

PREVENTION OF CORRUPTION IN PUBLIC PROCUREMENT: IMPORTANCE OF GENERAL LEGAL PRINCIPLES

Anatoly Krivinsh

Riga Stradina University
Dzirčiema 16, LV-1007 Riga, Latvia
Telephone (+371) 2614 5470
E-mail: anatolijs777@gmail.com

Andrejs Vilks

Riga Stradina University, Faculty of Law
Dzirčiema 16, LV-1007 Riga, Latvia
Telephone (+371) 67409218
E-mail: andrejs.vilks@rsu.lv

Received on 24 July, 2012; accepted on 20 June, 2013

***Abstract.** The article “Prevention of corruption in public procurement: importance of general legal principles” examines the importance of general legal principles in the sphere of public purchases. The purpose of the work is to analyse the information on possible methods of prevention of and fight against corruption. The main result of the work is the conclusion that strict adherence to the general legal principles is one of the corruption-reducing factors. While combating corruption in the field of public procurement, general legal principles should not be divided into primary and secondary principles, because they are all equally important and complement each other. Audit of the normative acts regulating public procurement shall be performed in the Member States of the European Union; positivisation of the following principles will effectively prevent manifestations of corruption in the area of public procurement: the principle of responsibility; principle of permanent composition of the*

procurement commission; the principle of in dubio pro reo; the principle of compensation; the principle of control; the principle of objectivity; the principle of completing the procurement procedure within a reasonable time period.

Keywords: *corruption, public procurement, general legal principles.*

Introduction

The author bases the topicality of theme analysed in this article concerning prevention of corruption on the 2012 Corruption Perceptions Index compiled by the global civil society organisation “*Transparency International*”, which scores 176 countries on a scale from 100 (very clean – the lowest level of corruption) to 0 (highly corrupt). The analysis of the results of the Baltic Sea region shows that Denmark and Finland rank at 1 out of 176 countries (both 90), Sweden ranks at 4 out of 176 countries (with a score of 88), Germany ranks at 13 (79), Estonia ranks at 32 (64), Poland ranks at 41 (58), Lithuania ranks at 48 (54), Latvia ranks at 54 (49) and Russia ranks at 133 (with a score of 28).

Public procurement is an area particularly sensitive to corruption¹ and it cannot be viewed separately from the overall context of the corruption level. The financial risks at stake and the close interaction between public and private sectors make public procurement a risk area for unsound business practices, such as conflict of interest, favouritism and corruption². The Stockholm programme³ names public procurement as an area that should be the focus of attention in the context of combating corruption.

While emphasising that corruption in public procurement is a significant problem, the author puts forward the **thesis** that corrupt activities in the area of public procurement cannot be implemented without violating any of the general legal principles that have been discovered, derived or developed within legal science, jurisprudence and institutional practice.

The present article **aims** to summarise the range of general legal principles that must be applied in public procurement and to determine their importance in the context of prevention of corruption.

Corruptive schemes cannot be fulfilled without violating the principles on the part of the commissioning party. For example, the commissioning party fails to apply procurement procedures in compliance with the procurement matter and conventional

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- 1 Latvijas Republikas Valsts kontrole. Gada pārskats 2002. Analītisks materiālu vērtējums revīzijas temata ietvaros [interactive] 2002 [accessed on 13-03-2013]. <http://www.lrvk.gov.lv/index.php?id=653>
 - 2 Green Paper on the modernisation of EU public procurement policy - Towards a more efficient European Procurement Market COM (2011) 15, January 2011 [interactive] 2011 [accessed on 13-03-2013]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0015:FIN:EN:PDF>, p.48.
 - 3 European Council. The Stockholm Programme – An open and secure Europe serving and protecting the citizens. Council document 17024/09 adopted by the European Council on 10/11 December 2009 [interactive] 2009 [accessed on 13-03-2013] <http://register.consilium.europa.eu/pdf/en/09/st17/st17024.en09.pdf>

price; the procurement is ill-foundedly divided into parts; discriminative requirements are established for the applicants in the procurement documentation; violations of the tender evaluation process are tolerated; grounds for the decision to exclude the applicant are not stated or possibilities for disputing the results of the procurement are not indicated; the commissioning party enters into agreement under conditions that differ from the conditions of selected offer or procurement conditions; the commissioning party extends the existing contract without recourse to the procurement procedure; the commissioning party makes purchases unnecessary for the satisfaction of the needs of the state or local government; applicants are treated unequally in regard to preparation of specifications and tender evaluation; the commissioning party enters into agreements that do not ensure quality etc.

Implementation of every corrupt activity mentioned above entails a violation of one or several general legal principles. Thus, for example, organisation of unnecessary procurements violates the principle of economy and efficiency in the use of state and local government funds; preparation of the procurement documentation for the benefit of a particular supplier violates the principles of competition and equality; failure to publish the procurement documentation violates the principle of transparency; incorrect evaluation of tenders violates the principles of equality, free competition and the principle of efficient utilisation of funds.

The authors of the present article are convinced that the efficiency of prevention of corruption in public procurement would increase, if members of procurement commissions had perfect knowledge of general legal principles, if they accepted their importance and if they did not tolerate the violation of these principles during implementation of the procurement procedure. The first step in this direction is summarising the general legal principles included in the legal systems of public procurements.

While analysing such legal principles as transparency of public procurement procedure, free competition of suppliers, fair and equal treatment of suppliers, the principle of economy and efficiency in the utilisation of state and local government funds, principle of reducing the contracting authority's risk to the minimum, the authors will examine both the content and the anti-corruption importance of these principles.

1. Principle of Transparency of the Public Procurement Procedure

The principle of transparency of the public procurement procedure means that public procurement activities shall be carried out as openly as possible in order to make the decision-making process better and improve public access to information, which in its turn verifies the democratic nature of the institutions and fidelity of the society to the administration. The principle of openness or transparency shall be implemented by ensuring availability of information to the public (procurement notices, tender regulations, technical specifications, procurement procedure report, contract (to the extent stipulated by the law), public opening of tenders (competition), providing

of additional information equally to all applicants. One manifestation of the principle of transparency is publishing of the information about the procurement as stipulated by the law⁴, for instance, defining in the procurement documents the exact scoring methodology for every tender evaluation criterion.

The anti-corruption importance of the principle. The encouraging attitude of the state, providing maximum freedom of access to the documents in its possession, is one of the main factors indicating low level of corruption in the Scandinavian countries. When the availability of information about the decision-making process and the concluded transactions is ensured, the disclosure of information restricts opportunities of officials to engage in illegal transactions, creates serious obstacles for public officials to engage in illegal transactions and to acquire wealth by taking possession or misappropriation of public property⁵.

2. Principle of Free Competition

The principle of free competition refers to procurement requirements that shall apply equally to all suppliers and implies that a particular supplier or a group thereof cannot be subjectively discriminated or, *vice versa*, cannot be favoured, i.e. the commissioning party shall not make any requirements for applicants that restrict competition. For example, the procurement requirements apply equally to all suppliers, regardless of whether the supplier is a legal or a natural person⁶. Recognition of the tenderer who has submitted a tender of abnormally low price as the winner of the procurement should also be considered incompatible with the principles of free and fair competition⁷. The principle of free competition is largely associated with the fundamental freedoms guaranteed by the Treaty establishing the European Community (free movement of goods, freedom to provide services, freedom of establishment, freedom of movement)⁸. Free competition can be encouraged by the following actions of officials responsible for purchasing: minimising the tender submission costs, establishing requirements for participation that do not unfoundedly restrict competition, allowing take part in the competition for companies from other regions and countries or develop ways to

4 Decision #4-1.2/10-67 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 23.03.2010.

5 Delna. Informācijas pieejamība valsts un pašvaldību iestādēs [interactive] 2000 [accessed on 13-03-2013]. <<http://www.politika.lv/temas/5477/>>.

6 Decision #4-1.2/08–104 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 14.04.2008.

7 Decision # 4-1.2/11-228 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 20.07.2011.

8 COUNCIL OF THE EUROPEAN UNION. Consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community [interactive] 2008 [accessed on 13-03-2013]. <http://www.ecb.int/ecb/legal/pdf/ce32120061229en00010331.pdf>

stimulate the participation of smaller companies, even if such companies are unable to submit a bid for the entire contract amount⁹.

The anti-corruption importance of the principle. Corruption in public procurement destroys the mechanisms of free competition. Restriction of competition decreases the opportunities to receive the best tender, to save the resources of the commissioning party (i.e. tax payers), and to obtain the highest quality product or service. By contrast, ensuring free competition raises public confidence in the competitive process.

3. Principle of Equal and Fair Treatment of Suppliers

Principle of equal and fair treatment of suppliers means that the commissioning party's attitude towards the applicants under the same legal and factual circumstances is equal, but under different circumstances the attitude is different¹⁰. According to the judicature of the European Court of Justice, the principle of equality means that the commissioning party has an obligation to ensure equal opportunities and efficient competition for all suppliers participating in the procurement procedure¹¹. This means that the commissioning party ensures equal opportunities for all applicants to compete for the right to enter into contracts; no requirements shall be made by the commissioning party to applicants that would create more favourable conditions to a particular applicant, compared to the others; while making decisions, the commissioning party observes impartiality and provides the suppliers with an adequate opportunity to express their opinion; the procurement commission member whose impartiality may be reasonably doubted does not participate in the decision-making¹²; in assessing tenders of the applicants, the procurement commission follows comparable indicators, in addition, no applicant should be put in a worse position than the other candidates¹³; the commissioning party ensures unified approach to all persons involved in the procurement process, regardless of their origin, social and financial status, occupation, citizenship, race or national identity, religious affiliation, sex, education, language, place of residence and other circumstances. For example, asking the tenderer to submit an additional document after opening of tenders, if the submission of the document was originally introduced in the procurement regulations, would contradict the principle of

9 Organisation for Economic Co-operation and Development (OECD). Vadlīnijas attiecībā uz to, kā apkarot manipulācijas ar piedāvājumiem publiskajos iepirkumos [interactive] 2009 [accessed on 13-03-2013] <http://www.oecd.org/dataoecd/19/11/46971562.pdf>

10 Decision #4-2.2/11-13 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 21.07.2011.

11 Case C-243/89. *Commission of the European Communities v Kingdom of Denmark* [1993] Judgment of the Court of 22 June 1993.

12 Administrative Procedure Law of the Republic of Latvia. *Latvijas Vēstnesis*. 2001, No.164 (2551). Section 14.¹

13 Decision #4-1.2/06-31 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 07.03.2006.

equal and fair treatment of suppliers¹⁴. *The anti corruption importance of the principle.* Both elements of the principle of equality (the principle of equality and prohibition of discrimination)¹⁵ serve as a guarantee of fairness and equality. It is difficult to imagine that a corrupted procurement commission complies with the principle of equality. Rather, the unequal treatment of applicants is an integral feature of corruption in public procurement.

4. Principle of Effective Utilisation of State and Local Government Funds

Principle of effective utilisation of state and local government funds implies ensuring maximum economic benefit for the commissioning party and providing the optimal ratio between investments and results ('price /quality'). Effective use of the commissioning party's resources is based on several key elements, including formulation of the list of needs in terms of goods, services or civil engineering works, procurement planning, definition of quantity, quality, price, location and execution time of procurement subject¹⁶. Procurement efficiency may be affected by such factors as public procurement policy (including legal regulation); planning, management and coordination of public procurements; centralisation or decentralisation of public procurement; violations of the principle of competition in the government market; quality of procurement procedures; level of professionalism of procurers; corruption offenses. Principle of effective use of state and local government funds refers not only to the procurement subject, but also to higher level of economy and efficiency in carrying out a public procurement, which implies the procurement process, concluding a procurement contract and control of performance of the contract with minimum volume of assets involved¹⁷. *The anti corruption importance of the principle.* The principle of procurement effectiveness cannot be separated from the issue of corruption. Corruptive schemes always lead to uneconomical use of funding allocated for attaining the goals. The authors points out that the principle of efficient use of public assets collides with instances of corruption: the more corruption is spread, the lower the efficiency of use of state and municipal funds.

14 Decision #4-1.2/11-95 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 04.04.2011.

15 Levits, E. *Par tiesiskās vienlīdzības principu. Par līdztiesību likuma un tiesas priekšā.* Par Satversmes 91. pantu. Latvijas Vēstnesis. 2003, No 68.

16 Малочко, В. *Государственные закупки: принципы, законодательные нормы и институциональные схемы.* Турин, 2002.

17 *Шадрина, Е.* Государственные и муниципальные закупки как система. Пермь [interactive] 2004. [accessed on 13-03-2013] <<http://iii04.pfo-perm.ru/Data2004/DCConf04/ShadrinaEV2.htm>>.

5. Principle of Commissioning Party's Risk Reduction

Principle of commissioning party's risk reduction implies minimisation of potential risks during the period of procurement process and contract implementation (including the risks concerning errors in the procurement procedure, the risks associated with non-compliance of the market offer with the needs of the commissioning party, the risks concerning the increase of costs and the decrease of quality during the period of execution of the procurement contract etc. For example, the commissioning party would breach their risk reduction principle if it does not request information from the applicant necessary for proper evaluation of the bid before awarding the contract to the tenderer whose tender is *prima facie* regarded as being of abnormally low price¹⁸. *The anti corruption importance of the principle*. Corruptive practices usually lead to a number of risks, primarily referring to the sphere of procurement contract execution. Firstly, there is a danger that the contract will not be executed at all (misappropriation of prepayment); secondly, there is a risk that the price of the negotiated contract is not a competitive and is not adequate to the market situation; thirdly, it is likely that the winner will not comply with the deadline for contract execution as well as the quality, extent and the price of the contract.

It should be noted that the general legal principles examined in the article form only a part of the range of general legal principles applied in the public procurement procedure.

Firstly, the public procurement procedure must be carried out within the framework of an administrative procedure. An institution implements external regulatory enactments, the legal norms of international law and the European Union (Community) law, as well as general legal principles. Thus, general legal principles of administrative proceedings (for example, the principle of observance of the rights of private persons; the principle of equality; the principle of the rule of law; the principle of reasonable application of the legal norms; the principle of prohibition of arbitrariness; the principle of confidence in legality of actions; the principle of lawful basis; the principle of democratic system; the principle of proportionality; the principle of priority of laws; the principle of procedural equity) and general principles of law, which have been discovered, derived or developed within institutional practice, or within jurisprudence, as well as in legal science shall also be applied in carrying out public procurement.

Secondly, one should bear in mind the dual nature of the public procurement procedure, which consists of two stages: at the first stage, the contract award decision is taken (a decision in the area of public law), at the second stage, the contract is signed with the selected candidate on the basis of the decision (a decision in the area of private law)¹⁹. Public legal relations are exercised as private legal relations, they are continued and terminated in compliance with the regulations of private law. All things considered,

18 Decision #4-1.2/09-138 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 20.04.2008.

19 Administratīvās rajona tiesas 2007.gada 16. aprīļa spriedums Lietā No A 42310205

after having signed the procurement contract the parties (the contracting authority and the contractor) shall comply also with the general principles of civil law, including the principles of good faith, bilateral agreement and principle of compensation.

Thirdly, the authors of the article also extend the framework of principles listed above by including competition regulations prepared by the commissioning party (procurement documents), legal status of which in the procurement procedure equals to that of an external normative act²⁰.

Fourthly, it should be noted that Member States of the European Union must not only comply with national legislation. An institution implements legal norms of the European Union (Community) according to their place in the legislative hierarchy of external regulatory enactments, as well as takes into account the case-law of the Court of Justice of the European Union. For example, it follows from Article 1 of Directive 2004/18/EC of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts that a public procurement procedure shall comply with such fundamental principles as ensuring equal opportunities, non-discrimination, mutual recognition, proportionality and transparency. According to the judgment of the European Court of Justice²¹, the commissioning party shall comply with the principles of non-discrimination and equality in public procurement procedure included in the second paragraph of public work preamble of the Treaty establishing the European Community.

As referred above, a summary of the general legal principles covered by the public procurement law system is only a first step towards the prevention of corruption. An important factor for the prevention of corruption is not only awareness of civil servants (i.e. not only the fact that they are aware of the range of general legal principles and understand the meaning of each of them), but real actions in their daily work as well (i.e. whether state officials, including civil servants, apply these principles in practice).

Unfortunately, reinsurance and formalism are characteristic of some civil servants, and such approach of the officials gives rise to well-grounded frustration of the bidders, culminating with submission of complaints regarding violations of the procurement procedure. It is no secret that the most common reasons of complaints are discriminatory conditions of the specifications, disproportionate requirements for the selection of candidates, abnormally low price of the competitors' bids as well as unlawful evaluation of tenders²². The following reasons have been mentioned in the submitted complaints: failure to evaluate efficiency considerations; rejection of the tender due to minor shortcomings of attesting some document copies; non-compliance

20 Decision #4-1.2/09-350 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 14.08.2009.

21 Case 199/85. *Commission of the European Communities v. Italian Republic* [1987] Judgment of the Court of 10 March 1987.

22 Mežalis, Ē. Seminārs "Iepirkuma procedūras dokumentu sagatavošana. Iesniegumu izskatīšana – materiāli un procesuāli aspekti" [2008] Materiāls nav publicēts.

with the proportionality principle stemming from Directive 2004/18/EC²³; failure to assess the proportionality of restriction of suppliers' rights; failure to ensure equal and non-discriminatory treatment of all participants of the procurement²⁴; deception of the suppliers in regard to the amount of the contract and changing of the amount of the contract after submission of tenders in breach of the principle of openness of the procurement procedure and the principle of equal treatment of suppliers²⁵.

In the authors' opinion, disregard of the general legal principles on the part of the procurers is mainly caused by inertia (internal factors) or corruption (external factors). Situations in which officials have freedom of action in their decision-making imply high risk of corruption. For instance, normative acts regulating public procurement procedure usually do not prescribe cases where the commissioning party is obliged to divide procurement into lots or the procedure for dividing the particular procurement object into lots, if the commissioning party has chosen to carry out the division. The commissioning party in this case is bound by the principle of free competition of suppliers and the principle of effective use of state and local government funds by reducing the contracting authority's risk to the minimum, according to which the evaluation of requirements of the regulations should be carried out, thus determining the preferable goal.

In the authors' opinion, this case and similar situations are dangerous in terms of corruption, because the apparatus of officials involved in the procurement procedure during the decision-making process is similar to 'machine bureaucracies'²⁶. Florence Heffron, organisation theory researcher, asserts that 'machine bureaucracies' get confused often and make mistakes when faced with something unprecedented.²⁷

The authors suggest more detailed positivisation of the general legal principles in national normative acts regulating public procurement as one of the possible solutions to the problem. Of course, it should be taken in consideration that the problem of corruption in the sphere of procurement (and its potential solutions) depends on the widely diverging national administrative and business cultures²⁸. For instance, Latvia is largely a 'written law' state, thus it is more likely that the person carrying out the public procurement will apply legal principles, if these are positivised. Consequently, in the legal conditions of Latvia, the basic principles stemming from democratic state system

23 Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts [2004] Official Journal L 134, 30/04/2004 P. 0114 – 0240

24 Decision #4-1.2/09-359 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 21.08.2008.

25 Decision #4-1.2/11-203 of the Complaints Examination Commission of the Procurement Monitoring Bureau (Republic of Latvia). 30.06.2011.

26 Heffron, F. *Organization theory and public organizations: The political connection*. Englewood Cliffs, New Jersey: Prentice Hall, 1989

27 *Ibid.*

28 Green Paper on the modernisation of EU public procurement policy - Towards a more efficient European Procurement Market COM (2011) 15, January 2011 [interactive] 2011 [accessed on 13-03-2013] <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0015:FIN:EN:PDF>>, p.50.

based on the rule of law should be incorporated in the text of the law *expressis verbis*. The incorporation of basic legal principles in the written texts of the norms in no way prevents these principles from development, but gives them ‘corroboration’²⁹.

In a situation where general principles of procurement directives are not incorporated in the law, the risk that procurement would be carried out only in accordance with procurement law and not in line with the other important principles listed in the provisions of the Directive increases³⁰.

Conclusions

1. Strict adherence to the general legal principles is one of the factors reducing corruption.

2. Application of the following general legal principles in the field of public procurement shall be mandatory:

- a) Principle of openness of the public procurement procedure, principle of free competition of suppliers, principle of equal and fair treatment of suppliers, principle of effective use of state and local government funds, principle of reducing the contracting authority’s risk to the minimum;
- b) Principle of observance of the rights of private persons; principle of equality, principle of the rule of law; principle of reasonable application of the norms of law; the principle of prohibition of arbitrariness; principle of confidence in legality of actions; principle of lawful basis; principle of a democratic system; principle of proportionality; principle of priority of laws; principle of procedural equity;
- c) Ensuring equal opportunities, principles of non-discrimination, mutual recognition, proportionality and transparency.
- d) General principles of law, which have been discovered, derived or developed within institutional practice, or within jurisprudence and legal science.

3. While combating corruption in the field of public procurement, general legal principles should not be divided into primary and secondary principles, because they are equally important and complement each other.

4. Audit of the normative acts regulating public procurement shall be performed in the Member States of the European Union; positivisation of the following principles will effectively prevent manifestations of corruption in the area of public procurement:

- **Principle of responsibility.** Officials of the commissioning party may be subjected to disciplinary, administrative, civil and criminal liability for their actions and their consequences.

29 Levits, E. *Valsts pārvaldes iekārtas likuma koncepcija*. Latvijas Vēstnesis. 2002, No 95 (2670).

30 Korupcijas novēršanas un apkarošanas birojs. Korupcijas novēršanas un apkarošanas biroja institucionālās un profesionālās kapacitātes pilnveidošana (B un C daļas). Iepirkuma un noma komponente. PHARE projekts No 2003/004-979-01-03 [interactive] 2003 [accessed on 13-03-2013] http://www.knab.gov.lv/uploads/free/iepirkumi_noma.pdf

- **Principle of constant composition of the procurement commission.** Procurement procedures are performed by the procurement commission, the composition of which remains unchanged. Replacement of a member of the procurement commission during the procurement procedure is permitted only if he/she cannot participate in the procurement process due to transfer to another job, illness or other objective reasons. Evaluation of bids (if any) shall be started anew if a procurement commission member is replaced by another member during the procurement procedure.
- **Principle of in dubio pro reo.** The applicant must not prove the conformity of his/her tender with the requirements specified in the procurement documents. Any reasonable doubts as to the eligibility of the tender, which cannot be eliminated shall be evaluated in favour of the applicant.
- **Principle of compensation.** A person who has suffered damage (material damage; non-material damage is not taken into consideration) as a result of the breach of procurement procedure has the guaranteed procedural opportunities to lodge a claim and to obtain material compensation.
- **Principle of control.** The procurement procedure is subject to regular internal and external control, in conformity with the competence of the controller, as stipulated by normative acts.
- **Principle of objectivity.** Members of a procurement commission and experts shall refuse to participate in the procurement procedure, if they have personal interest in the outcome of the procurement or there are circumstances that give reasonable grounds for persons involved in the procedure to believe that such an interest may exist. If such conditions exist, the applicant has the right to raise an objection. Acting on its own initiative or on the basis of an objection, the commissioning party shall cancel the participation of the persons having personal interest in the procurement procedure, if they have not refused participation by themselves.
- **Principle of completing the procurement procedure within reasonable time limits.** The procurement procedure should be completed within reasonable time limits, that is, without unjustified delay. The completion of the procurement procedure within reasonable time limits is related to the scope of the case, legal complexity of the procurement procedures and other objective circumstances.

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KORUPCIJOS PREVENCIJA VIEŠŪJŪ PIRKIMŪ SRITYJE

Anatolijs Kriviņš, Andrejs Vilks

Rygos Stradina universitetas, Latvija

Santrauka. *Straipsnyje analizuojami bendrieji viešųjų pirkimų teisės principai, jų įgyvendinimas bei veiksmingumas. Keliamas tikslas – atlikti giluminę korupcijos kontrolės ir prevencijos metodų analizę bei identifikuoti teisės principų vietą šioje sistemoje.*

Svarbiausias darbo rezultatas yra apibendrintos išvados dėl visuomenės pasitikėjimo bendrąja teise mažinant korupciją. Korupcijos kontrolės ir prevencijos viešųjų pirkimų srityje tikslai negali tapti pagrindu bendrųjų teisės principų suskirstymui į pirminius ir antrinius principus, nes jie yra vienodai svarbūs ir papildo vienas kitą. Viešųjų pirkimų įstatymai ir reglamentai, susiję su Europos Sąjungos teisės aktais, kuriais siekiama užkirsti kelią korupcijai, formuoja bendrųjų teisės principų įgyvendinimo praktiką. Viešųjų pirkimų srityje yra svarbūs šie principai: atskaitingumo, viešųjų pirkimų komisijos sudėties pastovumo, kompensacijos ir nuolatinės kontrolės ir objektyvumo principas, taip pat principas, įtvirtinantis reikalavimą viešųjų pirkimų procesą užbaigti per pagrįstai priimtina laikotarpį.

Reikšminiai žodžiai: *korupcija, viešieji pirkimai, bendrieji teisės principai.*

Anatoly Krivinh, Rygos Stradina universiteto Teisės fakulteto doktorantas. Mokslinių tyrimų kryptis: korupcija.

Andrejs Vilks, Rygos Stradina universiteto Teisės fakulteto profesoriuss. Mokslinių tyrimų kryptis: kriminologija.

Anatoly Krivinh, Riga Stradina University, Faculty of Law, Doctoral Candidate. Research interests: corruption.

Andrejs Vilks, Riga Stradina University, Faculty of Law, Professor. Research interests: Criminology.