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PARA LA LUCHA CONTRA LA CORRUPCIÓN

COMPARISON OF THE RULES AND PRINCIPLES FOR ORGANISING TENDERS IN RUSSIA AND THE PROCUREMENT REGIMES OF KAZAKHSTAN, BELARUS, KYRGYZSTAN AND ARMENIA

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Objective of the Study

The study assesses the extent to which the rules and principles for organising tenders that apply in Russia under Federal Law No. 44-FZ of 5 April 2013 on the contract system in the procurement of goods, works and services for the provision of state and municipal needs (hereafter law 44-FZ) and Federal Law No. 223-FZ of 18 July 2011 on the procurement of goods, works and services by certain types of legal entities (hereafter law 223-FZ) are reproduced in the procurement regimes of Kazakhstan, Belarus, Kyrgyzstan and Armenia. The principal question of the study is how similar these regimes are and whether the observation methods of the Consejo Internacional para la Lucha contra la Corrupción (hereafter CILC) can be transferred from one jurisdiction to another.

A procurement regime is understood as the body of rules on principles, methods, periods, securities, requirements for participants, the register of unscrupulous suppliers (hereafter the register; in Belarus and Armenia this instrument is called a list) and appeal. The rules of a regime are divided into three groups. Procedural rules determine how a procurement is conducted: methods, periods, securities, and requirements for participants and for the tender documentation. Rules on legal protection (remedies rules, as they are known in the English-language literature) cover the procedure for considering complaints by participants: the body, the periods, the powers and the consequences of the decision. Sanction rules, above all those on the register, establish the liability of a participant. The distinction between procedural rules and remedies rules is accepted in European Union (EU) law, where the directives on procurement procedures and the directives on remedies (Council Directive 89/665/EEC of 21 December 1989 and Council Directive 92/13/EEC of 25 February 1992) exist separately, and in the UNCITRAL Model Law on Public Procurement (2011) of the United Nations Commission on International Trade Law (UNCITRAL), which places review in a separate chapter VIII. The Methodology for Assessing Procurement Systems (MAPS), developed by the Organisation for Economic Co-operation and Development (OECD), assesses the appeal mechanism under a separate indicator 13.

The tasks of the study:

1. To establish the origin of the similarity between the five regimes. The study draws on the UNCITRAL Model Law, the Russian model of 2005-2013 and the Protocol on the Procedure for Regulating Procurement (Annex 25 to the Treaty on the Eurasian Economic Union of 29 May 2014; hereafter respectively the Protocol, the Treaty on the EAEU, the Eurasian Economic Union (EAEU) or the Union).
2. To compare the five regimes on eight parameters on the basis of the texts of laws and secondary legislation in force in September 2026.

Intended Readership

The study is addressed first of all to researchers of public procurement and corruption risk who work with post-Soviet systems, and to organisations that plan to apply outside Russia monitoring methods developed on Russian data. Section 7 is intended for them; for each of the four countries it sets out how to apply the CILC typology of mechanisms and how to calculate the share of confirmed violations.

To the bodies responsible for the procurement systems of the EAEU countries and to the Eurasian Economic Commission (hereafter EEC), the study shows that the Protocol on the Procedure for Regulating Procurement unifies procedural rules in detail but scarcely regulates the consideration of complaints by participants. The Protocol leaves the period of consideration, the suspension of the procedure and the independence of the body from the contracting authority to the discretion of the states.

Civil society organisations and donors can use sections 5 and 6 on their own, as reference material on the registers and the appeal procedure in the five countries.

Executive Summary

The procurement regimes of Russia, Kazakhstan, Belarus, Kyrgyzstan and Armenia are commonly regarded as five national systems with a shared past. In terms of legal acts this common ground goes back to the UNCITRAL Model Law on Procurement of Goods, Construction and Services (1994), on the basis of which Kazakhstan and Kyrgyzstan in 1997 and Armenia in 2004 adopted their procurement laws, and which determined the terminology and the basic scheme of procedures in these countries. The Russian laws of 2005-2013 introduced the electronic auction, the register and the consideration of complaints by the antimonopoly authority. The Protocol on the Procedure for Regulating Procurement (Annex 25 to the Treaty on the Eurasian Economic Union of 29 May 2014, hereafter the Protocol) laid down a common minimum of procurement requirements as an international obligation of all five states.

Data and method. The regimes are compared on eight parameters: principles; procurement methods and electronic form; minimum bid submission periods; securities; single-source procurement; requirements for participants; the register of unscrupulous suppliers; appeal. The study uses the texts of laws and secondary legislation from the official legal databases of the five countries, the Protocol as amended in 2023 and the reviews of the Eurasian Economic Commission for 2023 and 2024.

Principal findings. On six parameters out of eight the design of the rules in the five countries is similar. The same main procurement methods (tender, auction, request for price offers, single-source procurement) are used everywhere, and competitive procedures are conducted in electronic form. Minimum bid submission periods are built in the same way, although Kazakhstan and Kyrgyzstan have set some of them below the minimum provided for by the Protocol. Bid security nowhere exceeds 5 per cent of the initial price, and performance security does not exceed 30 per cent. The register is kept on three grounds with a listing period of two years. Immeasurable requirements and the specification of trademarks in the tender documentation are prohibited everywhere.

The procedure for considering complaints and the procedure for entering a supplier in the register differ substantially. In Russia and Belarus complaints are considered, and decisions on entry in the register are taken, by the antimonopoly authority, which is independent of the contracting authority and empowered to issue binding orders. In Kazakhstan a complaint is considered by the contracting authority itself; in Kyrgyzstan the contracting authority considers it at first instance. In 2022 Armenia abandoned administrative appeal; procurement disputes are heard by a court, and the state fee amounts to up to one per cent of the procurement price.

Conclusions. The procedural rules of the five regimes are similar. This is sufficient for signs of restricted competition in the tender documentation to be detected in the same way in all five countries. It is not sufficient for transferring the confirmation rate, that is, the share of procedures in which the supervisory authority found a violation, calculated from the decisions of the Federal Antimonopoly Service of Russia (FAS Russia), since in three countries out of four a violation is confirmed by a body of a different nature or by a court. On this basis the study formulates the working hypothesis that, by unifying procedural rules and leaving remedies rules to the discretion of the states, the Protocol has reproduced on the scale of the Eurasian Economic Union the situation described in earlier CILC studies for Russia, in which the existence of an appeal instance does not guarantee that a complaint is considered on the merits.

1. Introduction

The similarity of the procurement systems of the states of the former USSR is usually taken for granted and explained by a common administrative tradition, Russian-language legal terminology and the exchange of staff between government agencies. Such an explanation does not make it possible to establish which rules coincide, which differ and what significance their coincidence has.

An answer to this question is needed when a method developed for one system is transferred to another. CILC studies have so far been built on Russian data. They comprise a typology of thirty mechanisms of corruption by stage of the procurement cycle (zenodo.21939393); a cost assessment of procurement with confirmed violations on an open set of 427 procedures (zenodo.22237028), which introduced the confirmation rate, that is, the share of procedures with signs of restricted competition in which the supervisory authority held the complaint to be well founded; and an analysis of the second instance of appeal, at which complaints are not considered on the merits (zenodo.22819817). Each of these studies is stated to be applicable to any electronic procurement system, and Kazakhstan, Belarus, Kyrgyzstan and Armenia are named in them as the nearest jurisdictions for transfer. Which elements of the method are in fact transferable has not so far been tested.

The study applies the comparative legal method. The point of reference is the Russian regime, on which the CILC methods are built. Four other regimes are compared with it on the parameters on which the observation of mechanisms depends, namely what information is available to an external participant, which actions that participant is entitled to appeal, who considers the complaint and what liability the participant is exposed to. The comparison shows that the procedural rules of the five regimes are similar, while the remedies rules differ.

2. The Origin of the Similarity between the Regimes

The UNCITRAL Model Law on Procurement of Goods, Construction and Services (1994) formed the basis of the procurement laws of Kazakhstan and Kyrgyzstan (1997) and Armenia (2004); these states are included in the UNCITRAL list of states that have adopted legislation based on the Model Law. Russia and Belarus are not on that list. From the Model Law were borrowed the basic scheme of procedures (the open tender as the main method, the request for quotations for standard goods, single-source procurement on a closed list of grounds, and appeal first to the contracting authority and then to the authorised body) and the terminology: the concepts of “procuring entity”, “qualification requirements” and “single-source procurement” in the laws of Kyrgyzstan and Kazakhstan correspond to the Russian text of the Model Law.

The second source of the similarity was Russian legislation. Federal Law No. 94-FZ of 21 July 2005 on placing orders for the supply of goods, the performance of works and the provision of services for state and municipal needs introduced a mandatory electronic auction for standard goods, a register with a listing period of two years and the consideration of complaints by the antimonopoly authority with the power to issue binding orders. Federal Law No. 44-FZ of 5 April 2013 (law 44-FZ) supplemented this model with a unified information system, a limited list of electronic platforms, upper limits on bid security and contract performance security, and a prohibition of immeasurable requirements. These rules spread across the region without an international treaty, through law-making practice; elements of this model are present in Law of the Republic of Belarus No. 419-Z of 13 July 2012 on public procurement of goods (works, services) and Law of the Republic of Kazakhstan No. 434-V of 4 December 2015 on public procurement.

The common minimum for the five states was laid down by the Protocol on the Procedure for Regulating Procurement, which is Annex 25 to the Treaty on the Eurasian Economic Union of 29 May 2014 (the Treaty

on the EAEU). The Treaty on the EAEU has been in force for Belarus, Kazakhstan and Russia since 1 January 2015, for Armenia since 2 January 2015 and for Kyrgyzstan since 12 August 2015. Article 88 of the Treaty on the EAEU names nine objectives and principles of procurement regulation, among them the efficient spending of funds, national treatment, openness and transparency, the existence of a regulatory and supervisory body, the development of competition and the prevention of corruption. The Protocol establishes a closed list of six procurement methods (open tender, request for price offers, request for proposals, open electronic auction, commodity exchange trading, single-source procurement) and requires tenders and auctions to be conducted only in electronic form. It also lays down minimum bid submission periods, upper limits on securities, a register on three grounds with a listing period of two years, a prohibition of immeasurable requirements and of the specification of trademarks, and the right of any person to appeal decisions taken before the end of the bid submission period.

The parameters of the Protocol are close to the rules of law 44-FZ as worded in 2013: the three grounds and the two-year period of listing in the register coincide, as do the security limits of 5 and 30 per cent and the bid submission periods for an auction of 15 and 7 days. The Protocol in effect laid down the Russian model as the minimum for the Union. For this reason the Russian regime was chosen as the point of reference, since departures of a national law from law 44-FZ are, as a rule, also departures from the Protocol or a use of the discretion it grants.

Clause 3 of the Protocol grants such discretion by providing that, if the provisions of the legislation of a member state do not imply a meaning different from that established by the Protocol, bringing the legislation into conformity with it is not required. The Protocol regulates procedural rules in detail and scarcely regulates remedies rules. It does not establish a period for considering a complaint, an obligation to suspend the procedure or a requirement that the review body be independent of the contracting authority. Clause 37 requires only that the state have a body that exercises supervision and considers complaints; the choice of the body and its working procedure are left to the state.

3. Data and Method

The material of the study consists of the texts of the acts of the five countries in force in September 2026 (Table 1), the Protocol on the Procedure for Regulating Procurement as amended by the protocols of 31 March 2022 and 25 May 2023, and the reviews of the Eurasian Economic Commission on public procurement for 2023 and 2024.

Table 1. Basic acts of the five regimes

Country	Principal law	Secondary act on procedures	Web portal	Authorised and supervisory body
Russia	Law No. 44-FZ of 5 April 2013; Law No. 223-FZ of 18 July 2011	Government resolutions; EIS regulations	zakupki.gov.ru; 8 universal electronic platforms	Ministry of Finance (regulation); FAS Russia and its territorial offices (supervision, complaints, register)
Kazakhstan	Law No. 106-VIII of 1 July 2024 (in force from 1 January 2025); Law No. 47-VII of 8 June 2021 on procurement in the quasi-public sector	Rules for the Conduct of Public Procurement, Order of the Minister of Finance No. 687 of 9 October 2024	goszakup.gov.kz, single operator	Ministry of Finance; Internal State Audit Committee (supervision); contracting authority (complaints)

Country	Principal law	Secondary act on procedures	Web portal	Authorised and supervisory body
Belarus	Law No. 419-Z of 13 July 2012 as amended by Law No. 136-Z of 17 July 2018	Council of Ministers Resolution No. 395 of 15 June 2019; Council of Ministers Resolution No. 168 of 7 April 2026 on procurement from own funds	GIAS (gias.by); platforms goszakupki.by and zakupki.butb.by	MART (regulation, complaints, register)
Kyrgyzstan	Law No. 27 of 14 April 2022 (as amended on 29 January 2026; amendments by Law No. 144 of 6 August 2026 take effect on 1 January 2027)	Procedure for Conducting Procedures, Cabinet of Ministers Resolution No. 489 of 19 September 2023	zakupki.gov.kg	Department of Public Procurement of the Ministry of Finance; independent commission on complaints and applications
Armenia	Law No. ZR-21 of 16 December 2016 (in force from 25 April 2017, current version of 10 November 2025)	Government Resolution No. 526-N of 4 May 2017	ARMEPS (armeps.am), procurement.am, gnumner.minfin.am	Ministry of Finance (regulation, register); Yerevan court of general jurisdiction (complaints)

Abbreviations: EIS: unified information system in procurement (Russia); GIAS: State Information and Analytical System for Public Procurement Management (Belarus); MART: Ministry of Antimonopoly Regulation and Trade of the Republic of Belarus; ARMEPS: Armenian e-Procurement System.

The five regimes are compared on eight parameters. Six parameters relate to procedural rules: (1) principles; (2) procurement methods and electronic form; (3) minimum bid submission periods; (4) securities and anti-dumping measures; (5) single-source procurement; (6) requirements for participants and prohibitions in the tender documentation. The seventh parameter, the register of unscrupulous suppliers, relates to sanction rules, and the eighth, appeal, to remedies rules. For each parameter the study records the rule of the Protocol as the common minimum, the rule of the Russian regime as the point of reference and the rules of the four other states.

Rules are treated as similar where their design coincides, even if the numerical values differ. A minimum period of 15 calendar days and a minimum period of 5 working days have the same design. The consideration of a complaint by the antimonopoly authority and the consideration of a complaint by the contracting authority have different designs, irrespective of the periods established.

The Russian regime is described as at 30 September 2026; the amendments made by Federal Law No. 279-FZ of 4 August 2026, which take effect on 1 October 2026, are noted separately. Procurement by organisations with state participation (law 223-FZ in Russia, Law No. 47-VII in Kazakhstan, procurement from own funds in Belarus, procurement by state enterprises under the Model Procedure in Kyrgyzstan) is compared only as regards appeal. Armenia has no separate regime for such procurement.

4. Procedural Rules

4.1. Principles

Each of the five laws contains a list of principles (Table 2). Efficiency of spending, openness and transparency are named in all five laws, and competition in all except the law of Kyrgyzstan. The wording

on support for domestic producers “to the extent that this does not contradict international treaties” coincides verbatim in the laws of Kazakhstan and Belarus and follows from the provisions on national treatment in the Protocol on the Procedure for Regulating Procurement. The prevention of corruption is included in the list of principles in Kazakhstan and Belarus and will be included in Kyrgyzstan from 1 January 2027. This principle is absent from the list in the Russian law, Federal Law No. 44-FZ of 5 April 2013 (law 44-FZ), but it is laid down in article 88 of the Treaty on the Eurasian Economic Union of 29 May 2014, which applies in Russia by virtue of the priority of an international treaty.

The differences concern emphasis. The laws of Russia and Belarus name the professionalism of the contracting authority and the stimulation of innovation, while the laws of Kazakhstan and Kyrgyzstan add sustainable procurement. The law of Armenia builds its principles on the equal right of any person, including a foreign person, to participate, which corresponds to the participation of Armenia in the Agreement on Government Procurement of the World Trade Organization (WTO) since 2011.

Table 2. Principles in the laws of the five countries

Principle	Russia, arts 6-12 of law 44-FZ	Kazakhstan, art. 5	Belarus, art. 4	Kyrgyzstan, part 3 of art. 1	Armenia, part 2 of art. 3
Efficiency of spending	responsibility for effectiveness and efficiency	optimal and efficient spending, price-quality ratio	efficient spending of budget funds	purpose of the law: efficient and economical use of resources	follows from the purpose of the law
Competition	ensuring competition	fair competition	development of competition	not expressly named	competitiveness, widening the range of participants
Openness, transparency	openness and transparency	openness and transparency	publicity and transparency	openness, impartiality, publicity, transparency	transparency, publicity
Equal treatment of participants	through art. 8	equal opportunities	fair and impartial treatment	respect for participants' rights	uniformity, non-discrimination, equal rights of any person
Support for domestic suppliers	national treatment under art. 14	support for Kazakhstani producers	support for domestic suppliers	preferences by decision of the Cabinet of Ministers (art. 4)	not provided for; equal right of foreign persons (art. 7)
Prevention of corruption	through art. 88 of the Treaty on the EAEU	prevention of corruption offences and conflicts of interest	prevention of corruption	from 1 January 2027	not in the list
Professionalism, innovation, sustainability	professionalism; stimulation of innovation	sustainable procurement	professionalism; innovation; greening	innovative and high-technology goods; sustainable procurement from 2027	none

4.2. Procurement Methods and Electronic Form

The Protocol on the Procedure for Regulating Procurement permits six procurement methods and requires tenders and auctions to be conducted in electronic form. The main procurement methods in all five laws (tender, auction, request for price offers or quotations, single-source procurement) correspond to this list (Table 3). Only instruments for small-value procurement, the electronic shop in Kazakhstan and the electronic catalogue in Kyrgyzstan, go beyond the list. The remaining differences concern additional methods and names. Russia abolished the request for proposals in 2022, Kazakhstan excluded commodity exchange trading in 2025, and Kyrgyzstan abolished the limited method in 2023; the “unlimited method” retained in Kyrgyzstan corresponds to the tender in the terminology of the Model Law. Belarus has retained all six methods of the Protocol. Armenia conducts electronic auctions for a separate list of procurement subjects.

The electronic form of competitive procedures is mandatory in all five countries. A single web portal also exists in all five countries, but its functions differ. In Kazakhstan and Kyrgyzstan the portal is used for publishing notices, conducting tenders and filing complaints. In Russia and Belarus publication is separated from tendering: notices are published in the EIS and the GIAS, while tendering takes place on eight electronic platforms in Russia and on two in Belarus. In Armenia publication and tendering take place in the ARMEPS system, and the registers and lists are kept on the portal of the Ministry of Finance. According to EEC data for 2024, all procedures in Kazakhstan and Kyrgyzstan were conducted in electronic form, compared with 72.4 per cent in Russia and about 70 per cent on average across the Union.

Table 3. Procurement methods and minimum bid submission periods

Parameter	Protocol	Russia	Kazakhstan	Belarus	Kyrgyzstan	Armenia
Tender	at least 15 calendar days	open tender in electronic form, at least 15 days (part 3 of art. 42)	tender, at least 5 working days (Rules No. 687)	open tender, at least 15 calendar days (art. 23)	unlimited method, at least 10 working days (two-envelope) or 15 (with negotiations) (art. 20)	open tender, at least 40 calendar days, 15 for a price up to 200 base units (art. 20)
Auction	at least 15 calendar days, at least 7 with shortened periods	open auction in electronic form, at least 7 days for an initial price up to RUB 300 million, otherwise 15	auction on the web portal, goods only, at least 5 working days	electronic auction, at least 15 calendar days, 10 for a value up to 5,000 BU	no separate method	electronic auction, at least 15 days, 7 for a price up to 70 base units (art. 40)
Request for price offers (quotations)	at least 4 working days	request for quotations in electronic form, at least 4 working days; initial price up to RUB 10 million (from 1 October 2026, up to RUB 20 million)	at least 2 working days; up to 8,000 MCI a year	at least 5 working days; 500-2,000 BU for goods, 500-5,000 BU for works and services	request for quotations, at least 3 working days with qualification requirements, 2 without them	request for quotations, at least 4 days; up to 70 base units (art. 22)
Single source	on the list in Annex 3, with price justification	art. 93, more than 60 grounds	art. 16, 43 grounds	art. 49 and annex to the law, about 60 grounds	art. 17, 22 grounds (from 2027 the list moves to an act of the Cabinet of Ministers)	art. 23, 5 grounds in the law, 22 in Resolution No. 526-N

Parameter	Protocol	Russia	Kazakhstan	Belarus	Kyrgyzstan	Armenia
Other methods	request for proposals, commodity exchange trading	closed methods	electronic shop	closed tender, commodity exchange trading	framework agreements; electronic catalogue	closed targeted and periodic tender, two-stage tender

Abbreviations: initial price: initial (maximum) contract price (Russia); MCI: monthly calculation index (Kazakhstan); BU: base unit (Belarus). The base unit of procurement in Armenia equals AMD 1 million.

The minimum bid submission periods in Russia and Belarus correspond to the Protocol; in the three other countries they depart from it in different directions. In 2024 Kazakhstan reduced the bid submission period for a tender from 15 to 5 working days, and for a request for price offers to 2 working days; according to the Ministry of Finance of Kazakhstan, the full cycle of a tender takes about 10 working days. These periods are below the minimum of the Protocol (15 calendar days and 4 working days respectively), and the question of their conformity with the Protocol remains open. In Kyrgyzstan the bid submission period for a request for quotations is 2-3 working days, which is also less than four. Armenia, by contrast, sets a period of 40 days for an open tender, closer to the EU directives than to the Protocol.

For the observation of mechanisms the periods are of direct significance, since the bid submission period determines the time within which an external participant can identify a restrictive requirement and file a complaint before the deadline for bids. According to the CILC typology, in a quarter of the procedures in the CILC monitoring register, which is kept on Russian procurement as part of a data exchange with market participants, an external participant identified signs of restricted competition but no complaint was filed because the appeal period had expired, and this with Russian periods of 7-15 days. With five working days in Kazakhstan this time is shorter still.

4.3. Securities and Anti-Dumping Measures

The Protocol on the Procedure for Regulating Procurement limits bid security to 5 per cent of the initial price and performance security to 30 per cent. All five regimes comply with these limits, and four of them, all except the Russian regime, set considerably lower amounts (Table 4). The design of security is similar in all the countries: bid security restricts participation by persons who do not intend to conclude a contract, performance security guarantees the performance of the contract, and anti-dumping measures require additional security where the price is reduced below an established threshold. Anti-dumping rules are contained in the laws of Russia, Kazakhstan and Kyrgyzstan; Belarus and Armenia have no rules on abnormally low prices.

Table 4. Securities and anti-dumping measures

Parameter	Protocol	Russia	Kazakhstan	Belarus	Kyrgyzstan	Armenia
Bid security	not more than 5%	0.5-1% for an initial price up to RUB 20 million, 0.5-5% above (art. 44)	1% for tender and auction, 3% for request for price offers (art. 10, Rules)	tender and auction security (arts 33, 40); amount under Resolution No. 395	not more than 2% or a declaration (art. 22)	up to 5% of the bid price (art. 32)
Performance security	not more than 30%; with an advance, at least 50% of the advance	0.5-30% (art. 96); with an advance, not less than the advance	3-5% (art. 17); with an advance, security equal to the advance	under art. 26 and Resolution No. 395	not more than 10% and not more than the total of penalties (art. 50)	10% of the contract price (art. 35)

Parameter	Protocol	Russia	Kazakhstan	Belarus	Kyrgyzstan	Armenia
Anti-dumping	provided for as an efficiency measure (cl. 39)	art. 37: for a reduction of 25% or more, security one and a half times higher or proof of good faith	art. 13: thresholds by type (2% construction, 10% other), additional security in the amount of the reduction	not provided for	art. 24: for a reduction of more than 20%, justification or security one and a half times higher	not provided for
Participation fee	prohibited (cl. 17)	platform operator charges the winner	annual tariffs of the single operator for suppliers	platform fee with profitability not exceeding 5%	not charged	not charged

4.4. Single-Source Procurement in Law and in Practice

The design of the rules on single-source procurement is similar in all five countries and comprises a closed list of grounds in a law or a secondary act, a value threshold for small-value procurement and an obligation to justify the price. The threshold values differ. In Russia the threshold is RUB 600,000 per contract (clause 4 of part 1 of article 93 of law 44-FZ) and RUB 5 million for electronic “off the shelf” procurement; in Kazakhstan, 100 MCI a year for homogeneous goods and 500 MCI for works and services; in Belarus, 500 base units of annual requirement; in Kyrgyzstan, KGS 200,000 a year per expenditure item through the electronic catalogue; in Armenia, one base unit, that is, AMD 1 million.

In practice the differences are greater than in the law. According to the EEC review for 2023, single-source procurement accounted for 32.3 per cent of the value and 44.1 per cent of the number of all public procurement in the Union; together with the open tender and the electronic auction these three methods made up 94.6 per cent of the value. In Belarus the share of single-source procurement by number of procedures was 74 per cent in 2020 and 60 per cent in 2021. In Kazakhstan its share by value fell from 39 per cent in 2021 to 21 per cent in 2023. In Armenia the share by value fluctuated between 23 and 50 per cent in 2018-2022, and by number of contracts procurement from a single person, including urgent procurement, made up 34-44 per cent a year. The Ministry of Finance of Russia uses a different indicator, according to which in 2025 1.5 million procurement procedures worth RUB 8.35 trillion were declared void, in 72 per cent of cases because only one bid was submitted; the average number of bids was 2.44.

These indicators are calculated by different methods and are not comparable with one another. What they have in common is that, with a similar closed list of grounds, the share of non-competitive procurement is large and varies markedly from year to year, that is, it depends more on the practice of contracting authorities and on government exemptions than on the text of the law.

4.5. Requirements for Participants and Prohibitions in the Tender Documentation

Clauses 16 and 19 of the Protocol on the Procedure for Regulating Procurement prohibit immeasurable and unverifiable requirements, refusal of admission on grounds not provided for in the notice, and the specification of trademarks without the words “or equivalent”. These prohibitions are contained in all five laws. The concept of a sign of restricted competition in the CILC methodology rests on them: a requirement of the tender documentation that breaches one of these prohibitions is treated as such a sign.

Requirements for participants are also similar and comprise legal capacity, the absence of tax arrears, the absence of bankruptcy proceedings, absence from the register and the absence of affiliation with the contracting authority. Kazakhstan and Armenia bar persons convicted of corruption offences from participation; in Kyrgyzstan such a prohibition is being introduced from 2027. Since 2024 Belarus has

required the winner to disclose affiliation with other participants and declares a procedure void if all the participants are affiliated.

For the transfer of the method this parameter is of the greatest significance. The CILC monitoring register is kept against a list of five signs of restricted competition: restrictive admission requirements, immeasurable evaluation criteria, a description of the procurement object tailored to a particular supplier, unrealistic deadlines, and a discrepancy between the notice and the draft contract. All five signs are prohibited in all five countries by rules of similar design and are detected from the tender documentation published on the web portal.

5. The Register of Unscrupulous Suppliers

The rules on the register of unscrupulous suppliers are unified to a greater extent than the rules on appeal. Clause 13 of the Protocol on the Procedure for Regulating Procurement requires the register to be kept on three grounds (evasion of the conclusion of a contract, non-performance or improper performance, and unilateral termination by the contracting authority), suppliers to be entered in it for two years on the basis of a decision of a court and (or) of authorised bodies, and the possibility of appealing the entry in court to be provided. All five countries have established the two-year period and the grounds indicated (Table 5). Armenia, in addition, bars from procurement persons entered in the registers of other EAEU states.

What differs is the entry procedure, that is, the body whose decision serves as the basis for the entry in the register. On this criterion the five countries fall into the same groups as on the appeal procedure.

In Russia the decision on entry is taken by FAS Russia after verifying the contracting authority's application within 5 working days. The verification is not a formality; in 2024, of 30,808 applications, 15,244 ended in entry, so that in about half of the cases the contracting authority was refused. In Belarus the decision is taken by MART, and in Kyrgyzstan by the independent commission on complaints and applications within 10 working days. In Kazakhstan a court decision that has entered into force is required on three grounds out of four, but in the case of evasion of the conclusion of a contract the entry is made by the authorised body on the basis of a decision of the contracting authority. In Armenia, since 1 June 2022, the basis has been a reasoned decision of the head of the contracting authority, and the Ministry of Finance merely makes the entry. In 2025 the SIGMA programme (a joint initiative of the OECD and the European Union in support of public governance) described such entry as automatic, without a self-cleaning procedure, and noted that more than 70 per cent of court actions on procurement in 2024 concerned entry in the register.

Table 5. Registers of unscrupulous suppliers

Parameter	Protocol, cl. 13	Russia, art. 104 of law 44-FZ, art. 5 of law 223-FZ	Kazakhstan, art. 8	Belarus, art. 17	Kyrgyzstan, art. 5, part 7 of art. 45	Armenia, art. 6
Period	2 years	2 years	24 months	2 years	2 years	2 years

Parameter	Protocol, cl. 13	Russia, art. 104 of law 44-FZ, art. 5 of law 223-FZ	Kazakhstan, art. 8	Belarus, art. 17	Kyrgyzstan, art. 5, part 7 of art. 45	Armenia, art. 6
Grounds	evasion; non-performance; unilateral termination	evasion; termination by a court; unilateral withdrawal by the contracting authority	false information; evasion; non-performance; improper performance	evasion; non-performance or termination through the supplier's fault; false information, including failure to disclose affiliation	refusal to conclude; false information; breach of the declaration; non-performance	breach entailing termination; refusal to conclude; refusal to participate after bid opening
Who enters	court and (or) authorised bodies	FAS Russia after verifying the contracting authority's application	court; for evasion, the authorised body on the contracting authority's decision	MART on information from the contracting authority	independent commission on application of the procuring entity	decision of the head of the contracting authority; entry made by the Ministry of Finance
Appeal against entry	to a court	to a court	to a court	to a court	to a court	to a court, 30 days

For an external reporter, entry in the register means a ban on participating in all procurement in the country for two years. The fewer independent checks there are between the decision of the contracting authority and the entry in the register, the higher the risk to which the applicant is exposed. In Russia and Belarus a supervisory authority with its own verification stands between the contracting authority and the register, and in Kyrgyzstan a collegial commission; in Kazakhstan there is no verification in the case of evasion of the conclusion of a contract, and in Armenia there is none on any ground.

6. Appeal

6.1. The Review Body

Clause 37 of the Protocol on the Procedure for Regulating Procurement requires the existence of a body that considers complaints and the right of any person to appeal decisions taken before the end of the bid submission period. The clause contains no other requirements, so the body may coincide with the contracting authority, no period of consideration is established, and suspension of the procedure is not mandatory. The five states have settled these questions in different ways (Table 6).

Russia and Belarus retain the consideration of complaints by the antimonopoly authority. A complaint is considered within a short period by a body independent of the contracting authority; while it is under consideration the conclusion of the contract is prohibited, and a binding order may be issued as a result. In Russia this body is FAS Russia and its territorial offices, with 5 working days under Federal Law No. 44-FZ of 5 April 2013 (law 44-FZ) and 7 working days under article 18.1 of Federal Law No. 135-FZ of 26 July 2006 on the protection of competition (hereafter law 135-FZ) for procurement under Federal Law No. 223-

FZ of 18 July 2011 (law 223-FZ); in Belarus it is MART, with up to 10 working days and suspension of the procedure.

Kyrgyzstan has established a two-instance administrative procedure. At first instance the complaint is considered within 3 working days by the commission of the procuring entity. If no decision is issued within that period, the complaint is deemed upheld, and a decision issued after the period has expired is void. At second instance the complaint is considered by the independent commission on complaints and applications, which consists of nine members and is formed by the Cabinet of Ministers. For the consideration of each complaint the web portal randomly forms a panel of three members of the commission; the period of consideration is 3 working days. The decision is final unless it is appealed in court.

Since 2025 Kazakhstan has had a single administrative instance, the contracting authority or the procurement organiser itself. A complaint is filed through the web portal within 3 working days of the publication of the results and is considered by the contracting authority within 3 working days. The pre-trial procedure is mandatory; an application to the administrative court does not suspend the procedure. The results of procurement in which the winner is determined automatically by the web portal cannot be appealed under this procedure. An application to the authorised body is possible, but it serves only as a ground for supervision under article 23 of the Law of the Republic of Kazakhstan No. 106-VIII of 1 July 2024 on public procurement and is not treated as a complaint.

With effect from 1 June 2022 Armenia abolished the Complaints Review Board and transferred procurement disputes to the Yerevan court of general jurisdiction of first instance (chapter 27.2 of the Civil Procedure Code of the Republic of Armenia). The court hears the case within 30 days, during which the procedure is suspended, and the burden of proof lies on the contracting authority. The state fee is 1 per cent of the procurement price but not more than AMD 10 million.

Table 6. Appeal procedure

Parameter	Russia (law 44-FZ)	Kazakhstan	Belarus	Kyrgyzstan	Armenia
First instance	territorial office of FAS Russia	contracting authority or organiser	MART (after applying to the contracting authority)	commission of the procuring entity	Yerevan court
Independence from the contracting authority	yes	no	yes	no	yes (court)
Period of consideration	5 working days	3 working days	up to 10 working days	3 working days; if the period is missed, the complaint is deemed upheld	30 days, extension up to 10
Who may challenge the documentation before the bid deadline	procurement participant; since 2024 FAS Russia returns complaints of persons not meeting the requirements	potential supplier via the portal	any legal or natural person (art. 52)	supplier, no later than 2 working days before the bid deadline	interested person

Parameter	Russia (law 44-FZ)	Kazakhstan	Belarus	Kyrgyzstan	Armenia
Period for a complaint after the results	5 days	3 working days	10 calendar days	3 working days	10 calendar days (standstill period)
Suspension	contract not concluded until the decision (part 7 of art. 106)	conclusion of the contract suspended for the period of consideration; a court action does not suspend	procedure suspended	5 working days at first instance, 3 at second	until the court decision enters into force
Binding order	yes, binding	contracting authority itself reviews the results	yes, binding	commission decision is binding	court decision
Fee	none	none	none	none	state fee of 1% of the price, not more than AMD 10 million
Second administrative instance	none (central office of FAS Russia not empowered to review)	none	none	independent commission, 3 working days	none
Judicial review	commercial court, 3 months	administrative court	economic court	court	appeal

6.2. The Range of Applicants

The Protocol on the Procedure for Regulating Procurement grants any person the right to appeal the tender documentation before the end of the bid submission period. This right has been preserved in full only in Belarus. In Russia the range of applicants has been narrowed by an agency clarification, letter of FAS Russia No. MSh/112518/23 of 29 December 2023, under which complaints from persons who do not hold the necessary licence or membership of a self-regulatory organisation, or who do not meet the requirements for participants, are returned without consideration. In 2024 the number of complaints received fell by 27 per cent. The laws of Kazakhstan and Kyrgyzstan grant the right of appeal to a “potential supplier” and a “supplier”, and the law of Armenia to an “interested person”; the Armenian reform of 2022 was expressly justified by the need to exclude complaints from persons not taking part in the procurement. The study “The Unprotected Reporter” describes this tendency for Russia and Kazakhstan; the present comparison shows that it covers four countries out of five. None of the five regimes provides protection for an external reporter, and the changes of recent years narrow access to appeal.

6.3. The Second Instance

The study “A Dead-End Branch of Appeal” established, on 28 applications, that the central office of FAS Russia does not consider on the merits complaints against decisions of territorial offices, and that for procurement under law 223-FZ this outcome follows directly from article 18.1 of law 135-FZ. A comparison with the other states of the Union makes it possible to refine this conclusion. A second administrative instance is rare in the region and exists only in Kyrgyzstan, where the first instance depends on the contracting authority and the second is collegial and formed at random. In Kazakhstan, Belarus and Armenia the single instance is followed by a court. The Russian variant, in which a second instance formally exists but does not consider complaints on the merits, is not an exception in this series but one of five ways in which the states have filled the gap in the Protocol on the Procedure for Regulating Procurement.

7. The Significance of the Similarity for Observing Mechanisms

7.1. Detecting Signs of Restricted Competition

An external participant detects signs of restricted competition in the tender documentation before the results are determined; this requires neither participation in the procurement nor access to the internal documents of the contracting authority. Signs can be detected if the notice and the tender documentation are published on a single portal, access to them is unrestricted and free of charge, the law prohibits immeasurable requirements and the specification of trademarks, and a minimum period is established between publication and the end of bid submission. These conditions are met in all five countries and are laid down as an obligation by the Protocol on the Procedure for Regulating Procurement (section 4). The list of signs against which the CILC monitoring register is kept (section 4.5) is applicable without adaptation; differences in bid submission periods change only the length of the time within which signs can be detected and appealed.

Of the thirty mechanisms in the CILC typology, twenty-one can be detected by an external participant; it is the external participant who records signs of violations in the middle phase of the procurement cycle. It is precisely this phase that the Protocol unifies, so the coding of mechanisms requires no changes on transfer to the four countries. What changes is the trace that a mechanism leaves, and that trace is determined by remedies rules.

7.2. The Measurability of Confirmation

The confirmation rate on the Russian open dataset was 24.9 per cent by number and 20.3 per cent by value of the procedures considered on the merits. The rate depends not only on the signs detected but also on the body that considers the complaint, since it shows what share of procedures with signs of restricted competition an independent administrative body finds to be a violation before the contract is concluded. Its transfer requires a body of the same nature.

In Belarus such a body exists. MART considers complaints on the merits, suspends the procedure and issues binding orders, so the Belarusian rate is comparable in design with the Russian one. The number of complaints in Belarus is, however, two orders of magnitude smaller (680 in 2025 against 51,586 in Russia). In Kyrgyzstan the rate can be calculated from the decisions of the independent commission, and the decisions of the first instance make it possible to measure a separate quantity, the share of complaints that the contracting authority finds well founded in respect of its own actions. In Kazakhstan there is no independent administrative confirmation. It may be replaced by the contracting authority's acceptance of the complaint or by the results of desk control (in 2025 this covered 147,000 procedures, and violations were found in 5,163), but desk control is not initiated by an applicant's complaint. In Armenia a violation is confirmed by a court; with a period of consideration of 30 days and a fee of 1 per cent of the price, recourse to the court is justified only for procurement whose price is commensurate with the costs.

The calculation of the confirmation rate can be transferred to Belarus and Kyrgyzstan without changes. For Kazakhstan and Armenia the concept of confirmation requires a new definition, and in these countries the rate will measure not the practice of independent supervision but the willingness of the contracting authority or the court to accept the applicant's arguments. A comparison of the rates of different countries without this qualification reproduces the error of conflating conditional and unconditional probability examined in the cost assessment study.

7.3. The Register as an Instrument of Retaliation

The risk to which an applicant is exposed differs between countries more than the possibility of detecting signs of restricted competition does (section 5). A Russian applicant who has submitted a bid and a

complaint can be entered in the register only after verification by FAS Russia, which rejects about half of the applications of contracting authorities. In Armenia the same applicant can be entered in the register on the basis of a decision of the contracting authority, which can be appealed only in court, within 30 days and on payment of a fee. For monitoring it follows that fewer complaints are to be expected in countries with automatic entry in the register than in countries with verification, and a small number of complaints does not in itself indicate a low frequency of violations. A similar abandonment of appeal by applicants was posited in the previous CILC study in respect of the second instance in Russia.

7.4. A Working Hypothesis

The results of sections 4-6 make it possible to formulate a hypothesis that the material available neither proves nor refutes. The Protocol on the Procedure for Regulating Procurement has unified in the five countries the part of the procurement regime that is accessible to a participant and that international methodologies regard as a mark of the maturity of a system. The rules that determine whether a participant's complaint will be considered on the merits were left by the Protocol to the discretion of the states. As a result, the five systems are similar on the indicators that assessment methodologies test (electronic form, a single portal, periods, the register, the existence of an appeal body) and differ on the indicators that these methodologies do not test (the independence of the body from the contracting authority, the share of complaints considered on the merits, the risk to the applicant). If the hypothesis holds, assessments of the conformity of EAEU procurement systems with international standards overstate their similarity, and comparative studies based solely on procedural rules fail to reveal the differences that determine the outcome of an appeal for a participant.

8. Limitations

The comparison was made at the level of rules, not of their application. Apart from the official statistics cited, the study does not measure the practice of applying the rules. A similar design of a rule does not guarantee the same result, as section 4.4 shows on the example of the share of single-source procurement.

The texts of the laws of Kazakhstan and Belarus on the official portals are of limited accessibility for automated extraction. The bid submission periods in Kazakhstan (5, 5 and 2 working days) and the period of consideration of a complaint by MART (10 working days) are taken from specialist publications and are subject to verification against the primary text of the Rules for the Conduct of Public Procurement approved by Order of the Minister of Finance of the Republic of Kazakhstan No. 687 of 9 October 2024 and of articles 52-54 of the Law of the Republic of Belarus No. 419-Z of 13 July 2012 on public procurement of goods (works, services). The Russian text of the law of Armenia on the arlis.am portal corresponds to the 2016 version, so the rules on appeal and the register are given according to the Armenian text of the Law of the Republic of Armenia No. ZR-4 of 8 February 2022. The content of four Armenian amending laws of 2025 has not been verified. The Russian regime is described as at 30 September 2026, before some of the amendments made by Federal Law No. 279-FZ of 4 August 2026 take effect; the regime of Kyrgyzstan will change from 1 January 2027 in accordance with the Law of the Kyrgyz Republic No. 144 of 6 August 2026.

The statistical data of the five countries are calculated by different methods. The share of single-source procurement is given in some sources by number of procedures and in others by value, and for different years. The number of complaints in Belarus and Kazakhstan is taken from agency announcements without a breakdown by outcome of consideration. Consolidated official data for Kyrgyzstan and Armenia for 2024-2025 were not found. These data are used only to estimate orders of magnitude.

The study does not examine the practice of the Eurasian Economic Commission in applying clauses 33-34 of the Protocol on the Procedure for Regulating Procurement and does not assess whether differences in remedies rules could become the subject of obligations within the Union. That is a separate question of the law of integration associations.

9. Recommendations

The use of the CILC monitoring register, built on Russian data, is applicable in Kazakhstan, Belarus, Kyrgyzstan and Armenia in view of the similarity of the procurement regimes on parameters 2, 3 and 6 (procurement methods and electronic form, minimum bid submission periods, requirements for participants and prohibitions in the tender documentation), since in all five countries the tender documentation is published on a single web portal, a minimum period is established between publication and the end of bid submission, and the signs of restricted competition on the list given in section 4.5 are prohibited by law. The confirmation rate, by contrast, is to be calculated for each country separately, with an indication of the body that took the decision on the complaint; a comparison of rates between countries where these bodies differ in nature is not valid.

It would be advisable to supplement comparative assessments of EAEU procurement systems with three indicators of legal protection, namely the independence of the first-instance body from the contracting authority, the share of complaints considered on the merits, and the number of independent checks between the decision of the contracting authority and the entry in the register of unscrupulous suppliers. Without these indicators, systems that differ in their remedies rules appear identical.

The Eurasian Economic Commission could consider supplementing clause 37 of the Protocol on the Procedure for Regulating Procurement with minimum requirements for the review body, modelled on clause 13 on the register of unscrupulous suppliers, namely a period of consideration, a prohibition on concluding the contract before a decision is issued, and independence from the contracting authority in at least one administrative instance. In Russia, Belarus and Kyrgyzstan this would not require legislative change; in Kazakhstan and Armenia it would require the introduction of an independent administrative instance.

For states in which complaints are considered by the contracting authority or a court, it would be advisable to publish appeal statistics broken down by outcome (considered on the merits and upheld; considered on the merits and rejected; returned without consideration). This would make it possible to assess not only the existence of an instance but also the share of complaints it considers on the merits.

Sources

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