protection of financial interests of the European Union, - proposing legislative and other measures with the purpose of efficient protection of financial interests of the European Union, and - strengthening inter-institutional cooperation, communication and exchange of data with the bodies of the AFCOS systemThe Criminal Code provides for two criminal offenses which incriminate only illegalities in public procurement procedures, namely the criminal offense of abuse in the public procurement procedure referred to in Article 254 of the Criminal Code (CC/11), as a new criminal offense under the new Criminal Code/11, and the criminal offense illegal agreement from Article 292 CC/11. On the other hand, there are, however, several other criminal offenses which sanction various illegal actions which, among other things, may be related to the public procurement procedure, thus the criminal offense of abuse of position and authority under Article 291, receiving bribes under Article 293, giving bribes under Article 294, criminal offense of trading in influence under Article 295, and several others, all CC/11.Croatian competition law in cases of public procurement procedures apply only to bidders in those procedures. In those cases, Croatian Competition Agency (AZTN) investigates horizontal agreements between competitors – bidders in public procurement procedures according to Article 8. of Croatian competition law which prohibits all agreements between two or more independent undertakings, decisions by associations of undertakings and concerted practices, which have as their object or effect the distortion of competition in the relevant market.The National Council for Monitoring the Implementation of the Anti-Corruption Strategy according to the Decision on Establishment - monitors the implementation of the Anti-Corruption Strategy, - systematically monitors data on corruption submitted by bodies in charge of implementing the Anti-Corruption Strategy anti-corruption action plans and evaluates the ways and results of implementation, - proposes measures for greater efficiency of the Strategy implementation, - encourages and directs cooperation between the Croatian Parliament and state and other bodies and other factors in charge of implementing the Anti-Corruption Strategy, - submits an annual report to the Croatian Parliament work. Through its activities and structure, the National Council strengthens its supervision over the bodies in charge of the implementation of the Anti-Corruption Strategy.Accordingly, in the last convocation of the Croatian Parliament (9th convocation), the National Council held the 3rd thematic session at which the issues of public procurement and conflicts of interest were discussed:2nd session (28.11.2017.): Corruption risks in public procurement,11th session (May 29, 2018): Corruption and clientelism at the local level - causes, mechanisms and consequences, and17th session (November 15, 2018). Institutes of the proposed Draft Law on Prevention of Conflicts of Interest. |
| III.2. Supporting documents |  |
| Please provide any available evidence on the actions/mechanisms and measures described under section III.1. above demonstrating compliance with the new provisions on the prevention, detection and adequate reporting of public procurement irregularities and conflicts of interests.  | *Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):** *Policy or other administrative documents discussing issues in relation to the implementation of the actions/mechanisms*

In order to raise public awareness on problems of bid rigging, AZTN has recently published a Guide for contracting authorities in detecting and tipping-off bid-rigging cartels in public procurement (<http://www.aztn.hr/uploads/documents/brosure/vodic_za_narucitelje.pdf>). It is a clear set of questions and answers for contracting authorities about the possible suspicious signs that may point at a bid-rigging cartel or collusive tendering. Some of the infringements are illustrated by a number of examples whereas the contracting authorities are given certain guidelines in reducing the risks of bid-rigging in public procurement.Article 24 of the Directive 2014/24/EU under the chapter “Conflicts of interest” defines that Member States shall ensure that contracting authorities take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators.In Croatian legislation, in PPA, the conflict of interest is defined in Articles 75 to 83 and is even more detailed compared to the above mentioned Article 24 of the Directive 2014/24/EU. For instance, the representatives of the contracting authority are obliged to sign a statement on the existence or non-existence of conflicts of interest and to update them without delay if changes occur. The contracting authority shall be obliged, on the basis of a statement from its representatives:1. to publish on its website a list of economic entities with which the representative of the contracting authority or its affiliated persons is in conflict of interest, or a notice that such entities do not exist. The information has to be updated without delay if changes occur.2. In the procurement documentation for a particular public procurement procedure, to provide a list of economic entities with which the representative of the contracting authority is in conflict of interests, or to indicate that such entities do not exist. If the contracting authority does not have its own Internet site, it is obliged to publish the list on the bulletin board, in the Official Gazette or otherwise make it permanently available to the interested public.The public procurement contract concluded contrary to the provisions of the chapter “Conflicts of interest” is legally null and void.Links to Criminal Code and its Amendments in English: <http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/kazneni-zakon-nn-125-11-eng.pdf> <http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/zakon-o-izmjenama-i-dopunama-kaznenog-zakona-nn-144-12-eng.pdf><http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/zakon-o-izmjenama-i-dopunama-kaznenog-zakona-nn-56-15-eng.pdf>Anti-corruption strategy for the period from 2015 to 2020:<https://narodne-novine.nn.hr/clanci/sluzbeni/2015_03_26_545.html>  |
| III.3. Quantitative indicators | *This section contains examples of quantitative indicators related to section III.1. Other indicators can also be included in the report.* |
| Quantitative assessment of collusion risks | Please elaborate on the methods or tools put in place at national level enabling central procurement authorities or contracting authorities to detect and assess the collusion risks, and on the relevant data on which they are based upon. Please mention the impact of the above measures, especially as regards how many cases were detected and pursued further by the competent national authorities (central procurement authority, competition authority or individual contracting authorities). |
| Risk of undiscovered conflict of interest  | Please elaborate on the methods or tools used to detect undiscovered conflict of interest, and on the relevant data on which they are based upon. Discuss the results of the above analysis or provide links to studies or other documents related to the quantitative analysis of undiscovered conflict of interest.Information for this indicator should be available in central registers of beneficial ownership, which are to be established by all Member States under the 4th Anti-Money Laundering Directive (2015/849 Art. 30) by June 2017. For more context for this indicator, please see the Commission's Anticorruption Report available at <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/index_en.htm>. AZTN and the State Commission for Supervision of Public Procurement Procedures (DKOM) cooperate in terms of providing all information on potential public procurement issues that may constitute a prohibited agreement in terms of competition law and as such are relevant to the AZTN. Namely, claimants are increasingly complaining not only on unjustified favoring but also on (potential) infringement of competition law, and information that does not fall under the area of competition protection often appears. For this reason, the two institutions agreed to exchange information and establish cooperation in this regard. Details of such communication, or information on potential proceedings, are not publicly available. As mentioned, it is often the case that the information provided does not point to the competition concern and that the behavior in question is in fact a criminal act; the claimants are then directed to the State Attorney's office.In the period from 2018 to 2020 AZTN hasn't adopted any decisions on prohibited agreements in public procurement cases.The Criminal Code provides for two criminal offenses which incriminate only illegalities in public procurement procedures, namely the criminal offense of abuse in the public procurement procedure referred to in Article 254 of the Criminal Code (CC/11), as a new criminal offense under the new Criminal Code/11, and the criminal offense illegal agreement from Article 292 CC/11. On the other hand, there are, however, several other criminal offenses which sanction various illegal actions which, among other things, may be related to the public procurement procedure, thus the criminal offense of abuse of position and authority under Article 291, receiving bribes under Article 293, giving bribes under Article 294, criminal offense of trading in influence under Article 295, and several others, all CC/11.Available data for criminal offenses referred to in Article 254 and Article 292 of CC/11:2018 - no verdict has been rendered due to the criminal offense referred to in Article 254 of CC/11. - for the criminal offense referred to in Article 292 of CC / 11, a conviction was rendered by which a suspended sentence (suspended prison sentence) was imposed.2019 - no verdict has been rendered due to the criminal offenses referred to in Article 254 and Article 292 of CC / 11.2020 - due to the criminal offenses referred to in Article 292 of CC / 11, seven verdicts were issued, of which five were convicting and two were acquitting, against which appeals were filed. Convictions handed down one prison sentence and four suspended sentences (suspended prison sentence).- no verdict has been rendered due to the criminal offense referred to in Article 254 of CC / 11. |
|  |  |

## Level of SMEs' participation in public procurement

SMEs are defined in the Commission Recommendation (2003/361/EC) as having less than 250 persons employed and an annual turnover of up to EUR 50 million or a balance sheet total of no more than EUR 43 million. Further information is available at

<http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en>.

|  |  |
| --- | --- |
| **IV.1. Qualitative reporting on SME participation** |  |
| New developments  | The information should focus on the new developments regarding the participation of SMEs in public procurement since the previous reporting exercise, and especially on the new measures taken in the respective Member State in order to support the participation of SMEs in public procurement. These measures could include: * *policy and legislative initiatives launched to support SMEs participation in public procurement;*
* *measures targeting SME participation in different techniques for aggregated procurement (framework agreements, dynamic purchasing systems, and centralised procurement activities);*
* *measures targeting the participation of start-ups and scale-ups in public procurement;*
* *measures ensuring that payment for public contracts are made on time, especially in the case of SMEs;*
* *measures addressing the payments to subcontractors;*
* *guidelines or instructions for contracting authorities on how to treat grouping (e.g. consortia) of SMEs;*
* *guidelines for contracting authorities on the application of 'divide or explain' principle;*
* *targets for SME participation in public procurement.*

The information could also include the difficulties still existing in the Member State, concerning SMEs’ participation in public procurement.PPL 2016 contains several measures to improve the access of SMEs to public procurements:- Low national thresholds for publication of contract notices on the national procurement platform;- European Single Procurement Document (ESPD) must be used in all public procurement procedures;- Economic operators shall not be required to submit supporting documents or other documentary evidence as far as the contracting authority has the possibility of obtaining the relevant information directly by accessing them in a database (court register, criminal records, tax administration records); - MEAT criteria (i.e. best price quality ratio) is obligatory- PPL 2016 has lowered tender security value to max 3% of the procurement value- PPL 2016 has lowered the amount of fee for initiating the appellate procedure- There is no obligation to sign a bid with e-signature- The contracting authority shall transfer due payments directly to the subcontractor for the part of the contract performed by such subcontractor, unless, in duly justified cases, in connection with the nature of the contract or specific conditions for its performance, that is not applicable, provided that such reasons are stated and explained in the procurement documents or that the contractor provides proof that the obligations towards the subcontractor for that part of the contract have been settled.- Help-desk service, providing expert assistance on relevant procurement issues is available for both the contracting authorities and for economic operators who participate or are interested in participating in public procurement procedures.- Training and workshops (not carried out exclusively for SMEs) are organised periodically by the Ministry of the Economy and Sustainable Development in cooperation with the Croatian Chamber of Commerce.The Ministry of the Economy and Sustainable Development provides guidance and interpretations for the application of the PPL 2016 in form of: written opinions/ responses to the received questions from contracting authorities and economic operators, telephone counselling to contracting authorities and economic operators, establishment of "help desk", preparation and publication of materials on the website of the Public Procurement Portal, conducting quick procurement documents control in EOJN, and through coordination meetings with different stakeholders. |
| IV.2. Quantitative indicators  | *This section contains examples of quantitative indicators related to section IV.1. Other related indicators can also be included in the report.* |
| Please provide, when available, any quantitative data (statistics, etc.) regarding SMEs’ participation in public procurement | *The following list includes suggested indicators for the participation of SMEs in public procurement (acting as a unique bidder or in a consortium):** *SMEs winning in above EU threshold procurement:*
* *the value of contracts awarded to SMEs over the total value of contracts awarded irrespective of bidder’s size class;*

|  |  |  |  |
| --- | --- | --- | --- |
| *Above EU threshold* | *2018* | *2019* | *2020* |
| *The number of contracts awarded to SMEs* | *2.188* | *3.895* | *4.071* |
| *The total number of contracts awarded* | *5.751* | *8.995* | *8.390* |
| *The number of contracts awarded to SMEs over the total number of contracts awarded* | *0,380* | *0,433* | *0,485* |
| *The value of contracts awarded to SMEs (without VAT)* | *8.999.987.869* HRK | *9.515.305.411* HRK | *14.230.570.702* HRK |
| *The total value of contracts awarded (without VAT)* | *25.839.970.759* HRK | *27.411.122.334* HRK | *32.720.971.053* HRK |
| *The value of contracts awarded to SMEs over the total value of contracts awarded* | *0,348* | *0,347* | *0,434* |

* *SMEs winning in below EU threshold procurement[[2]](#footnote-3):*
* *the number of contracts awarded to SMEs over the total number of contracts awarded irrespective of bidder’s size class;*
* *the value of contracts awarded to SMEs over the total value of contracts awarded irrespective of bidder’s size class.*

|  |  |  |  |
| --- | --- | --- | --- |
| *Below EU threshold* | *2018* | *2019* | *2020* |
| *The number of contracts awarded to SMEs* | *6.962* | *8.842* | *9.202* |
| *The total number of contracts awarded* | *12.361* | *15.359* | *15.520* |
| *The number of contracts awarded to SMEs over the total number of contracts awarded* | *0,563* | *0,575* | *0,593* |
| *The value of contracts awarded to SMEs (without VAT)* | *6.037.647.859* HRK | *9.894.144.541* HRK | *11.156.611.547* HRK |
| *The total value of contracts awarded (without VAT)* | *10.756.522.416* HRK | *15.622.212.720* HRK | *18.627.135.952* HRK |
| *The value of contracts awarded to SMEs over the total value of contracts awarded* | *0,561* | *0,633* | *0,599* |

* *If available, estimates of indirect participation[[3]](#footnote-4) of SMEs in public procurement above threshold;*
* *If available, estimates of indirect participation of SMEs in public procurement below threshold;*
* *If applicable, current attainment rate of the target set for SMEs participation.*

*This list is not exhaustive. In case your Member State collect other indicators that you may find useful to track and measures the achievements in this area, please include them in the reporting.* |

## Information on the practical implementation of national strategic procurement

|  |  |
| --- | --- |
| V.1 Green procurement ('GPP') | Green Public Procurement ('GPP') is defined as "a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured."[[4]](#footnote-5) A voluntary target of 50 % GPP per Member State in number and value of relevant procedures was proposed by the Commission and welcomed by the Council in 2008. |
| V.1.1 Qualitative reporting  |  |
| Key challenges encountered | The information should focus on:- key challenges encountered in using green public procurement- lack of initiative to change patterns of behaviour- lack of information on GPP and examples of good practice- lack of green products and services on Croatian market and among Croatian producers- lack of legal framework for stronger use of GPP- limited founding/support for green/circular business models- measures taken to overcome them The National website was improved and education was continued. National GPP web platform consists list of GPP criteria, education materials, webinars, LCA tools and examples of good practice and relevant news: <https://www.zelenanabava.hr/>.During 2018 till 2019, a series of activities and measures from First National Action Plan for Green Public Procurement (2015 – 2017) with a view to 2020 were undertaken in the following areas:Education-in 2018 and 2019, free of charge workshops were organized on the theme of GPP for procurers in four largest Croatian cities for 700 public procurers- in 2018 four workshops were organized on the theme of GPP for trainers in the field of public procurement in four largest Croatian cities, free of charge- GPP is included in the framework of regular public procurement education- a GPP e-learning module has been developed and posted on the national GPP web platform - LCA tools were developed for 6 GPP products categories- a methodology for calculating carbon dioxide emission savings has been developed for the six most procured GPP categories with a video tutorial in the form of a PPT presentation and a corresponding model in the form of an excel spreadsheet Promotion- in 2018 and 2019 work was continued on the national GPP web platform ([www.zelenanabava.hr](http://www.zelenanabava.hr)) as a unique platform in the Croatian language for the publication of all information relevant for the GPP (examples of good practice, training materials, e-learning materials, webinars, e-courses, photos and multimedia content, lifecycle cost calculators and other)- GPP video explainer was developed for decision makers to make them aware of GPP benefits- during 2019 a GPP helpdesk was establishedInclusion of GPP criteria in public procurement procedures - through the work of the national GPP Committee and in other ways, all public procurement stakeholders are encouraged to include GPP criteria in public procurement proceduresMonitoring Every legal body in Croatia that is obligated to follow the procedures of public procurements according to the Croatian Public Procurement Act is monitored through in two ways:* through official Electronic Public Procurement Classifieds (EOJN; since 2015 on annual basis). EOJN gives simple information about the use of environmental criteria in public procurement when the contract is concluded.

- difficulties still existing in the Member StateFor better implementation of the GPP, it is necessary to continue with the development of supporting infrastructure (helpdesk, portal etc.) as well as with education that needs to be directed to decision-makers, especially ones at local and regional level. It is also necessary to improve the public procurement monitoring system through the EOJN.The change of behaviour patterns must start from the level of the decision-makers who must give their clear political support to change and set the GPP commitments at a strategic level. |
| V.1.2. Supporting documents |  |
| Please report any available evidence or supporting document for point V.1, illustrating the measures, achievements or challenges faced, relating to the use of green public procurement.  | *Possible relevant (non-exhaustive) documents may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):** *National definition of 'green public procurement';*
* *Targets for the uptake of GPP and the way they are defined i.e. for overall procurement, for specific product groups, by value, by number of contracts;*
* *Any legal obligation to include green or circular requirements in tenders;*
* *Any recommendations to use the GPP criteria developed by the European Commission, respectively for which product groups. If different criteria are recommended, please specify whether they are similar to/inspired by the EU criteria;*
* *Activities in the area of capacity-building for procuring ‘green’ (institutionalised or ad-hoc training, helpdesks, etc.).*

First National Action Plan for Green Public Procurement for period 2015 – 2017 with a view to 2020 (I NAP) was adopted by Croatian government in August 2015 and defines green public procurement: <https://www.zelenanabava.hr/dokumenti/nacionalni_akcijski_plan_za_zelenu_javnu_nabavu.pdf>The I NAP sets the overall objective of 50% off all public contracts to include environmental; GPP criteria by the year 2020. The objective is identical to the common goal at the European Union level. This objective is planned to be achieved through national action plans. I NAP sought to establish a framework for the implementation of measures and activities that will contribute to greater implementation of GPP in public procurement procedures and to achieve this goal.To achieve this goal, 17 activities were divided into four thematic areas (education, promotion, inclusion of GPP criteria in public procurement procedures, monitoring).In I NAP, GPP criteria for six priority products and services was set up in a form that would simplify its inclusion in the procurement documentation. These criteria are identical to the EU GPP criteria:- copying and graphic paper - motor vehicles (trade)- electricity- cleaning services- telecommunication services and mobile telephony services together with devices- office and IT equipment (IT equipment).Within the I NAP relevant EU eco-labels were presented.All data related to I. NAP, training materials, eco labels, handbook on GPP and other supporting materials related to GPP are available on the national GPP website ([www.zelenanabava.hr](http://www.zelenanabava.hr)).GPP helpdesk mail is active since 2017 zelena.nabava@mingor.hrMeasures, achievements and challenges faced during the implementation of the I NAP are listed in the point V.1.1.Also Energy efficiency law (OG 127/14, 116/18, 25/20 and 32/21): https://www.zakon.hr/z/747/Zakon-o-energetskoj-u%C4%8Dinkovitosti and Law on the promotion of clean and energy efficient vehicles in road traffic (OG 127/13): <https://www.zakon.hr/z/677/Zakon-o-promicanju-%C4%8Distih-i-energetski-u%C4%8Dinkovitih-vozila-u-cestovnom-prometu> include obligations to include green requirements in the tender documents. |
| V.1.3. Quantitative indicators | *This section contains examples of quantitative indicators related to section V.1. Other indicators can also be included in the report.* |
| Please provide, when available, any quantitative data (statistics, etc.) illustrating the achievements and challenges identified under section V.1.1 above. To the extent possible, these indicators should be further grouped by type of legal problem. | *Possible relevant (non-exhaustive) documents for consideration may be as follows:** *Percentage of public procurement procedures incorporating green or circular criteria out of the whole volume of procurement at national level and if available, for the GPP product groups (e.g.* <http://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm>*) for which monitoring is being done, measured by number and value.*

Data collected through Electronic Public Procurement Classifieds (EOJN; since 2015 on annual basis). EOJN gives information about the use of environmental criteria in public procurement when the contract is concluded**2018:**In 2018, 3% of concluded contracts included environmental GPP criteria.Contracting authorities concluded 541 contracts in which green public procurement criteria were used in the amount of HRK 1,437,968,211 without VAT, namely contracting authorities in 441 contracts in the amount of HRK 1,089,032,700 without VAT, while sectoral contracting authorities published 100 contracts in the amount of HRK 348,935,511 without VAT. Compared to 2017 (164 contracts), 377 more contracts were published, which is an increase of 329.88%. However, the value of contracts in 2018 compared to the value of concluded contracts in which the criterion of green public procurement was used in 2017 (HRK 2,577,219,451) recorded a decrease of 44.21%.**2019:**In 2019, 7% of concluded contracts included environmental GPP criteria.Contracting authorities concluded 1,731 contracts in which green public procurement criteria in the amount of HRK 4,248,846,794 without VAT were used, namely contracting authorities in 1,580 contracts in the amount of HRK 3,721,757,385 without VAT, while sectoral contracting authorities published 151 contracts in the amount of HRK 527,089,409 without VAT. Compared to 2018 (541 contracts), 1,190 more contracts were published, which is an increase of 296.96%. The value of contracts in 2019 in relation to the value of concluded contracts in which the criterion of green public procurement in 2018 (HRK 1,437,968,211) was used, increased by 195.47%. |
| V.2 Socially responsible public procurement ('SRPP') | Socially Responsible Public Procurement ('SRPP') is defined as procurement that takes into account one or several social considerations for advancing social objectives. SRPP covers a wide spectrum of social considerations, such as for example employment opportunities, decent work conditions, compliance with social and labour rights, social inclusion, equal opportunities and accessibility. |
| V.2.1 Qualitative reporting |  |
| Key challenges encountered | The information should focus on:- key challenges encountered in promoting socially responsible public procurement, if any- measures taken to overcome them - difficulties still existing in the Member State.No data available |
| **V.2.2. Supporting documents** |   |
| Please report any available evidence or supporting document for point V.2.1 illustrating the measures, achievements or challenges faced, relating to the promotion of SRPP.  | *Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):** *National SRPP definition;*
* *List and brief description of national policy initiatives launched in the area of SRPP;*
* *Any obligation to include socially responsible criteria or contract performance clauses in the tender documents imposed by your national system, and the contracting authorities or contracting entities which are required to comply;*
* *Any information on social labels in use.*

No data available |
| **V.2.3. Quantitative indicators**  | *This section contains examples of quantitative indicators related to section V.2. Other indicators can also be included in the report.* |
| Please provide, when available, any quantitative data (statistics, etc.) illustrating the achievements and challenges identified under section V.2.1 above.  | *Possible relevant (non-exhaustive) documents for consideration may be as follows:** *Number of public procurement procedures incorporating socially responsible award criteria. Please specify how many of those are regulated under the 'light regime' of Title III Chapter I (Articles 74-77 of Directive 2014/24/EU and Articles 91-94 of Directive 2014/25/EU):* No data available
* *Number of public procurement procedures reserved to sheltered workshops and economic operators in line with article 20 of the Directive:*

|  |  |  |
| --- | --- | --- |
| *2018* | *2019* | *2020* |
| *33* | *22* | *53* |

* *Number of public procurement procedures for the provision of health, social or cultural services as referred to in article 77.1 reserved to organisations fulfilling the conditions listed in article 77.2.:*

|  |  |  |
| --- | --- | --- |
| *2018* | *2019* | *2020* |
| *601* | *459* | *333* |

* *Number of public procurement procedures incorporating socially responsible contract performance clauses criteria. Please specify how many of those are regulated under the 'light regime' of Title III Chapter I (Articles 74-77 of Directive 2014/24/EU and Articles 91-94 of Directive 2014/25/EU):* No data available*.*
 |
| V.3 Public procurement of innovation | An innovative solution is defined in 2014/24/EU Art.2 (1.22) as "a new or significantly improved product, service or process". This includes not only those solutions resulting from R&D but also those solutions resulting from activities, "including but not limited to production, building or construction processes, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations." Please report both dimensions of innovation procurement: procurement of R&D and procurement of innovative solutions.No Innovation partnerships have been awarded in 2018, 2019 or 2020.HAMAG-BICRO did not implement the procurement of research and development and procurement of innovative solutions. Mininistry of Economy and Sustainable Development have participated as a project partner in the Interreg project PPI2Innovate, which dealt with public procurement of innovative solutions, and upon completion of the project in year 2019., the Competence Center for Public Procurement for Innovative Solutions was established. |
| V.3.1 Qualitative reporting |  |
| Key challenges encountered | The information should focus on:- key challenges encountered in promoting innovation procurement, if any;* There are still large public needs that need to be met through classic methodology of public procurement, thus the space for innovative solutions is still limited at this stage
* Lack of funds for implementing projects dealing with PPI
* Lack of knowledge of contracting authorities about how to use PPI
* Lack of stronger connection of innovation “ecosystem” stakeholders
* Non selecting PPI due to different/longer duration of the implementation process
* Lack of financial resources for promoting PPI.

These reasons make the promotion of PPI more difficult. - measures taken to overcome them; * HAMAG-BICRO has established a Competence Center for Public Procurement for Innovative Solutions as a contact point for innovative public procurement in the Republic of Croatia, where useful information and an overview of current events and news related to the procurement of innovative solutions through public procurement procedures can be obtained in one place.

- difficulties still existing in the Member State.* Low awareness and knowledge about PPI
* Lack of funds for promotion and implementation
* Non selecting PPI due to different/longer duration of the implementation process
 |
| V.3.2. Supporting documents |  |
| Please report any available evidence or supporting document illustrating the measures, achievements or challenges faced, relating to the promotion and implementation of innovation procurement. | *Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):** *National (or Regional) Action Plan and/or targets for innovation procurement and its stage of implementation. Information on how are they defined;*

*Strategy for innovation support Action plan, Measure 2.5. Boosting the implementation of innovation throughout the public procurement system; Smart Specialization Strategy (S3) Action plan, Strategic objective 5: “Accepting and using innovative public procurement in addressing identified problems associated with social challenges”** *Any additional provisions for innovation procurement in your national legislation that go beyond the provisions in the EU public procurement directives (e.g. more detailed definition of innovative solutions and/or R&D, specific provisions on innovation procurement Art 33 of 2014 EU State aid rules on R&D&I);*

*-** *National (or Regional) guidelines on innovation procurement (e.g. on IPR handling, joint procurement to create demand pull for buying innovative solutions, on R&D procurement);*

*PPI2Innovate project was included in Strategy for innovation support Action plan, Measure 2.5. Boosting the implementation of innovation throughout the public procurement system as realization of the measure for period 2014 – 2020.** *National (or Regional) activities on capacity-building on innovation procurement (institutionalised or ad-hoc training, helpdesks, etc.);*

*Throughout the implementation of PPI2Innovate project activities: PPI trainings, conferences, round-tables, press conferences, workshops and also direct contact with public procurers from all over Croatia within PPI2Innovate project as well as establishing a Competence Center for Public Procurement for Innovative Solutions.* * *Information about outcomes e.g. impact on demand side (increase in quality and/or efficiency of public services), impact on the supply side (increase in sales/company growth, intensified investments in R&D/innovation and/or IPRs), wider market impacts (number/value of contracts awarded to SMEs, amount of contracts awarded to non-domestic providers);*

*Within PPI2Innovate project HAMAG-BICRO has mapped 8 promising PPI projects in Croatia and established* *Competence Center for Public Procurement for Innovative Solutions, out of which Regional Energy Agency North, as one of the partners of the Competence Center for Public Procurement for Innovative Solutions in cooperation with the City of Koprivnica, won the award for the project of the year for the procurement of innovation. You can find more at* [*https://procuraplus.org/awards/*](https://procuraplus.org/awards/)*.** *Activity report on the follow-up and the evolution of the measures put in place.*

*-* |
| For purchases made under the EU thresholds, please report any information or document demonstrating that purchase of innovative solutions have been made (e.g.: innovation partnerships or the use of the innovation criterion). |

## Information on monitoring and reporting bodies

This section should include a list of the body/bodies performing the public procurement monitoring activities required by the public procurement directives and the entities in charge with the drafting of the report to be provided to the European Commission on the results of the monitoring activities (e.g. review bodies, anti-corruption bodies).

The Ministry of Economy and Sustainable Development

The Ministry of Justice and Public Administration

The State Commission for Supervision of Public Procurement Procedures

Croatian Competition Agency

## Replicability

This section should provide information allowing anyone to fully replicate the quantitative results presented in the report. The data and methodologies used to compute quantitative indicators should be clearly indicated in the report or by providing the relevant documents, (this is valid for all quantitative indicators of this template).

|  |  |
| --- | --- |
| Links to datasets used to prepare the report | The Commission recommends publishing the source data as open data, e.g. as is the case for the Tenders Electronic Daily database at <http://data.europa.eu/euodp/cs/data/dataset/ted-csv>. Links to Statistical Reports for 2018 and 2019:<http://www.javnanabava.hr/userdocsimages/userfiles/file/Statisti%C4%8Dka%20izvje%C5%A1%C4%87a/Godi%C5%A1nja/Statisticko_izvjesce_JN-2018.pdf> <http://www.javnanabava.hr/userdocsimages/Statisticko_izvjesce_JN-2019%20-%20NOVO-converted.pdf> <https://eojn.nn.hr/Oglasnik/><http://www.dkom.hr/> |
| Files used to obtain the results from the datasets | This section should include for example the scripts or code for the relevant statistical software or the Excel files used.Public Procurement Statistical Report for 2018, 2019 and 2020. Report from the State Commission for the Supervision of Public Procurement Procedures for 2018, 2019 and 2020. |
| Other complementary data | The submission of any other disaggregated datasets (e.g. flat files containing below EU threshold contracts) is encouraged.  |

**Annex I:**

**Methodology for estimating the value of procurement, which would have been covered by the directives if its value had exceeded the relevant thresholds and for the estimation of the aggregated total value of procurement above EU thresholds**

### 1. Classification and methodology

Indicate the basic characteristics of the methodology used by selecting from the options below. Description of the methodology is to be given in the subsequent section.

#### 1.1. General approach:

1. [data available under national notice/contract publication requirements]
2. [sample-based estimates]
3. [combined]

Please note that in our opinion using existing administrative data is preferable, as it implies both lower administrative burden (no additional data collection is necessary) and higher data quality.

If a sampling approach is taken, both the source of the sample and the sampling methodology, provided in the following subsection, must be able to withstand careful scrutiny. This ensures that the estimate is representative of the whole Member State.

#### 1.2. Source of data:

|  |  |  |  |
| --- | --- | --- | --- |
|  Scope:Source of data: | above national publication thresholds [✓] | below national publication thresholds [✓] | Above EU thresholds [✓] |
| [e-notification platforms] | ✓ | ✓ | ✓ |
| [e-submission platforms] | ✓ | ✓ | ✓ |
| [invoices] | X | X | X |
| [budgets] | X | X | X |
| [other] | X | X | X |

### 2. Methodology description

Indicate, amongst others, information on the sources of data, approaches taken to deal with possible missing data and erroneous data, and representativeness of the sample used (if a sample-based approach was taken). If methodology is different depending on the thresholds or source of data, please clearly indicate this, including the relevant thresholds.

The obligation to prepare annual statistical reports for contracting authorities/entities is defined in Article 441, paragraph 2 of the PPA. By 31st March of the current year, the contracting authorities/entities are obliged to prepare a statistical public procurement report for the previous year.
This report is made through the Electronic Public Procurement Classifieds of the Republic of Croatia (EOJN RH, <https://eojn.nn.hr>).

Contracting authorities/entities are responsible for the accuracy of the data entered manually into the statistical module.
It should be noted that all contracts are recorded according to the date of publication of the contract, not the publication number. Therefore, the criterion of "entering" into the statistical report is the value of each contract / framework agreement without VAT from the contract award notice.

The data that are provided can be divided into two parts by the thresholds (above and below the EU thresholds), the procurement procedures below the EU threshold (regulated by national legislation) divides them even further:

* procurement procedures above the EU threshold (public procurement published in the Official Journal of the European Union as well)
* procurement procedures below the EU threshold
	+ “low value” public procurement, which is published only in the Electronic Public Procurement Classifieds and not in the Official Journal of the European Union
	+ procurement below national threshold (publication in the Electronic Public Procurement Classifieds is optional)

**Annex II:**

|  |  |  |  |
| --- | --- | --- | --- |
|   | **2018** | **2019** | **2020** |
| **Number of notices announcing a call for competition above thresholds**  |   |   |   |
| **Number of notices announcing a call for competition below thresholds**  |   |   |   |
| **Number of awarded contracts above thresholds**  |   |   |   |
| **Number of awarded contracts below thresholds**  |   |   |   |
|  **Total value of procurement above EU thresholds (EUR/National currency)** |   |   |   |
| **Total value of procurement below EU thresholds (EUR/National currency)** |   |   |   |

**Annex III:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **2018** | **2019** | **2020** |
| **Number of decisions** |  |  |  |
|  **upon a complaint** |  |  |  |
|  ***ex officio*** |  |  |  |
| **Comments** |  |  |  |
| **Median length of the review** |  |  |  |
|  **upon a complaint** |  |  |  |
|  ***ex officio*** |  |  |  |
| **Comments** |  |  |  |
| **Number of review decisions challenged** |  |  |  |
| **Number of decisions (primarily) upheld** |  |  |  |
| **Number of decisions (primarily) rejected** |  |  |  |
| **Number of decisions – other**  |  |  |  |
| **Comments** |  |  |  |

1. A review initiated upon review body’s own motion. [↑](#footnote-ref-2)
2. This request is not mandatory as this type of procurement is not covered by the 2014 Directives. [↑](#footnote-ref-3)
3. Indirect participation is intended to mean participation of an SME as either a subcontractor or a “significant supplier” (supplying for more than 10% of the contract value) to the company/consortium signing the contract. [↑](#footnote-ref-4)
4. Commission Communication (COM (2008) 400) "Public procurement for a better environment". [↑](#footnote-ref-5)