

우즈베키스탄 구매 및 계약 관련 법령 조사

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¹ 상원과 하원으로 구성됩니다.

² 지방정부의 명칭이 '호키미야트'입니다. 특별시(타슈켄트)/주지사를 '호킴'이라고 칭합니다. 지방의회 성격의 특별시/주 의회는 '켄가쉬'라고 명칭하며, 특별시장/주지사(즉, 호킴)이 의장을 겸직합니다.

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I. 본건 조사 용역의 목표

대한민국과 우즈베키스탄은 1992년 1월 29일 외교관계를 수립한 이후 꾸준한 관계를 이어오고 있습니다. 이에 따라 1992년에는 무역협정, 투자보장협정, 과학기술협력협정 등을, 이후로는 1997년 이중과세방지협약, 1999년 세관분야 공조협정, 2004년 범죄인 인도조약과 형사사법 공조조약 등을 체결하였습니다. 뿐만 아니라 2006년 사회보장협정, 2012년 군사비밀정보보호 협정 및 민사 및 상사사법 공조조약, 관광협력협정까지 다양한 분야의 협정을 체결함으로써 양국 관계를 공고히 하고 있습니다. 특히, 2014년과 2015년에는 무상원조를 위한 기본협정, 운전면허 상호 인정 및 교환협정을 체결하였으며, 2019년에는 대외경제협력기금(이하 'EDCF') 기본약정까지 체결함으로써 현재까지 긴밀한 협력 관계를 이어 나가고 있습니다.

우즈베키스탄은 World Bank Group 이 전 세계 190 개국을 대상으로 조사한 'Doing Business 2020'³의 사업하기 쉬운 국가 순위(Ease of Doing Business Ranking)에서 전년 대비 7 계단 상승한 69위를 기록하였고, 중국, 인도, 미얀마, 사우디, 쿠웨이트, 아제르바이잔, 키르기스스탄, 타지키스탄 등과 함께 기업환경이 가장 많이 개선된 상위 20 개국에 선정되었습니다. 2016년에 취임한 샴카트 미르지요예프 대통령은 안정적인 집권체제를 이어가며, 지속적인 경제발전을 위해 우즈베키스탄 내 투자 촉진에 노력을 기울이고 있습니다. 우즈베키스탄은 금, 우라늄, 가스 등의 풍부한 천연자원과 중앙아시아 국가 중 최대 인구(약 3천 5백만명)를 보유하고 있으며, 유럽과 CIS, 중동 지역으로의 교두보 역할을 할 수 있는 지정학적 위치를 갖추고 있다는 점에서 강력한 성장 잠재력을 가지고 있다고 평가받고 있습니다.

우즈베키스탄에 대한 개발 협력은 우즈베키스탄 정부의 주요 정책목표인 지역 간 불균형 완화, 사회 인프라 시설 개발, 보건 및 교육 분야 지원을 달성하기 위해 반드시 필요하며, 특히 유망 신규 산업 개발 분야에서 국가 간 개발 협력 요구가 두드러지게 나타나고 있습니다. 이와 같이 점증하는 우즈베키스탄 개발 협력 수요에 대응하고, 우즈베키스탄 내에서 효율적인 EDCF 사업관리를 하기 위하여 한국수출입은행은 우즈베키스탄의 공공차관사업 승인, 내용변경, 예산사용 등에 대한 현지 법률 체계와 행정 절차를 조사하고 분석하고자 저희 법무법인(유) 지평에 본건 용역 사업을 의뢰하였습니다.

³ <https://archive.doingbusiness.org/en/reports/global-reports/doing-business-reports> World Bank Group

이하 본 보고서에서는 공적개발원조(Official Development Assistance, 이하 ‘ODA’) 사업과 관련한 법령 및 주무기관을 확인하고, 국가조달법과 정부 발주사업의 주요 예산집행절차를 검토하였습니다. 또한 ODA 사업이 변경되었던 기존 사례를 분석하고 조사된 내용을 확인하여 사업관리에 유의할 부분을 검토하였습니다. 그럼에도 불구하고, 한국이나 선진국 법제와 비교하여 우즈베키스탄의 법제가 치밀하거나 발달되지 않아 ODA 사업 관련 법령상 근거나 절차가 명확하지 않은 한계도 있다는 것을 확인하였습니다. 따라서, 이러한 우즈베키스탄 법제의 제약 상황을 고려하여 ODA 사업 추진 시 관련 법률실사도 실시하여 개별 사업의 법률 리스크를 파악하고 사전에 차단하는 것은 권장할 만한 조치라고 사료됩니다.

II. 우즈베키스탄 법령

1. 우즈베키스탄 법령 체계

가. 개요

우즈베키스탄의 법령은 대한민국과 유사한 대륙법 체계를 따르고 있습니다. 우즈베키스탄은 헌법을 최고 상위법으로 규정하고 있으며, 그 하위의 법률을 실체법과 절차법으로 구분하고 있습니다. 실체법에는 민법, 형법, 행정법 등이 포함되어 있으며, 절차법에는 민사소송법, 경제소송법, 형사소송법 등이 포함됩니다. 또한 우즈베키스탄 의회령, 대통령령/대통령훈령, 내각령, 정부기관 및 위원회 명령, 지방의회와 지방정부의 조례 및 규칙도 우즈베키스탄 법령에 포함되어 있습니다. 이러한 제반 법률과 명령, 조례, 규칙 등이 우즈베키스탄의 법령체계를 형성하고 국가의 법과 질서를 유지하는 역할을 수행합니다(「우즈베키스탄 법규에 관한 법률 제 ZRU-682 호」(제정 2021. 4. 20.) [Закон Республики Узбекистан от 20.04.2021 г. № ЗРУ-682 «о нормативно-правовых актах»] 제 6 조).

나. 세부 법령

우즈베키스탄 헌법⁴은 최고의 법규로서의 성격을 지니며, 헌법과 충돌하는 어떠한 하위 법령도 제정될 수 없습니다. 민법, 민사소송법, 형법, 형사소송법, 예산법 등의 법률은 법전(Code)의 형태로 존

⁴ 우즈베키스탄 헌법의 경우, 의회가 의결하고 국민투표를 하게 됩니다. 일반적인 법률은 의회가 제·개정 합니다.

재하며, 그 외에도 다수의 개별 법률이 제정되어 시행되고 있습니다.

우즈베키스탄 의회인 올리 마즐리스가 제정하는 의회령은 헌법과 법률에 위배되지 아니하는 범위에서 제정되는 명령 형태인 시행세칙 또는 내규의 일종입니다. 우즈베키스탄 대통령은 헌법과 법률의 이행을 보장하기 위해 법률상 허용된 권한 범위 안에서 대통령령 또는 대통령훈령⁵이라는 형태로 법규를 제정할 수 있습니다. 우즈베키스탄 내각의 내각령은 법률이나 대통령령의 시행을 위하여 필요한 절차 및 위임사항을 규정하는 법규를 의미합니다. 우즈베키스탄의 정부 기관 및 위원회는 자신의 권한 범위 내에서 법률, 대통령령, 내각령을 구체적으로 실현하기 위해 시행세칙 성격의 부령·위원회령을 제정합니다. 한편 지방의회와 지방정부는 법률에 반하지 않는 범위 내에서 조례나 규칙의 형태로 자신의 지역에 적용될 자치 법규를 제정하는 권한을 가집니다.

다. 법령체계

「우즈베키스탄 법규에 관한 법률 제 ZRU-682 호」에 따르면, 우즈베키스탄의 전체 법령체계는 아래 표와 같은 7 단계 법령체계로 분류됩니다. 동 법률에 의거하여 총 7 개의 법원(法源)이 우즈베키스탄의 전체 법령체계를 구성하도록 규정되어 있습니다. 원칙적으로 이 법령 체계에서는 하위법이 상위법에 위반되는 내용으로 입법되는 것을 허용하지 않고 있습니다. 또한 상위법이 특정 사안을 일반적으로 규정하고 있다면 하위법에서는 그 사안에 대한 보다 구체적인 절차와 기준을 제시합니다.

No.	국문	원문
1	우즈베키스탄 공화국 헌법	Конституция Республики Узбекистан
2	우즈베키스탄 공화국 법률	Законы Республики Узбекистан
3	우즈베키스탄 공화국 의회령(올리 마즐리스)	Постановления палат Олий Мажлиса Республики Узбекистан
4	우즈베키스탄 공화국 대통령령 및 대통령훈령	Указы и постановления Президента Республики Узбекистан

⁵ 대통령령(Указ Президента Республики Узбекистан)과 대통령훈령(Постановление Президента Республики Узбекистан)은 서로 다른 법령입니다. 우즈베키스탄 대통령은 국가의 중요한 과제나 비상 상황 등과 관련하여 특정한 관계가 법률로 규정되지 않은 경우, 즉 법적 공백이 있는 경우에는 우즈베키스탄 헌법 및 일반 법률을 위배하지 아니하는 범위 내에서 대통령령을 공포할 권한이 있습니다. 일반적으로 대통령훈령은 법률에 따라 특정 정부 기관이 수행해야 하는 과업 등에 관한 대통령의 구체적 지시사항을 규정합니다. 다만 실제 상황에 있어서 대통령령과 대통령훈령이 엄격하게 구별되지 않고 제정, 공포되는 경우도 있습니다.

No.	국문	원문
5	우즈베키스탄 공화국 내각령	Постановления Кабинета Министров Республики Узбекистан;
6	각 정부기관 및 위원회 명령	Приказы и постановления министерств, государственных комитетов и ведомств
7	지방의회 조례 및 규칙	Решения органов государственной власти на местах

2. 본건 조사 대상 우즈베키스탄 법령

우즈베키스탄의 ODA 사업, 정부 예산, 구매 및 공공투자와 관련된 법령들과 그 주요 내용은 아래와 같습니다.

No.	분야	법령(국문)	법령(원문)	주요 내용
1	ODA 관련 ⁶	투자 및 대외 무역 분야의 관리 시스템 개선 조치에 관한 대통령령 제 UP-5643 호 (제정 2019. 1. 28.)	Указ Президента Республики Узбекистан от 28.01.2019 г. № УП-5643 «О мерах по совершенствованию системы управления в сферах инвестиций и внешней торговли»	<ul style="list-style-type: none"> 투자대외무역부 신설 ODA 사업을 포함한 우즈베키스탄의 대외무역 업무 개발, 협력, 이행 권한을 투자대외무역부에 부여
		대외 무상 지원 자금 및 기부 협력 유치 메커니즘 개선 조치에 관한 대통령령 제 UP-5848 호 (제정 2019. 10. 10.)	Указ Президента Республики Узбекистан от 10.10.2019 г. № УП-5848 «О мерах по совершенствованию механизмов привлечения средств внешнего безвозмездного содействия и работы с донорами»	<ul style="list-style-type: none"> 대외 무상 원조 자금과 기부를 유치하여 실행되는 ODA 사업의 추진과 모니터링 역할을 투자대외무역부에 부여
		2022-2026 년 NEW 우즈베키스탄 발전 전략에 관한 대통령령 제 UP-60 호 (제정 2022. 1. 28.)	Указ Президента Республики Узбекистан от 28.01.2022 г. № УП-60 «о стратегии развития Нового Узбекистана на 2022-2026 гг.»	<ul style="list-style-type: none"> 우즈베키스탄의 행정, 사법, 경제, 교육, 복지, 종교, 문화, 환경, 국가안보 및 대외 정책 등 다양한 분야에서 중장기 발전 전략 제시

⁶ 우즈베키스탄에는 ODA 관련 내용만을 규정하는 개별 단일 법률이 존재하지 않습니다. 우즈베키스탄 법제도상 법률로 규정되지 않는 사항은 대통령령과 대통령훈령으로 규율되고 있습니다. 따라서 ODA 사업을 포함한 국가발전, 외국인 투자, 정부 지원 관련 사항의 경우 다수의 대통령령과 대통령훈령으로 규율 되는 실정입니다.

No.	분야	법령(국문)	법령(원문)	주요 내용
				<ul style="list-style-type: none"> ODA 사업에 영향을 미칠 수 있는 국가 정책 방향 수립
		국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제 PP-3857 호 (제정 2018. 7. 16.)	Постановление Президента Республики Узбекистан от 16.07.2018 г. № ПП-3857 «О мерах по повышению эффективности подготовки и реализации проектов с участием международных финансовых институтов и иностранных правительственных финансовых организаций»	<ul style="list-style-type: none"> 국제 금융기구⁷ 또는 외국정부 금융기관⁸ 과 각 정부기관 간의 단계별 ODA 사업 추진 체계 수립
		2019~2030 녹색경제로의 전환 전략승인에 관한 대통령훈령 제 PP-4477 호 (제정 2019. 10. 4.)	Постановление Президента Республики Узбекистан от 04.10.2019 г. № ПП-4477 «Об утверждении Стратегии по переходу Республики Узбекистан на «зеленую» экономику на период 2019 — 2030 годов»	<ul style="list-style-type: none"> 에너지, 석유 및 가스 산업, 녹색 투자, 도시 개발 분야에서 녹색 경제로의 성장을 위한 목표 수립
		우즈베키스탄을 2030년까지 녹색 경제로 전환하기 위한 개혁의 효율성 제고 조치에 관한 대통령훈령 제 PP-436 호 (제정 2022. 12. 2.)	Постановление Президента Республики Узбекистан от 02.12.2022 г. № ПП-436 «о мерах по повышению эффективности реформ направленных на переход Республики Узбекистан на «зеленую» экономику до 2030 года»	<ul style="list-style-type: none"> 녹색 투자 지원과 관련하여 민관협력파트너십 (이하 'PPP') 을 확대하고 국제 금융기구와의 협력을 통해 민간 투자자의 기회를 창출하는 계획 수립 국제 금융기구와 외국 정부 금융기관으로부터의 차관/무상지원, 외국인 투자 적극 활용 목표 수립
		2021-2023년 우즈베키스탄의 사회 및 생산 인프라	Постановление Президента	<ul style="list-style-type: none"> 우즈베키스탄의 사회 및 산업 인프라 개

⁷ 우즈베키스탄 공화국이 회원국으로 가입한 국가간 협정에 근거하여 설립된 금융 및 경제 기구

⁸ 국영 은행 및 개발 기금, 수출입은행을 포함하여 우즈베키스탄 공화국에서 프로젝트에 자금투자 및 공동 투자를 하는 외국 정부 금융기관

No.	분야	법령(국문)	법령(원문)	주요 내용
		라 개발을 위한 조치에 관한 대통령훈령 제 PP-4936 호 (제정 2020. 12. 28.)	Республики Узбекистан от 28.12.2020 г. N ПП-4936 «О мерах по развитию социальной и производственной инфраструктуры Республики Узбекистан в 2021-2023 годах»	<ul style="list-style-type: none"> 발을 가속화하기 위해 기업에 유리한 투자 환경을 조성하고, PPP 를 통한 신규 인프라 시설을 확충하여 일자리를 창출하는 계획 수립 2021-2023 년에 시행될 우즈베키스탄의 사회 및 산업 인프라 개발 프로그램 개발
2	정부예산 관련	예산법 제 ZRU-360 호 (제정 2013. 12. 26.)	Бюджетный кодекс Республики Узбекистан от 26.12.2013 г. N ЗРУ-360)	<ul style="list-style-type: none"> 국가예산에 관한 기본 법률로서 예산 편성, 집행 등을 규율
		2023 년도 국가예산에 관한 법률 제 ZRU-813 호 (제정 2022. 12. 30.)	Закон Республики Узбекистан от 30.12.2022 г. № ЗРУ-813 «О Государственном бюджете Республики Узбекистан на 2023 год»	<ul style="list-style-type: none"> 2023 년 국가예산의 편성 및 집행과 관련한 사항을 규율 2023 년에 적용될 최소임차율, 특정 제품 판매 수수료, 외제차의 우즈베키스탄 입국 및 경유 수수료, 관세율 등을 규정
		2023 년도 국가예산법 이행 보장 조치에 관한 대통령훈령 제 PP-471 호 (제정 2022. 12. 30.)	Постановление Президента Республики Узбекистан от 30.12.2022 г. № ПП-471 «О мерах по обеспечению исполнения Закона Республики Узбекистан «О Государственном бюджете Республики Узбекистан на 2023 год»	<ul style="list-style-type: none"> 2023 년 국가 예산 이행과 관련하여 2023 년에 적용되는 각종 세율(소득세, 부가세, 사회세, 광물/지하자원 채굴세), 관세 면제 품목 규정
3	구매 관련	국가조달에 관한 법률 제 ZRU-684 호 (제정 2021. 4. 22.)	Закон Республики Узбекистан от 22.04.2021 г. № ЗРУ-684 «о государственных закупках»	<ul style="list-style-type: none"> 우즈베키스탄 대통령과 내각이 공여국, 국제기구, 외국정부 및 비정부기구와 체결한 협정에 따라 우즈베키스탄에 제공되는 외국의 지원금, 기술 및 기타 분야의 대외 무상원조와 차관을 통해 자금을 지원받는 국가조달을 규율
4	공공투자 관련	투자 및 투자활동에 관한 법률 제 ZRU-598 호 (제정 2019. 12. 25.)	Закон Республики Узбекистан от 25.12.2019 г. № ЗРУ-598 «об инвестиции и инвестиционной деятельности»	<ul style="list-style-type: none"> 외국인 투자자와 외국인 투자기업에 대한 정의를 명확히 하고, 외국인 투자자의 권리 및 의무, 외화 현

No.	분야	법령(국문)	법령(원문)	주요 내용
				금 반환 및 반입 신고 기준 등 우즈베키스탄 내 투자 활동과 관련한 사항들을 규율
		PPP 에 관한 법률 제 ZRU-537 호 (제정 2019. 5. 10).	Закон Республики Узбекистан от 10.05.2019 г. № ЗРУ-537 «о государственно-частном партнерстве»	<ul style="list-style-type: none"> 우즈베키스탄 정부에 의한 공공 인프라의 개발, 운영, 유지 보수, 품질 향상, 외국인 투자를 포함한 민간 투자 유치, 입찰 절차 등 PPP 사업 관련 절차 규율

III. ODA 사업 관련 법령 및 기관

1. ODA 사업 관련 주요 법령 및 주무기관

가. 개요

우즈베키스탄에는 ODA 사업만을 규율하는 별도의 단일 법률은 없습니다. 하지만 ODA 사업은 일반적으로 사업 승인 전후에 「국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제 PP-3857 호」의 절차에 따라 추진되는데, 해당 훈령은 주요 국가발전, 투자, 지원과 관련된 절차 등 일반적인 사항을 규정하고 있습니다. 세부적으로 ODA 사업을 진행하기 위해 일반적으로 별도의 대통령훈령이 제정되거나 외국정부와 국제 금융기구가 투자하는 모든 ODA 사업에 대해 대통령령 또는 대통령훈령 형태의 특별 법령이 제정되지는 않습니다.

예를 들어, 세계은행이 참여한 우즈베키스탄 내의 ODA 사업은 「세계은행이 참여한 우즈베키스탄 건물 내 청정 에너지 공급 사업 이행 조치에 관한 우즈베키스탄 대통령훈령 제 PP-106 호」(제정 2023. 3. 30.) (Постановление Президента Республики Узбекистан от 30.03.2023 г. № ПП-106 «О мерах по реализации проекта «Чистая энергия для зданий в Узбекистане» с участием Всемирного банка»), 「세계은행이 참여한 시장 개혁 사업 이행 조치에 관한 우즈베키스탄 대통령훈령 제 PP-4521 호」(제정 2019. 11. 13.) (Постановление Президента Республики Узбекистан от 13.11.2019 г. № ПП-4521)

«О мерах по реализации проекта "Поддержка рыночных реформ в Узбекистане" с участием Всемирного банка»)와 같은 개별 법령에 따라 진행되고 있습니다.

다음 표는 대한민국과 관련된 ODA 및 EDCF 사업에 관하여 제정된 대통령훈령과 그 사업의 진행 경과를 개략적으로 정리한 것입니다.

No.	대상사업 및 관련 훈령	주요내용
1	<p>“타슈켄트 시 공항의 신규 여객 터미널(타슈켄트-4) 건설” 투자사업 이행 조치에 관한 대통령훈령, 제PP-2743호, (제정 2017.01.25)</p> <p>[Постановление Президента Республики Узбекистан от 25.01.2017 г. № ПП-2743 «о мерах по реализации инвестиционного проекта «Строительство нового международного пассажирского терминала аэропорта г. Ташкента (Ташкент-4)»]</p>	<ul style="list-style-type: none"> • 2016년 1월 총 투자 금액 3억 4,361만 달러에 달하는 신규 공항 여객터미널 건설 투자사업(이하 '투자사업')에 대한 타당성 조사가 시작됨 • 2016년 9월 28일, 우즈베키스탄 정부와 한국수출입은행 간에, 그리고 2016년 9월 29일, 우즈베키스탄 재무부와 대한민국 기획재정부 간에 투자사업 재원 조달에 관한 문서에 서명하여, 우즈베키스탄이 대한민국 정부로부터 EDCF 양허성 차관을, 한국수출입은행으로부터 대출을 각 제공받기로 함 • 대한민국 정부는 2016년 12월 20일, 투자사업에 소요되는 자금을 조달하기 위하여 총 2억 달러, 상환기간 40년(상환 유예기간 10년 포함)의 EDCF 양허성 차관을 승인함 • 2016년 12월 21일, 우즈베키스탄 정부와 한국수출입은행 간에 투자사업 소요자금 조달을 위한 차관공여(대출)계약이 체결됨 • 우즈베키스탄 재무부 장관은 한국수출입은행의 대출에 대한 우즈베키스탄 중앙은행 및 우즈베키스탄 국영 항공사 ‘우즈베키스탄 하보 율라리(Uzbekistan Havo Yollari)’의 각 채무에 대해 우즈베키스탄의 국가 보증을 발행하도록 승인함 • 우즈베키스탄 정부는 한국수출입은행의 상기 차관공여계약 실행에 따라 EDCF 차관을 제공한 결과 발생한 이자소득에 대해 법인세를 면제하기로 결정함
2	<p>한국수출입은행 EDCF의 참여로 “학교 교육 정보통신기술 개발” 투자사업 이행 조치에 관한 대통령훈령, 제PP-2563호, (제정 2016.07.20)</p> <p>[Постановление Президента Республики Узбекистан от 20.07.2016 г. № ПП-2563 «о мерах по реализации инвестиционного проекта «Дальнейшее развитие информационно-коммуникационных технологий в школьном образовании» с участием фонда экономического развития и сотрудничества экспортно-импортного банка Кореи]</p>	<ul style="list-style-type: none"> • 2015년 5월 28일, 우즈베키스탄 정부와 한국수출입은행은, 우즈베키스탄 정부가 2,766개 일반학교에 2,859대의 교육용 컴퓨터 시스템을 구축하기 위하여 진행되는 '학교 교육 정보통신기술 개발' 투자사업(이하 IT 개발 투자사업)과 관련하여, 총 3,300만 달러, 상환기간 40년(상환 유예기간 10년 포함)의 EDCF 양허성 차관을 제공하는 차관공여계약을 체결함 • IT 개발 투자사업의 목적에 맞게 해당 차관을 사용하고 사업을 이행할 집행기관으로 우즈베키스탄 국립교육부가 지정됨 • EDCF 차관 상환 및 이자 지급과 관련된 비용은 우즈베키스탄 국가 예산에서 충당됨

No.	대상사업 및 관련 훈령	주요내용
3	<p>대한민국 대외개발협력기금과 금융협력을 통한 “전자정부 시스템 정보처리센터 구축” 투자사업 이행 조치에 관한 대통령훈령, 제PP-2783호, (제정 2017. 2. 16.)</p> <p>[Постановление Президента Республики Узбекистан от 16.02.2017 г. № ПП-2783 «о первоочередных мерах по реализации инвестиционного проекта «Создание центра обработки данных системы «Электронное правительство»» при финансовом сотрудничестве с фондом экономического развития и сотрудничества Республики Корея»]</p>	<ul style="list-style-type: none"> • 우즈베키스탄은 우즈베키스탄 재무부와 대한민국 기획재정부 간에 체결된 양해각서를 기반으로, 우즈베키스탄 전자정부 시스템의 기술 인프라를 발전시키기 위해, 각 정부기관의 정보시스템 및 데이터베이스 구축을 정책 목표로 수립함 • 상기 목표를 달성하기 위해 우즈베키스탄은 2,700 만 달러의 차관을 제공받을 예정임 • 「2019 년도 우즈베키스탄 투자사업 이행 조치에 관한 대통령훈령 제 PP-4067 호」(제정 2018. 12. 19.) [Постановление Президента Республики Узбекистан от 19.12.2018 г. № ПП-4067 «О мерах по реализации Инвестиционной программы Республики Узбекистан на 2019 год»]에 따르면, 전자정부시스템 정보처리센터 구축 투자 사업은 우즈베키스탄의 「2019 년도 사전 사업 개발, 조정 및 승인 신속 대상 투자 사업 목록」에 포함되었음 • 2022 년 4 월 19 일, 우즈베키스탄 전자정부 사업운영센터는 한국 기업 ‘MOON Engineering’과 전자정부시스템 정보처리센터 구축 사업에 관한 계약을 체결함 • 또한 「디지털 경제 및 전자정부의 대규모 도입 조치에 관한 대통령훈령 제 PP-4699 호」(제정 2020. 4. 28.) [Постановление Президента Республики Узбекистан от 28.04.2020 г. № ПП-4699 «О мерах по широкому внедрению цифровой экономики и электронного правительства»] 및 「우즈베키스탄 디지털기술부 일부 부서의 재조직 조치에 관한 내각령 제 409 호」(제정 2020. 6. 25.) [Постановление Кабинета Министров Республики Узбекистан от 25.06.2020 г. № 409 «О мерах по организации деятельности некоторых организаций в системе министерства цифровых технологий Республики Узбекистан»]에 근거하여 우즈베키스탄 디지털기술부 산하에 전자정부시스템 정보처리센터가 설립됨

나. ODA 관련 주요 법령 주요 내용

1) 우즈베키스탄 투자 및 투자 활동에 관한 법률 주요 내용

「우즈베키스탄 투자 및 투자 활동에 관한 법률 제 ZRU-598 호」는 우즈베키스탄의 외국인 투자자와 우즈베키스탄 국내 투자자가 수행하는 우즈베키스탄 내 투자 및 투자 활동에 관한 법률 관계를 규율하는데 그 목적을 가지고 있습니다(동법 제 1 조). 우즈베키스탄 내에서의 투자 활동은 우즈베키스탄 거주자인 개인, 개인사업자, 법인, 우즈베키스탄 중앙정부기관 및 지방정부 기관, 외국 국가, 외국 정부기관, 국제기구, 외국 법인, 외국 국적자 및 무국적자 등이 주체로 참

여할 수 있습니다(동법 제 9 조). 따라서 외국 국가 및 외국 정부기관이 우즈베키스탄에서 투자자 역할을 수행하는 경우, 위 법의 적용을 받게 됩니다. 한편 동 법률과 우즈베키스탄의 정부간 협정이나 차관공여계약 사이에 상충되는 내용이 있는 경우 우선적 효력에 대하여 동 법률 자체에서 명시하고 있는 바는 없으나, 우즈베키스탄 헌법은 국제조약에서 정한 규칙과 우즈베키스탄 법률에서 정한 규칙이 다를 경우, 국제 조약의 규칙이 우선 적용될 것(우즈베키스탄 헌법 제 15 조)이라는 원칙을 명시하고 있기 때문에, 국제조약의 효력이 우선될 것으로 판단됩니다. 또한, ODA 사업 절차를 고려할 때, 정부간 협정이나 차관공여계약을 체결하기 전에, 현행 우즈베키스탄 법률을 위반하거나 상충하는 사항이 없는지 사전에 협의하고 검토하는 과정을 거치므로, 법률 상충 위험은 현실적으로 크지 않을 것으로 보입니다.

「우즈베키스탄 투자 및 투자 활동에 관한 법률 제 ZRU-598 호」에 따르면, 우즈베키스탄에서 외국인 투자자는 자유로운 투자 활동, 투자의 규모, 형태, 사업방향을 독립적으로 결정할 수 있는 권리, 투자와 그 결과물에 대한 소유, 사용, 처분, 판매할 권리, 자금 조달을 위한 신용 및 대출 권리, 정부기관의 불법행위로 인한 손해배상 등의 권리를 보유하고 있습니다. 한편 외국인 투자자는 내국인 투자자와 동등하게 우즈베키스탄에 대한 납세 의무, 투자 관련 약정 이행 의무, 경쟁법, 반부패법, 투자법, 노동법, 환경법 등 우즈베키스탄 법률을 준수하기 위한 의무, 계약 조건의 불이행 또는 불완전 이행으로 인해 계약 상대방에게 끼친 손해를 배상할 의무, 정부기관이 요구하는 사항을 이행할 의무를 부담하게 됩니다.

외국정부와 정부기관을 포함한 외국인 투자자는 우즈베키스탄에서 다음과 같은 방식으로 투자 활동을 할 수 있습니다.

- 법인 설립 또는 자산 및 주식(지분) 취득을 포함한 지분 참여
- 우즈베키스탄 거주자가 발행한 주식 및 기타 유가증권 취득
- 천연자원 개발, 생산, 이용을 위한 면허 취득
- 지적재산권, 저작권, 특허권, 상표권, 실용신안 등 권리 취득
- 토지 및 부동산의 소유권 및 사용권 취득

2) PPP에 관한 법률 주요 내용

「PPP에 관한 법률 제 ZRU-537 호」는 민간과 정부 간의 협력인 PPP 분야에 대한 일반적인 내용과 절차를 규정하고 있는데, 생산 분배 계약과 국가 조달 분야는 적용 대상에서 제외됩니다. 우즈베키스탄이 당사국인 국제 조약과 해당 법이 상충하는 경우 국제 조약의 내용이 우선 적용된다는 점(제 2 조)을 명시적으로 규정하고 있습니다. 이는 외국정부가 우즈베키스탄 정부와 체결한 정부간 협정(즉, 조약)에 동 법과 다소 불일치한 내용이 포함되어 있더라도 공식적으로 조약이 체결된 경우 해당 조약이 우선하게 되므로, 해당 조약 중에 외국정부에 우호적인 조항이 포함될 가능성을 인정하고 있습니다.

동 법은 PPP 관련 정부의 정책 권한, PPP 사업 참여자들 간의 권리의무, PPP 사업 제안 및 사업 계획안의 내용, 민간사업자 선정, PPP 약정의 내용, PPP 민간부문 투자자 및 채권자(대주단)의 권리 보호, PPP 사업 이행모니터링 절차, PPP 사업을 위한 정부의 지원체계 등을 규정하고 있습니다. 보다 상세한 내용은 [III. 2. 마. PPP 사업]에서 기술합니다.

3) 투자 및 대외 무역 분야의 관리 시스템 개선 조치에 관한 대통령령 주요 내용

「투자 및 대외 무역 분야의 관리 시스템 개선 조치에 관한 대통령령 제 UP-5643 호」에 의거하여 투자대외무역부가 신설되었습니다. 투자대외무역부는 대외 무역 분야의 국가 정책을 실행하고, 국제적 경제 협력을 도모하며, 외국인 투자를 유치하는 등 광범위한 업무를 수행하는 것으로 규정되어 있습니다. 투자대외무역부는 국제 금융기구 및 외국정부 금융기관과의 협력, ODA 사업을 포함한 경제 협력 대외 무상 원조 자금의 유치와 같은 외교 경제 분야에서 전반적인 이행을 담당하는 주무기관입니다(동 대통령령 제 3 조).

4) 대외 무상 지원 자금 및 기부 협력 유치 메커니즘 개선 조치에 관한 대통령령 주요 내용

2019년 10월 10일에 제정된 「대외 무상 지원 자금 및 기부 협력 유치 메커니즘 개선 조치에 관한 대통령령 제 UP-5848 호」에 따르면 대외 무상 원조 자금과 기금의 유치, 이를 바탕으로 한 ODA 사업의 추진 및 모니터링 역시 투자대외무역부에서 수행하도록 규정되어 있습니다(동 대통령령 제 2 조). 보다 상세한 내용은 [III. 2. 나. ODA 사업 추진 및 시행 절차]에서 기술하였습니다.

5) 2022-2026년 NEW 우즈베키스탄 발전 전략에 관한 대통령령 주요 내용

샹카트 미르지요예프 우즈베키스탄 대통령은 2022년 1월 28일에 제정된 「2022-2026년 NEW 우즈베키스탄 발전 전략에 관한 대통령령 제 UP-60호」를 통해 우즈베키스탄의 행정, 사법, 경제, 교육, 복지, 종교, 문화, 환경, 국가안보 및 대외정책 등 다양한 분야에서의 중장기 국가발전 전략을 제시하였습니다. 본 대통령령은 제 1조에서 국가발전전략을 위한 7개 우선 과제를 다음과 같이 정하고 있습니다.

- ① 인간의 명예와 존엄성을 높이고 자유로운 시민사회가 발전된 국가를 건설한다.
- ② 정의 원칙과 법치주의를 국가 발전을 위한 필수조건으로 삼는다.
- ③ 국민 경제의 발전을 가속화하고 높은 성장률을 위해 노력한다.
- ④ 공정한 사회정책을 시행하고 인적자본을 개발한다.
- ⑤ 종교 발전을 위해 노력한다.
- ⑥ 국익을 바탕으로 글로벌 문제에 접근한다.
- ⑦ 국가 안보와 국방 잠재력을 강화하고, 개방적이고 실용적인 외교 정책을 적극적으로 펼친다.

본 대통령령에 따르면 행정 분야에서는 공공행정 시스템을 간소화하여 효율적인 전자정부를 구축하고(정책목표 제 9항), 경제 분야에서는 2030년까지 1인당 GDP를 4,000달러까지 높이는 것을 목표로 삼았습니다(정책목표 제 21항). 또한 화학 및 가스 화학 산업의 경우, 동 산업을 발전시켜 천연 가스 처리 수준을 기존 8%에서 20%로 확대, 전기산업 고부가가치 제품 생산량 2배 및 수출량 3배 확대를 목표로 정하고 있습니다(정책목표 제 22항). 이외에도 디지털 인프라를 개발하여 광대역 네트워크를 갖춘 모바일 도로를 설치하고, 2026년 말까지 금융 및 은행 부문에서 운영 프로세스의 디지털화 수준을 70%로 높이며, 국가 전체 소프트웨어 산업의 규모는 5배, 수출은 10배 확대할 계획을 정하였습니다(정책목표 제 25항). 또한, 국가 정책의 일환으로 그린에너지 투자를 확대할 계획입니다(정책목표 제 24항).

외국인 투자 환경 개선을 통해 700억 달러 상당의 투자를 유치하고, 특히 중국과는 스프다린스 카야주, 러시아와는 수르한다린스카야주, 인도와는 지자크스카야주 간 협력을 통해 대외 경제 협력을 강화한다는 목표를 가지고 있습니다(정책목표 제 26항). 또한 교육 및 복지 분야에서는 직업훈련을 확대하고(정책목표 제 37항), 공공교육 환경을 개선할 예정입니다(정책목표 제 38항~제 51항). 의료 분야에서는 투자와 의료클러스터 조성을 통해 양질의 의료서비스를 제공하

고자 합니다(정책목표 제 55 항 ~ 제 64 항). 이외에도 녹색지대와 산림조성을 통해 글로벌 환경 이슈에 대응하고(정책목표 제 79 항 ~ 제 81 항), 일자리 창출을 통해 빈곤을 해결할 계획을 세우고 있습니다(정책목표 제 85 항). 이러한 정책 목표들은 ODA 사업에 영향을 미칠 수 있는 국가 정책적 방향성을 제시하고 있는 것으로 판단됩니다.

6) 국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 주요 내용

우즈베키스탄 정부는 「국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제 PP-3857 호」를 통해 국제 금융기구 또는 외국정부 금융기관과 각 정부기관 간의 단계별 ODA 사업 추진 체계를 수립하였습니다. 동 대통령훈령은 ODA 사업 추진 및 시행 과정에 대해 다루고 있으며, (i) ODA 사업의 추진 및 승인, (ii) ODA 사업의 타당성 조사 실시, (iii) ODA 사업 자금 조달, (iv) ODA 사업 수행 업체 선정 및 (v) 사업 진행에 대하여 규정하고 있습니다. 세부적인 내용은 [III. 2. ODA 사업 추진 체계]에서 검토합니다.

7) 2019~2030 녹색경제로의 전환 전략 승인에 관한 대통령훈령 주요 내용

우즈베키스탄 정부는 「2019~2030 녹색경제로의 전환 전략 승인에 관한 대통령훈령 제 PP-4477 호」를 통해 에너지, 석유 및 가스 산업, 녹색 투자, 도시 개발 분야를 포함한 녹색 경제로의 성장을 위한 목표를 수립하였습니다. 이에 따라 2030년까지 GDP 단위당 온실가스 배출량을 2010년 대비 35% 감소시키고, 재생 가능 에너지원 생산력을 최대 15GW 까지 확대하여 전력 생산 중 재생 가능 에너지원의 비중을 30%까지 증가시키며, 매년 2억 그루 상당의 묘목을 심어 녹지 공간을 30% 확대하는 등의 목표를 설정하였습니다(대통령훈령 제 25 조).

8) 우즈베키스탄을 2030년까지 녹색 경제로 전환하기 위한 개혁의 효율성 제고 조치에 관한 대통령훈령 주요 내용

「우즈베키스탄을 2030년까지 녹색 경제로 전환하기 위한 개혁의 효율성 제고 조치에 관한 대통령훈령 제 PP-436 호」는 「2019~2030 녹색경제로의 전환 전략 승인에 관한 대통령훈령 제 PP-4477 호」와 동일한 목표를 설정하였습니다. 본 대통령훈령은 녹색 투자를 지원하기 위해

PPP 사업의 확대 및 국제 금융기구와의 협력을 통해 민간 투자 기회를 창출하는 목표를 제시하고 있습니다(대통령훈령 제 1 장). 이를 위해 국제 금융기구, 외국정부 및 외국 금융기관의 차관/무상지원 협력, 외국인 투자를 적극적으로 활용하려는 계획을 세우고 있습니다(대통령훈령 제 3.2 조, 별첨 3 제 29 항 및 제 30 항). 또한 본 대통령훈령은 우즈베키스탄 에너지부, 경제개발빈곤퇴치부, 재무부에게 실질적인 조치에 관한 로드맵을 개발하는 책임을 부여하고 있고(대통령훈령 제 2 조), 경제개발빈곤퇴치부에는 녹색 경제로의 전환을 위해 온실가스 배출량 감소 활동을 관리하고 감독하는 권한을 부여하였으며, 에너지부에는 수소 에너지와 같은 재생 가능 에너지 개발 등을 위한 권한을 부여하였습니다(대통령훈령 제 3 조). 한편 2023년 6월 1일부로 제품 생산 시 환경에 대한 영향 기준을 평가하는 녹색 인증서 시스템을 도입하도록 하였으며, 2024년 1월 1일부로 1MW 이상의 태양력 및 풍력 발전소 건설 투자 사업 실행 시 설치 용량의 최소 25% 이상의 전기 에너지 저장 시스템을 도입하도록 규정하였습니다(대통령훈령 제 4 조).

9) 2021-2023년 우즈베키스탄의 사회 및 생산 인프라 개발을 위한 조치에 관한 대통령 훈령 주요 내용

「2021-2023년 우즈베키스탄의 사회 및 생산 인프라 개발을 위한 조치에 관한 대통령훈령 제 PP-4936 호」를 통해 우즈베키스탄의 사회적 및 산업적 인프라 개발을 가속화하기 위한 계획이 수립되었습니다. 본 계획의 목표는 기업에게 보다 유리한 투자 환경을 조성하고 국가의 경제 및 사회적 부문에서 PPP를 통한 신규 인프라 시설을 확충하고 일자리를 창출하는 것입니다. 본 대통령훈령에 따라 경제개발빈곤퇴치부는 우즈베키스탄의 사회 및 생산 인프라 개발과 관련된 업무를 수행하게 되었습니다. 경제개발빈곤퇴치부는 우즈베키스탄 기타 정부 기관, 민간 기업, 카라칼팍스탄 공화국 각료회의, 타슈켄트 시 및 지방정부와의 협력을 통해 2021년부터 2023년까지 이행될 사회 및 산업 인프라 개발 프로그램을 수립하였습니다.

2. ODA 사업 추진 체계

가. 개요

앞서 말씀드린 바와 같이, 우즈베키스탄에는 ODA 사업만을 규율하는 별도의 단일 법률이 존재하지 않고, 사업 수행을 위해 필요한 경우 대통령령과 대통령훈령으로 규율하고 있습니다. ODA

사업은 일반적으로 「국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제 PP-3857 호」 (이하 'ODA 관련 훈령')에 명시된 절차와 근거를 바탕으로 추진됩니다.

나. ODA 사업 추진 및 시행 절차

ODA 관련 훈령에 따르면, ODA 사업의 추진 및 시행 과정은 다음과 같습니다.

1) ODA 사업의 추진 및 승인

ODA 사업을 실시하려는 자(이하 '사업실시기관'⁹)는 매년 2월 1일까지 사업계획서를 국제협력개발청에 제출해야 하며, 해당 사업계획서에는 향후 3년 동안 시행을 제안하는 유망 사업에 대한 내용이 포함되어야 합니다. 국제협력개발청은 필요한 경우 우선 순위에 따라 외부 컨설턴트 및 전문가를 고용하여 사업계획서에 기재된 사업의 사회경제적 인프라 개발 적합성을 사전평가하고 사업 추진 우선순위를 정하여, 매년 3월 1일까지 선정된 사업목록을 투자대외무역부에 제출합니다. 투자대외무역부는 매년 4월 1일까지 제출된 사업목록을 검토하여 확정하고 재무부 및 경제개발빈곤퇴치부에 제출합니다. 이후 사업목록 전달일로부터 7일 이내에 투자대외무역부, 경제개발빈곤퇴치부, 재무부가 협의하여 최종 사업목록을 검토하고 이를 대외무역투자산업발전기술규제 정부위원회에 제출하고, 대외무역투자산업발전기술규제 정부위원회는 최종 사업목록 그리고 최종 사업목록에 대한 변경 및 추가 사항을 승인합니다.

국가 예산을 통한 대출 상황을 예상하는 경우 최종 사업목록을 기반으로 재무부는 사업실시기관과의 협의를 거쳐 국제 금융기관 또는 외국정부 금융기관이 제공하는 대출금 한도를 고려한 국제 금융기관 또는 외국정부 금융기관과의 협력전략(프로그램)을 수립합니다. 대외무역투자산업발전기술규제 정부위원회는 대통령의 승인에 따라 국제 금융기구 및 외국정부 금융기관과의 협력전략(프로그램)에 포함되지 않은 사업의 실행 결정을 내립니다. 국제 금융기구 및 외국

⁹ 별첨에서 정의된 'ODA 사업을 실시하려는 자'란 국제 금융기구 또는 외국정부 금융기관과 협력하여 사업을 추진하는 (우즈베키스탄) 국가기관, 예산 기관, 기타 법인을 의미합니다. 본 보고서에서는 편의상 '사업실시기관'으로 통일하여 사용합니다.

정부 금융기관과의 협력전략(프로그램)은 대통령에게 보고되어 승인됩니다¹⁰. 사업에 대한 대통령 승인 후 사업실시기관은 국제 금융기구 또는 외국정부 금융기관과 사업에 관한 구체적인 협의를 진행하게 됩니다.

2) ODA 사업의 타당성 조사 실시

사업실시기관은 국제 금융기구 또는 외국정부 금융기관과 사업에 관한 협의 성격으로 사전평가 문서(Документ предварительной оценки)¹¹를 준비합니다. ODA 사업 관련 부문별과학기술위원회(Отраслевой научно-технический совет)¹²는 사업 사전평가문서를 승인합니다(1 차 협의). 사업 사전평가문서를 바탕으로 사업실시기관은 국제 금융기구 또는 외국정부 금융기관과의 규정과 절차에 따라 그리고 국제협력개발청과 협의된 과업지시서를 고려하여 국제 금융기구 또는 외국정부 금융기관과 공동으로 사업 타당성 문서(Технико-экономическое обоснование проекта: ТЭО)¹³ 준비를 합니다(2 차 협의). 한편, 타당성 문서 준비를 하면서 동시에 사업실시기관은 사업 견적서 준비도 할 수 있습니다. 사업실시기관은 재무부와 투자대외무역부에 사업타당성 문서를 제출한 날로부터 2 주 이내에 사업타당성 문서를 검증하고, 검토 의견서를 준비합니다. 또한, 사업실시기관은 독자적으로 또는 프로젝트 오피스¹⁴의 요청에 따라 사전평가문서, 사업 타당성 문서, 상품, 용역, 서비스 가격 변수를 검증하기 위해 국제금융기관 또는 외국정부 금융기관이 만족할 만한 컨설팅사를 고용할 수 있습니다. 재무부와 투자대외무역부의 동의 검토의견서를 받고, 국제금융기관 또는 외국정부 금융기관의 승인을 받은 날로부터 2 일 이내 사업실시기관은 정부

¹⁰ 법령상 단계별 구체적인 일정이 명시되지 않고, 일부 단계에만 기간이 규정되어 있습니다. 실무상 이러한 단계에서는 최소 6 개월 이상의 시간이 소요되는 것으로 알려져 있습니다.

¹¹ 사업 추진을 위해 계획된 주요 변수를 정의하고, 국제금융기관 또는 외국정부 금융기관의 방법론을 따라 작성되며, 국제금융기관 또는 외국정부 금융기관에 의한 평가 문서 작성을 위한 기반이 되는 문서입니다.

¹² 사업 부문별로 다양한 정부기관 산하에 설치되어 사업 추진 타당성과 기회요인을 검토하는 행정기관 협의체입니다. 부문별과학기술위원회가 설치되지 않았을 경우, 사업실시기관이 설치하는 협의체가 부문별과학기술위원회의 기능을 대체합니다.

¹³ 국제 금융기구 또는 외국정부 금융기관 방법론을 고려하여 준비된 사전 사업문서로서, 특히 국제 금융기구 또는 외국정부 금융기관의 참여를 통해 사업의 예상 변수를 규정하는 문서입니다. 이를 통해 사업의 대상과 목적, 사업의 주요 기술적 경제적 지표, 사업의 요소 및 비용 카테고리, 사업 자금 조달 구조, 사업 추진 체계, 사업 평가 및 결과 모니터링, 정부조달입찰계획, 기술 평가, 경제금융 효과 분석, 사업 리스크 분석, 사회환경적 관점 등 다양한 내용을 담고 있습니다.

¹⁴ 프로젝트 오피스는 투자대외무역부의 기관으로 국제 금융기구 또는 외국정부 금융기관과 공동으로 프로젝트를 구현하는 중 사업실시기관의 활동을 조정하고 감독하는 역할을 수행합니다.

의 사업추진결정문(Решение о реализации проекта)¹⁵ 초안을 내각에 승인을 위해 제출합니다. 한편, 추가적인 세금 및 관세 혜택, 기타 특혜, 우즈베키스탄 재건개발기금의 자금을 사용하는 경우, 사업실시기관은 대통령 결의 초안을 작성하여 대통령에게 승인을 요청합니다.

3) ODA 사업 자금 조달

사업실시기관은 경제개발빈곤퇴치부, 투자대외무역부, 재무부, 법무부, 국제협력개발청과 협의하여 국제 금융기구 또는 외국정부 금융기관과 체결하게 되는 정부조달입찰계획(План закупок)¹⁶을 포함한 차관공여계약의 조건을 협의하고, 차관공여계약초안을 준비합니다. 이후 투자대외무역부와 재무부는 사업실시기관이 준비한 정부조달입찰계획과 차관공여계약 초안을 검토하고 승인합니다. 우즈베키스탄 내각¹⁷이 타당성 조사를 승인한 후 재무부는 ODA 사업에 필요한 자금을 조달하기 위해 국제 금융기구 또는 외국정부 금융기관과 차관공여계약을 체결할 수 있습니다. 한편 국제 금융기구 또는 외국정부 금융기관과 차관공여계약을 체결 시, 법무부, 재무부, 사업실시기관은 우즈베키스탄 정부 명의로 ODA 사업 자금 조달과 관련된 우즈베키스탄 법률상 절차를 적법하게 이행하였다는 내용의 법률의견서를 준비합니다.

4) ODA 사업 수행 업체 선정¹⁸

사업실시기관과 국제협력개발청은 ODA 사업을 수행할 업체를 선정하기 위한 입찰 서류를 준비합니다. 사업실시기관과 국제협력개발청은 입찰 서류 초안을 조달위원회¹⁹에 제출하고 조달

¹⁵ 정부의 사업추진결정문에는 i) 사업 타당성의 주요 변수, ii) 국제금융기관 또는 외국정부 금융기관의 대출금에 대한 상환 예상일정, iii) 사업 결과의 모니터링 매트릭스, iv) 금융협정 서명 권한에 관한 내용이 포함되어야 합니다.

¹⁶ 사업 관련 정부조달입찰 방법, 원칙, 주요 변수를 포함하며, 국제 금융기구 또는 외국정부 금융기관과 협의된 타당성 문서의 일부를 구성하는 문서를 의미합니다.

¹⁷ 추가적인 세금 및 관세 혜택, 기타 특혜, 우즈베키스탄 재건개발기금의 자금을 사용하는 경우에는 대통령의 승인이 필요합니다.

¹⁸ ODA 훈령에는 사업 수행 업체 선정 절차에 대해 많은 내용을 담고 있지 않고, 각 기관의 권한 및 기능/역할에 대해서만 언급하고 있습니다. 따라서, ODA 훈령에 따라 조달법에 따른 내용과 절차를 준용해서 이행하는 것으로 이해됩니다.

¹⁹ 투자대외무역부, 부패방지청, 사업실시기관, 국제협력개발청, 재무부, 건설부의 대표들이 참여하며, 위원은 최소 7인 이상이어야 합니다. 건설사업이 아닌 경우, 건설부는 위원회에 참여하지 않고, 대신 부문별 산업과학기술위원회의 대표가 참여하게 됩니다. 어떤 경우에도 사업실시기관의 대표는 조달위원회 전체 인원의 30%를 초과할 수 없으며, 조달위원회 의장은 사업실시기관의 장이 수행합니다.

위원회는 입찰 서류를 승인하고 입찰을 공고²⁰합니다. 이 때 사업실시기관과 국제협력개발청은 입찰 서류 초안을 국제 금융기구 또는 외국정부 금융기관에 제출합니다. 이후 조달위원회는 입찰 수행참가자의 제안서를 접수 받습니다. 제안서 제출이 완료된 후 조달위원회는 제안서를 심사하고 평가합니다. 국제협력개발청, 조달위원회는 제안서 평가 결과를 국제 금융기구 또는 외국정부 기관에도 회람합니다. 사업실시기관은 국제 금융기구 또는 외국정부 금융기관과 ODA 사업 수행참가자와 체결될 정부조달계약에 관해 협의를 진행하고, 협의 결과를 토대로 ODA 사업 수행참가자와의 정부조달계약 협상과 계약 체결을 진행합니다²¹. ODA 사업 수행참가자와의 정부조달계약 체결 후 ODA 사업 정부조달계약 현황 등록을 위해 사업실시기관은 대외투자무역부에 ODA 사업 관련 정부조달계약서 체결본 및 부속서류²²를 제출합니다.

5) ODA 사업 진행

ODA 사업 수행 업체가 선정되고 ODA 사업 계약이 체결된 후 공식적으로 ODA 사업이 진행됩니다.

ODA 관련 훈령에 근거한 단계별 세부 절차 및 그 기한 또는 소요 기간은 다음과 같습니다.

No.	단계별 세부 절차	기한/소요기간	관련당사자
1) ODA 사업의 추진 및 승인			
1	사업 계획서 준비		사업실시기관
2	지방정부와 사업 계획서 협의	매년 1월 1일까지	사업실시기관
3	국제협력개발청에 향후 3년간의 사업 계획서 제출	매년 2월 1일까지	사업실시기관
4	사업의 사회경제적 인프라 개발 적합성 사전 평가하고 사업 추진 우선순위를 정하여 선정된 사업목록을 투자대외무역부에 제출	매년 3월 1일까지	국제협력개발청
5	사업목록을 검토하여 확정 후 재무부 및 경제개발빈곤퇴치부에 제출	매년 4월 1일까지	투자대외무역부
6	최종 사업목록 확정 후 투자대외무역부에 제출	7일	사업실시기관, 경제개발빈곤 퇴치부, 재무부

²⁰ 특별정보포털 게시일, 언론매체 공고일 또는 입찰 수행참가자에 대한 통지일(초청일)은 입찰절차 시작일로 간주됩니다.

²¹ 「국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제 PP-3857 호」에 구체적인 입찰 기간을 명시하고 있지 않으며, 실무상으로는 최소 6개월 이상 소요되는 것으로 확인되고 있습니다.

²² 법률검토 의견서, 국제 금융기구 또는 외국정부 금융기관의 입찰평가결과보고서 동의서(필요 시), 입찰평가결과 회의 의사록, 기타 대외투자무역부가 요청하는 정보 및/또는 서류를 의미합니다.

No.	단계별 세부 절차	기한/소요기간	관련당사자
7	최종 사업목록을 대외무역투자산업 발전기술규제 정부위원회에 제출		투자대외무역부
8	최종 사업목록 승인을 위해 대통령에게 제출		대외무역투자산업발전기술규제 정부위원회
9	대통령의 최종 사업목록 승인 후 국제 금융기구 또는 외국정부 금융기관과 사업에 관한 사전 협의 진행		사업실시기관
2) ODA 사업의 타당성 조사 실시			
1	ODA 사업 관련 부문별산업과학기술 위원회와 타당성 조사를 위한 사업 사전평가문서 준비(1 차 협의)		사업실시기관, ODA 사업 관련 부문별산업과학기술위원회
2	국제협력개발청과 협의를 바탕으로 타당성 조사를 위한 과업지시서 준비		사업실시기관, 국제협력개발청
3	국제 금융기구 또는 외국정부 금융기관, 국제협력개발청과 공동으로 ODA 사업 관련 타당성 문서 준비(2 차 협의)	14 일	사업실시기관, ODA 사업 관련 부문별산업과학기술위원회
4	타당성 조사 실행		사업실시기관
5	타당성 문서 검토 및 검증	14 일	재무부, 투자대외무역부
6	타당성 조사 동의 결과를 바탕으로 사업추진결정문 초안 우즈베키스탄 내각에 제출 ²³		사업실시기관
3) ODA 사업 자금 조달(차관공여계약 체결)			
1	정부조달입찰계획을 포함하여 국제 금융기구 또는 외국정부 금융기관과 체결하게 되는 차관공여계약 조건 협의 및 초안 준비		사업실시기관, 경제개발빈곤퇴 치부, 투자대외무역부, 재무부, 법무부, 국제협력개발청
2	국제 금융기구 또는 외국정부 금융기관과 체결할 차관공여계약 초안 검토 및 승인		투자대외무역부, 재무부
3	타당성 조사 결과 승인		우즈베키스탄 내각
4	국제 금융기구 또는 외국정부 금융기관과 차관공여계약 체결		재무부
5	외국정부 금융기관과의 차관공여계약 체결 관련 우즈베키스탄 정부 명의의 법률 의견서 준비		재무부, 법무부, 사업실시기관
4) ODA 사업 수행 업체 (설계 업체, 기술 장비 임대 업체, 공급업체, 컨설팅 서비스 제공 업체 등) 선정			
1	ODA 사업 관련 입찰 서류 준비		사업실시기관, 국제협력개발청
2	ODA 사업 관련 입찰 서류 초안 승인 및 입찰 공고	서류 준비 이후 5 영업일	조달위원회
3	ODA 사업 수행참가자의 제안서 접수	30~60 일	조달위원회
4	제안서 심사 및 평가	30 일	사업실시기관, 국제협력개발청, 조달위원회

²³ 사업 관련 추가적인 세금 및 관세 혜택, 기타 특혜, 우즈베키스탄 재건발전기금 자용 사용 시 사업실시기관은 대통령 결의 초안을 작성하여 승인을 위해 대통령께 제출합니다.

No.	단계별 세부 절차	기한/소요기간	관련당사자
5	제안서 심사 평가 결과 회람	30 일	조달위원회, 국제협력개발청, 국제 금융기구 또는 외국정부 금융기관관
6	국제 금융기구 또는 외국정부 금융기관과 협의, ODA 사업 수행참가자와 정부조달계약 협상 및 체결	30 일	사업실시기관
7	ODA 사업 정부조달계약 현황 등록을 위해 대외투자무역부에 ODA 사업 관련 정부조달계약서 체결본 및 부속서류 제출	14 일	사업실시기관

5) ODA 사업 진행

다. 대통령 재량 ODA 사업 승인

ODA 관련 훈령은 우즈베키스탄 대통령에게 ODA 사업을 승인할 수 있는 최종 재량권을 부여하고 있습니다. 우즈베키스탄 국가발전계획에 포함되지 않은 사업이나 대통령이 기승인한 최종 사업목록에 포함되지 않은 사업의 경우에도, 대외무역투자산업발전기술규제 정부위원회가 사업을 검토하고 대통령에게 보고한 후 대통령은 추가 사업에 대한 승인 여부를 결정할 수 있습니다(동 대통령훈령 제 2 장). 대통령 재량에 따른 ODA 사업 승인 시 대통령은 국가의 우선순위와 전략적 목표를 기반으로 투자 성과, 경제적 이점, 사회적 가치, 환경 영향, 법적 제약 및 규제 등 다양한 요소를 고려할 수 있습니다.

라. 기 승인된 ODA 사업의 변경 절차

ODA 관련 훈령에 따르면 기 승인된 ODA 사업을 변경하려면 ODA 사업에 대한 타당성 재조사를 실시해야 합니다. 해당 사업의 시행 기간이 변경되거나 기존 승인된 사업비 대비 20% 이상의 사업비 증가 가능성이 있는 경우²⁴가 타당성 재조사를 진행해야 합니다. 이 경우 ODA 사업 초기에 실시한 타당성 조사와 동일하게 타당성 조사 및 승인 절차를 거쳐야 합니다. 최종적으로 사업 변경사항에 대한 대통령령이 제·개정됩니다.

ODA 관련 훈령에 근거한 단계별 세부 절차 및 소요 시간은 다음과 같습니다.

²⁴ 실무상으로 추가 자금 조달(대출) 및 기타 금융재원을 조달하는 경우, 사업 조달원의 변경, 핵심 기술 및 기술 솔루션의 변경, 대통령 내지 내각의 결정에 따라 타당성 문서의 변경이 필요한 경우에도 타당성 재조사를 하는 것으로 확인됩니다.

No.	세부절차	기한/소요기간	관련당사자
1	ODA 사업 관련 부문별산업과학기술위원회와 타당성 재조사를 위한 사업 사전평가문서 준비 (1 차 협의)	협의 기간 미정	실무적으로 관련 정부기관들과의 협의가 중요함
2	ODA 사업 관련 정부기관들과의 협의	협의 기간 미정	실무적으로 관련 정부기관들과의 협의가 중요함
3	ODA 사업에 투자하는 국제 금융기구 또는 외국정부 금융기관과의 협의	협의 기간 미정	
4	협의된 사항들을 바탕으로 타당성 재조사를 위한 과업지시서 준비	준비 기간 미정	타당성 재조사 일정 및 소요기간을 구체화함
5	국제 금융기구 또는 외국정부 금융기관, 국제협력개발청과 공동으로 ODA 사업 관련 타당성 재조사 문서 준비(2 차 협의)	14 일	실무적으로 관련 정부기관들과의 협의가 중요함
6	타당성 재조사 실행		
7	타당성 재조사 문서 검토 및 검증	14 일	재무부, 투자대외무역부
8	타당성 재조사 동의 결과를 바탕으로 사업추진결정문 초안 우즈베키스탄 내각에 제출 및 승인	협의 기간 미정	
9	변경사업에 대한 대통령령 제정		

그러나 ODA 사업에 대한 타당성 재조사 대상이 아닌 경우로서, ODA 사업 관련 정부조달계약 조건에 따라 계약변경을 허용하거나, 정부조달계약상 전체 물량 또는 전체 계약금액의 15% 이하에 해당하는 물량 및/또는 계약금액 변경 시 국제협력개발청과 국제 금융기구 또는 외국정부 금융기관과의 협의를 통해 타당성 재조사나 재입찰절차 없이 ODA 사업 관련 정부조달계약에 대한 변경계약을 체결할 수 있습니다. 변경계약 체결 후 ODA 사업 정부조달계약 현황 등록을 위해 사업실시기관은 대외투자무역부에 변경계약서 체결본 및 부속서류를 제출합니다.

마. PPP 사업

1) 개요

「PPP에 관한 법률 제 ZRU-537 호」는 PPP 사업을 공공부문 파트너²⁵와 민간부문 투자자가 자원을 융합하여 일정 기간 동안 협력하는 방식으로, 민간 투자를 유치하고 성공적인 경영 사례를

²⁵ '우즈베키스탄 정부 기관, 지방 정부, 기타 법인 또는 이들의 연합, 우즈베키스탄 내각의 권한 있는 자'를 의미합니다.

도입하여 사회경제적 문제와 인프라 문제를 해결하는 사업으로 정의하고 있습니다(동법 제 3 조).

2) PPP 사업의 주요 정부기관

본 법률은 우즈베키스탄 내각의 PPP 사업에 대한 권한을 명시하고 있으며, 그 중 ODA 사업과 관련하여 가장 중요한 권한은 1,000 만 달러를 초과하는 규모의 PPP 사업을 승인할 수 있는 권한입니다. 즉, 1,000 만 달러를 초과하는 PPP 사업은 우즈베키스탄 내각의 승인을 받아야 합니다(동법 제 11 조). 이를 고려하여 최종 사업 승인까지의 기간을 반드시 계산하여 사업준비 기간에 포함해야 합니다. 또한 PPP 사업의 민간 부문투자자(투자자)는 사업 보고서를 수시로 우즈베키스탄 내각에 제출해야 하는 의무가 있습니다. 따라서 내각과 PPP 사업에 대한 조정 및 협의하는 절차는 실무적으로 상당히 중요합니다.

PPP 분야의 주무기관은 우즈베키스탄 재무부 산하의 민관협력파트너십개발청입니다(동법 제 12 조). 민관협력파트너십개발청은 PPP 분야에서의 국가 정책 수립 및 수행, 관련 정부기관 간의 PPP 사업 준비 지원 및 자문 제공, 투자자/국제금융기관/국제원조기관/연구기관 등과의 교류 및 협력 지원, PPP 계약 초안 작성 및 제공, PPP 사업 통합등록부 관리, 100 만 달러를 초과하는 PPP 사업 수행을 위한 계약 초안 및 입찰 서류 승인, 그리고 진행 중인 PPP 사업 감독 등의 역할을 수행합니다.

3) PPP 사업 절차 및 기본 내용

PPP 사업은 정부기관이나 민간의 제안에 의해 개시될 수 있습니다. 일반적으로 다음 단계를 거쳐 PPP 프로젝트가 시작됩니다. i) PPP 프로젝트 컨셉 개발, ii) 해당 정부 기관에 프로젝트 컨셉 제출 및 승인 요청, iii) 해당 정부 기관에 의한 프로젝트 컨셉 검토, iv) 해당 정부 기관에 의한 프로젝트 컨셉의 승인, 거부 또는 수정 요청, v) 프로젝트 컨셉에 대한 정부 기관 또는 우즈베키스탄 내각의 승인, vi) PPP 프로젝트 목록에 프로젝트 컨셉 등재. 정부가 PPP 사업을 우선적으로 추진하는 경우, 주로 경제와 사회 분야의 우선 순위에 따라 PPP 프로젝트의 컨셉을 개발합니다. 이러한 PPP 프로젝트 개념 개발 시 다음 요소를 고려합니다.

- PPP 프로젝트의 재정적-경제적 효율성 지표

- 민간 부문투자자에 의해 설계, 설립, 자금 조달, 재건축, 운영 또는 유지 관리되는 PPP 대상의 구성 및 매개변수
- 민간 부문투자자의 예상 투자 규모 및 우즈베키스탄 공화국 예산 체계의 예산에서 예상되는 자금 조달 규모
- 공공부문 파트너와 민간 부문투자자의 의무
- 민간 부문투자자에게 제공되는 국가 지원의 형태
- 협상 기간
- PPP 사업의 목적물을 사용하여 제공되는 상품(작업, 서비스)에 대한 접근 조건

공공부문 파트너는 PPP에 관한 협약 체결 권리에 대한 입찰을 규정하는 입찰 문서를 준비하고 승인하며, PPP에 관한 협약 초안도 준비합니다. 100만 달러 이상의 총 비용을 가진 PPP 프로젝트의 경우, 입찰 문서와 PPP에 관한 협약 프로젝트는 민관협력파트너십개발청과 협의됩니다.

입찰 문서에는 다음이 반영되어야 합니다:

- 입찰자의 자격 요건에 부합함을 증명하는 문서에 대한 요구사항
- PPP대상의 위치
- 기술적-경제적 지표의 일반적인 매개변수와 효율성 요구사항
- PPP대상의 설계, 건설, 자금 조달, 재건축, 운영 및 유지 관리 기간
- PPP대상 또는 민간 부문투자자가 제공하는 서비스의 품질에 대한 지표 또는 최소 요구사항
- 공공부문 파트너가 민간 부문투자자에게 PPP협약 이행을 위해 제공하는 자금 조달 규모, 재산 또는 재산권 목록
- PPP협약의 당사자가 부담하는 위험
- 프로젝트 매개변수가 반영되어야 하는 통화와 비교 및 평가를 위해 단일 통화로 환산할 때 사용되는 환율
- 입찰 기준 설명
- 입찰 제안서 제출 언어에 대한 요구사항
- 입찰 제안서의 내용, 제출 방법, 장소, 기한
- 입찰 제안서에 대한 보증금 납부 조건
- 입찰 제안서를 개봉하는 절차, 장소, 날짜 및 시간

공공부문 파트너는 민관협력파트너십개발청과 협의하여 입찰 문서에 대해 변경 및 추가를 할 권리가 있습니다. 공공부문 파트너는 변경사항 및 추가사항을 입찰 문서에 반영하기로 결정한 날로부터 5일 이내에 모든 입찰자에게 입찰 문서에 반영된 변경사항 및 추가사항을 알려야 합니다.

4) PPP 사업 파트너 선정 절차 (직접협상)

본 법률은 경쟁입찰 없이 직접협상²⁶을 통해 PPP 파트너를 선정하는 절차를 예외적으로 허용하고 있습니다. 즉, ① 국방 및 안보 필요성이 있는 경우이거나 ② PPP 사업을 수행하기 위해 필수적인 지식재산권, 기타 배타적 권리, 토지, 기타 부동산, 기타 자산을 특정한 당사자가 보유하고 있는 경우에만 경쟁입찰 없이 직접협상을 통해 공공부문 파트너의 결정에 따라 PPP 파트너가 될 수 있습니다.

5) PPP 사업 파트너 선정 절차 (경쟁입찰)

직접협상 요건에 해당하는 경우를 제외하고는, PPP 사업 파트너는 일반적으로 경쟁입찰 방식으로 선정됩니다. 공공부문 파트너는 우즈베키스탄 정부와 협의하여 PPP 계약 체결을 위한 PPP 사업파트너 선정을 목적으로 입찰위원회를 구성합니다(동법 제 24 조). 입찰위원회는 공공부문 파트너, 민관협력파트너십개발청의 관계자로 구성되고, 해당 위원들은 1인 1표를 가지며, 입찰위원회의 안건은 위원 과반수 이상의 결의로 승인됩니다. 입찰위원회는 입찰 공고에 따라 접수된 모든 제안서가 입찰 자격을 충족하지 않을 경우, 재입찰을 공고할 수 있습니다(동법 제 21 조). 경쟁입찰을 통한 PPP 사업 파트너 선정 절차는 사업비 규모에 따라 두 가지 절차로 구분될 수 있습니다.

- 총 사업비 100 만 달러 이하 규모의 PPP 사업: 1 단계 입찰을 통해 선정
 - ① 대중매체, 공공부문 파트너 및 민관협력파트너십개발청 홈페이지를 통한 입찰 공고
 - ② 입찰자의 참여 의향서(제안서) 수령
 - ③ 입찰 서류 접수
 - ④ 참여 의향서(제안서) 개찰
 - ⑤ 낙찰자와 협상 진행

²⁶ '수의계약'을 의미합니다.

- ⑥ 최종 낙찰자와 PPP 계약 체결
- 총 사업비 100 만 달러 초과 규모의 PPP 사업: 2 단계 입찰(적격심사[이하 'PQ']단계 및 본 입찰)을 통해 선정
 - ① 대중매체, 공공부문 파트너 및 민관협력파트너십개발청 홈페이지를 통한 입찰 공고
 - ② 입찰자의 참여 의향서(제안서) 수령: PQ 진행을 위해 최소 2 개 이상 입찰 참여 업체 필요
 - ③ 입찰자 확정
 - ④ 공공부문 파트너가 입찰자에게 PQ 서류 제공
 - ⑤ 입찰자의 PQ 의향서(제안서) 수령 및 평가
 - ⑥ PQ 통과 입찰자 리스트 확정
 - ⑦ 공공부문 파트너는 입찰자에게 본 입찰 참여 의향서(제안서) 제출에 대한 요청서 제공
 - ⑧ 입찰자가 기술 및 가격 의향서(제안서) 제출
 - ⑨ 입찰자가 제출한 제안서 개찰
 - ⑩ 제안서 평가
 - ⑪ 낙찰자 및 예비 낙찰자 선정
 - ⑫ 낙찰자와 협상 진행(계약초안의 내용을 변경하게 되면 다시 승인을 받아야 함)
 - ⑬ 최종 낙찰자와 PPP 계약 체결

6) 공공부문 파트너의 권리 및 의무

PPP 에 관한 법률에 따르면 공공부문 파트너는 다음과 같은 권리를 가지고 있습니다(동법 제 14 조).

- 민간부문 투자자에게 PPP 계약 조건 이행에 관한 보고서 요청 및 수령
- 민간부문 투자자의 PPP 계약 이행을 감독, 이행 결과 평가, 위반 사항 발견 시 시정 요구
- 민간부문 투자자의 PPP 계약 위반 시 손해배상 청구
- PPP 사업 준비를 위한 외부 컨설턴트 선정 및 유치

또한 공공부문 파트너는 다음과 같은 의무를 이행해야 합니다(동법 제 14 조).

- PPP 계약상 의무 이행
- 입찰 참여 업체에 입찰 관련 서류 제공 및 설명
- PPP 이행을 위해 민간부문 투자자에게 자산 제공
- 민간부문 투자자가 PPP 계약 이행을 위해 필요한 각종 라이선스 및 허가 협조
- PPP 계약 또는 변경합의서 체결일로부터 20일 이내에 사업 관련 정부기관에 사본 제출
- 민간부문 투자자의 PPP 계약에 따른 활동 및 권리 보호 (제한 금지)
- 민간부문 투자자가 PPP 계약 이행을 위해 고용한 제 3자의 활동 보호 (제한 금지)

한편, 민간부문 투자자는 다음과 같은 권리와 의무를 가집니다(동법 제 14 조).

- 공공부문 파트너에게 PPP에 필요한 정보 요청, 그 정보에 대한 접근 권리 요청
- PPP 계약 조건 변경 제안권
- 공공부문 파트너가 PPP 계약을 위반한 경우 손해 배상 청구권
- PPP 계약 및 「PPP에 관한 법률」에 따른 요구사항 준수 의무

7) PPP 계약에 대한 보장사항

우즈베키스탄 정부는 민간부문 투자자와 채권자(대주단)의 이익을 보호하기 위해 PPP 계약에 기반하여 다음에 명시된 지원을 제공하며 이를 보장하도록 PPP에 관한 법률에 규정되어 있습니다(동법 제 38 조).

- PPP 사업 실행 과정에서 민간부문 투자자의 최소 수익이 보장될 수 있도록 보조금 배정 및 지급
- PPP 사업 실행에 필요한 자산 및 재산을 투자(출자)
- PPP 사업 실행에 필요한 제품이나 서비스를 공급하는 데 소요되는 일정 비용에 대한 예산 분담 및 지출
- 대출, 보조금, 신용한도 상향, 예산 배정 등 다양한 형태의 자금 제공
- 세금 감면, 우대 세율 적용 등 추가 혜택 제공

우즈베키스탄 정부는 민간 투자자와 채권자(대주단)의 이익을 명확하게 보장하기 위해 PPP 계약에 대한 추가적인 지원을 위한 국가지원계약을 체결할 수 있습니다. 이러한 국가지원계약은 우즈베키스탄 대통령령 또는 내각령을 기반으로 하며, 해당 계약은 실무상 내각으로부터 권한을 위임받은 재무부가 체결합니다. 이렇게 체결된 국가지원계약은 공식적으로 이행되며, 민간 투자자와 채권자(대주단)의 이익을 보장하는 목적을 갖습니다.

8) PPP 계약의 주요 내용

PPP 계약은 최소 3년 이상, 최장 49년의 기간으로 체결될 수 있습니다. PPP 계약의 변경, 추가, 해지는 관련 법령이나 PPP 계약에서 별도로 정하지 않는 한, 당사자들의 합의 또는 법원의 결정에 따라 이루어질 수 있습니다. PPP 사업 규모가 100만 달러 이하인 경우에는 공공부문 파트너와 민간 부문투자자가 PPP 계약에서 정한 절차에 따라 자율적으로 변경, 추가, 해지를 결정할 수 있지만, 100만 달러를 초과하는 규모의 PPP 사업은 민관협력파트너십개발청의 승인이 있어야 하고, 1,000만 달러를 초과하는 규모의 PPP 사업은 우즈베키스탄 내각의 승인을 받아야 합니다(동법 제 28조 및 제 29조). 다만, 「PPP 시행 절차 개선에 관한 우즈베키스탄 내각령 제 259호」는 우즈베키스탄 내각이 PPP 사업 계약의 변경, 추가, 해지를 승인하지 않을 경우 법적 효력이나 결과, 승인 심사 기간 등의 절차를 구체적으로 규정하고 있지 않습니다.

또한 PPP 계약에는 PPP 사업에 참여하는 채권자(대주단)의 권리 보호를 위해 계약의 조기 해지 시 채권자(대주단)의 권리 보장 조항을 포함시킬 수 있습니다. 예를 들어, 민간부문 파트너의 교체 또는 해임과 관련된 채권자(대주단)의 권리 및 의무, 민간부문 파트너가 채권자에게 담보를 제공하는 조항 등을 PPP 계약에 명시할 수 있습니다.

IV. 국가조달법

1. ODA 사업 관련 주요 내용

「국가조달에 관한 법률 제 ZRU-684호」(이하 '국가조달법')에 따르면, '국가조달'이란 상품, 용역, 서비스에 대한 정부의 요구를 유상으로(즉, 무상이 아닌 정당한 대가를 지불하여) 충족하는 절차라고 정의하고 있습니다(국가조달법 제 4조). 또한, 우즈베키스탄 정부가 공여국, 국제

기구, 외국정부 및 비정부기구와 체결한 협정을 통해 조달한 외국의 지원금, 기술 및 기타 분야 대외무상원조와 차관을 이용하여 국가조달을 실행하는 경우에도 동 법률이 적용됩니다. 다만, 국가조달법 제 3 조는 국제조약이 우즈베키스탄 법률과 다른 내용을 정하고 있는 경우 해당 국제조약이 우선한다고 규정하고 있으므로, EDCF 구매가이드라인의 내용이 조약에 포함되어 있다면 국가조달법보다 우선하여 적용됩니다. 하지만 EDCF 구매가이드라인의 내용이나 적용에 관한 내용이 우즈베키스탄 정부와의 조약에 포함되어 있지 않은 경우에는 우즈베키스탄 법률 체계상 국가조달법이 우선적으로 적용됩니다.

2. 사업 단계별 주요 승인, 허가사항 관련 절차

가. 입찰 절차

국가조달법에 따르면, 입찰위원회는 입찰제안서 제출 기한으로부터 45 영업일 이내에 입찰제안서를 심사해야 합니다. 입찰자가 국가조달법에서 정한 요건을 충족하지 않거나 입찰제안서가 온전하게 작성되지 않았거나 구매서류 요건을 충족하지 않는 경우 입찰제안서를 거부할 수 있습니다. 또한 입찰자가 제출한 서류에 부정확한 정보가 포함되어 있는 경우, 어느 단계에서든 해당 입찰자를 배제할 수 있습니다(국가조달법 제 69 조).

나. 입찰 평가

입찰위원회는 낙찰자를 선정하기 위한 첫 번째 단계로 입찰제안서의 기술적인 부분을 우선 평가합니다. 이후 평가 결과는 의사록에 상세히 기재되며, 1 단계 입찰에 대한 평가 결과도 명시됩니다.

2 단계 입찰은 1 단계 입찰을 통과한 최소 2 명의 입찰 참가자의 제안서가 있는 경우에만 진행되며, 가격부분 평가가 이루어집니다. 가격부분 평가 결과 역시 의사록에 기재되며, 이를 통해 2 단계 입찰의 낙찰자가 결정됩니다. 시작가를 상회하는 가격을 제시한 입찰제안서는 평가 대상에서 제외됩니다.

또한, 국가조달법은 입찰자가 입찰제안서 심사 및 평가 의사록 공고 후 발주자에게 입찰 결과에 대한 설명을 요청할 수 있는 권리를 보장하고 있으며, 이 경우 발주자는 해당 요청을 접수한 날로부터

3 영업일 이내에 입찰자에게 설명을 제공해야 합니다(국가조달법 제 69 조).

다. 낙찰자 선정 및 계약 체결

입찰위원회의 평가를 거쳐 발주자에게 최상의 입찰 조건을 제시한 입찰자가 낙찰을 받으면, 해당 입찰제안서에 명시된 조건을 바탕으로 국가계약 체결이 진행됩니다. 국가계약으로 체결되는 정보는 해당 계약 체결일로부터 3 영업일 이내에 관련 정보가 특별정보포털에 게시됩니다(국가조달법 제 70 조). 한편, 낙찰자가 최종적으로 국가계약 체결을 거부할 경우 입찰위원회는 후순위 낙찰자에게 기존 낙찰 조건으로 국가계약을 체결할 것인지 제안할 수 있으며, 후순위 낙찰자가 없는 경우에는 다시 입찰이 진행됩니다(국가조달법 제 70 조).

3. 기 승인 구매계약 변경사항 발생시 승인, 허가사항 관련 절차

가. 개요

우즈베키스탄 민법 제 382 조에 따르면, 특별한 법률이나 계약서에서 달리 정하지 않는 한 당사자들은 합의를 통해 계약을 변경하거나 해지할 수 있습니다. 한편 계약의 변경이나 해지는 반드시 다른 법률, 계약서 또는 비즈니스 관행에 따라 명시적으로 달리 정하지 않는 한, 원래의 계약서와 동일한 형식으로 이루어져야 합니다(민법 제 384 조). 즉, 계약 당사자들은 원래의 계약서와 동일한 형식인 변경 계약서에 서명함으로써 기존에 승인된 구매계약을 변경할 수 있습니다. 그러므로 한국과 우즈베키스탄 사이에 체결된 조약에 국가조달계약의 변경을 제한하지 않는 한, 해당 계약의 변경은 제한되지 아니합니다. 한편, 계약 당사자들은 기존에 승인된 국가조달 계약에 포함되지 않은 상품이나 서비스를 추가하여 계약 대금을 증가시킬 수 없습니다(국가계약법 제 3 조).

나. 기 승인 구매계약 변경 절차

계약 변경의 일반적인 절차와 별개로, 국가조달 분야의 구매계약 변경은 국가조달법에서 정한 별도의 절차를 따라야 합니다. 국가조달법에 따르면, 이미 승인된 구매계약에 대한 추가 계약은 계약의 핵심 조건(특히 상품, 용역 및 서비스의 변경, 품질과 품목의 변경, 주문 수량의 증가, 가격

의 인상, 납기 연장 등)을 변경하지 않는 한, 법으로 정한 절차에 따라 체결될 수 있습니다. 기존 계약 금액의 10%를 초과하지 않는 경우, 계약 변경은 우즈베키스탄 민법에서 정한 일반 조항에 따라 계약 당사자 간의 합의에 따라 수정될 수 있지만, 계약 금액의 10%를 초과하는 추가 용역 및 서비스의 변경은 관련 법령에서 정한 절차를 거쳐 이루어져야 합니다(국가조달법 제 34 조).

금액 변경이 계약 금액의 10%를 초과하는 경우, 계약 당사자는 변경이 필요한 충분하고 합리적인 이유를 국가조달계약 당사자 정부기관에 제시하여야 합니다. ODA 관점에서 실무적으로 계약 변경 승인은 우즈베키스탄 대통령이나 내각의 권한에 속합니다. 그러므로, 우즈베키스탄 대통령 또는 내각의 결정에 따라 국가조달법 제 34 조에서 정한 10% 한도를 초과하여 이미 승인된 구매계약의 변경이 승인되면, 원래의 구매계약 변경은 합법적으로 변경된 것으로 인정됩니다.

국가조달 전자시스템과 특별정보포털을 통해 통합 국가조달계약서 명부는 관리됩니다. 통합 국가조달계약서 명부에는 다음의 정보가 포함됩니다(국가조달법 제 47 조).

- 계약 변경 사실과 변경된 계약 조건에 관한 정보
- 계약이행 정보와 계약대금 지급 정보, 불완전한 계약이행으로 인한 위약금 처분 정보
- 계약 해지 사실과 그 근거에 관한 정보

4. 변경사항 관련 분쟁 발생시 처리 관련 주요 절차

가. 고충심의위원회

국가조달 분야의 고충심의위원회는 고충민원이 접수된 날로부터 3 영업일 이내에 발주자에게 이를 통지하며, 고충민원 접수일로부터 10 영업일 이내에 조달 절차를 중단해야 합니다(국가조달법 제 79 조). 또한 고충심의위원회는 발주자 및 조달 참여자가 함께 참석하는 것으로 원칙으로 하며, (단, 조달 참여자가 참석하지 않고 심의를 진행하는 것에 동의하였거나, 기타 정당한 이유 없이 참석하지 않은 경우는 제외) 이들의 참석 하에 고충민원을 심의합니다(국가조달법 제 79 조). 고충심의위원회는 고충민원 접수일로부터 7 영업일 이내에 해당 민원에 대한 결정을 내리고, 이를 특별정보포털에 공개해야 합니다(국가조달법 제 79 조).

고충심의위원회는 접수된 민원을 검토하여, 민원인이 제기한 민원이 타당하다고 판단하는 경우, 발주자의 불법행위, 불법절차의 결정 및 이행의 금지를 명령하거나, 국가조달 계약의 일부 또는 전부를 취소하도록 결정하는 조치를 취할 수 있습니다. 고충심의위원회의 결정은 국가조달 건의 발주자 및 조달 참여자 모두에게 구속력을 미치며, 고충심의위원회의 결정에 불복하는 민원인은 일반 법원에 항소를 제기할 수 있습니다(국가조달법 제 79 조).

나. 공공조달 계약 당사자들 간의 분쟁 관련

공공조달 계약이 체결된 이후 계약 당사자들 간에 발생하는 분쟁은 그 계약에서 정한 방법에 따라 해결합니다. 만약 공공조달 계약에 당사자 간 분쟁을 소송 또는 중재를 통해 해결하도록 규정하였다면 그 조항에 따라 소송 또는 중재를 통하여 분쟁을 해결하게 됩니다.

5. 국가조달법 위반시 벌칙규정 내용

우즈베키스탄 행정책임법은 국가조달법을 위반한 일정한 경우에 행정 처분을 내릴 수 있다고 규정²⁷하고 있습니다.

즉, (i) 국가조달 계획의 수립 및 공고 절차에 관한 법률 요건을 준수하지 않는 경우, (ii) 특별정보포털에 공고된 국가조달 공고 절차를 위반한 경우, (iii) 필수적인 의견 수립 절차 및 기간을 위반한 경우, (iv) 국가조달 결과의 공고 기간을 위반한 경우, 이러한 위반에 대해 책임이 있는 관리자는 111 만 5 천 습~223 만 습(한화 약 12 만 원~24 만 원)의 과태료 처분을 받을 수 있습니다(행정책임법 제 175.8 조).

또한 국가조달 공고문 및 구매서류에 금지된 경쟁 제한 정보 및 요건이 포함되거나, 구매서류 승인 및 신청서 작성 절차를 위반한 경우에도, 이러한 위반에 대해 책임이 있는 관리자는 223 만 습~334 만 5 천 습(한화 약 24 만 원~37 만 원)의 과태료 처분을 받을 수 있습니다(행정책임법 제 175.8 조).

물품, 용역 및 서비스 공급업체를 선정하기 위한 절차를 위반한 경우, 이러한 위반에 책임이 있는 관리자는 334 만 5 천 습~446 만 습(한화 약 37 만 원~49 만 원)의 과태료 처분을 받을 수 있습니다(행

²⁷ ODA 사업에서 국가조달법 위반으로 인해 행정처분을 받은 사례는 없는 것으로 확인됩니다.

정책임법 제 175.8 조).

국가조달법에서 정하는 절차에 따라 국가조달 과정에서 발생한 특수관계나 이해 상충을 신고하지 않은 경우에도 책임이 있는 관리자는 446 만 습~669 만 습(한화 약 49 만 원~74 만 원)의 과태료 처분을 받을 수 있습니다(행정책임법 제 175.8 조).

V. 정부 발주사업 예산집행 절차

1. 우즈베키스탄 예산법 체계 및 정부 발주사업 예산 집행 절차 개관

우즈베키스탄은 예산법을 법전(Code) 형태로 규정하고 있습니다. 예산법은 우즈베키스탄 국가 예산에 관한 기본 법률로, 예산의 집행, 변경 절차 등을 규율하고 있습니다. 또한 매년 예산 집행과 관련하여 해당 연도에 대한 개별 법령이 제정되고 있습니다. 예를 들어, 2023 년 예산에 대해서는 「2023 년도 국가예산에 관한 법률 제 ZRU-813 호」 과 「2023 년도 국가예산 이행 보장 조치에 관한 대통령훈령 제 PP-471 호」 등의 별도 법령을 통해 예산을 집행하고 있습니다.

2023 년 국가예산 관련 법령에 따르면, 우즈베키스탄 정부는 연간 GDP 의 60%를 초과하여 차관을 조달할 수 없으며, 이러한 차관계약의 연간 최대 금액은 45 억 달러로 제한됩니다. 이 중 20 억 달러는 국가예산 적자를 해결하는 용도로 사용되며, 25 억 달러는 투자 사업 자금을 지원하는 목적으로 사용되어야 합니다(2023 년도 국가예산에 관한 법률 제 10 조).

2. 예산집행 신청과 처리 주체

가. 정부 발주사업의 예산 편성 및 집행절차

우즈베키스탄 예산법에 따르면, 정부 발주사업의 예산 편성 및 집행 절차는 아래와 같습니다.

[표 삽입을 위한 여백]

No.	단계	관련당사자	주요내용	기한
1) 재정전략보고서 준비				
1	주요 거시경제 지표 사전 예측 자료 준비	재무부	우즈베키스탄 내각은 매년 다음 회계연도 ²⁸ 를 위한 재정전략보고서를 승인해야 함. 이를 위해 우즈베키스탄 재무부는 매년 재정전략보고서 작성의 기초가 되는 주요 거시경제 지표에 대한 사전 예측 자료를 준비해야 함	매년 4월 15일까지
2	예산 사용 금액 예측	지방정부 또는 1차 예산집행기관	재정전략보고서 작성을 위해 지방정부 또는 1차 예산집행기관은 다음 해 예산 사용 금액을 예측하기 위한 자료를 작성하여 재무부에 제출해야 함	5월 1일까지
3	예산 배정 금액 예측	관세위원회, 조세위원회, 지방정부, 1차 예산집행기관, 국가신탁기금 집행기관, 경제개발빈곤퇴치부 등 예산 배정과 관련된 정부기관	관련 정부기관들은 다음 해 예산 배정 금액을 예측하기 위한 자료를 준비해야 함	5월 1일까지
4	재정전략보고서 초안 작성	재무부	재무부는 다음 해 예산 사용 및 배정 금액에 대한 예측 자료를 관련 정부기관들로부터 수령하여야 함. 이 자료를 검토하여 재정전략보고서 초안을 작성하여야 함. 이 과정에서 재무부는 최대 금액으로 지출되는 예산과 관련된 자료를 재정전략보고서에 포함시켜야 함. 이후 재정전략보고서 초안은 우즈베키스탄 내각으로 전달되어 승인을 받게 됨	6월 1일까지
5	재정전략 보고서 승인	우즈베키스탄 내각	우즈베키스탄 내각은 재정전략보고서 초안을 검토하고 승인함. 승인된 재정전략보고서는 우즈베키스탄 의회로 전달됨	6월 15일까지
6	최대 금액으로 지출되는 예산에 관한 통지	재무부	재무부는 우즈베키스탄 내각이 승인한 재정전략보고서에 따라 최대 금액으로 지출되는 예산에 관한 자료를 1차 예산집행기관 및 지방정부에 통지하여야 함	재정전략 보고서 승인일로부터 5영업일 이내
2) 예산신청서 제출				
1	예산신청서 제출 또는 지방예산안 제출	예산기관 또는 예산 수령자 또는 지방정부	예산신청서에는 예산 분류에 따라 전년도, 당해 연도 및 향후 3개년의 경비 예산을 반영해야 함. 또한 전년도에 달성한 성과와 금년에 예상되는 성과에 대한 분석 자료, 자금 조달 출처 및 기간 등을 고려하여 예산신청서를 작성해야 함	8월 1일까지

²⁸ 우즈베키스탄의 회계연도는 매년 1월 1일부터 12월 31일까지입니다.

No.	단계	관련당사자	주요내용	기한
2	최대 금액으로 지출되는 예산 수정	재무부	재무부는 다음 해에 최대 금액으로 지출되는 예산을 수정해야 함	8월 1일까지
3	예산 배정 금액 예측 갱신	관세위원회, 조세위원회, 지방정부, 1차 예산집행기관, 국가 신탁기금 집행기관, 경제개발빈곤퇴치부 등 예산 배정과 관련된 정부기관	관련 정부기관은 다음 해 예산 배정 금액에 대한 예측 자료를 갱신해야 함	8월 2일까지
4	예산신청서에 대한 의견 제공	재무부	재무부는 갱신된 자료를 바탕으로 예산신청서를 검토하고 예산 배정 금액을 조정할 수 있음. 예산 배정 금액을 수정하는 경우, 관련 예산기관 또는 예산 수령자 또는 지방정부에게 수정내역을 공유하고, 예산신청서에 수정내역을 반영하도록 요청하여야 함	예산신청서 제출일로부터 30일 이내
5	예산신청서 수정	예산기관, 예산 수령자 또는 지방정부	예산기관, 예산 수령자 또는 지방정부가 재무부로부터 예산신청서 수정내역을 반영할 것을 요청받은 경우 예산신청서를 수정하여야 함	재무부 요청일로부터 3영업일 이내
3) 국가 예산 편성 및 승인				
1	국가 예산 편성안 준비 및 내각 제출	재무부	재무부는 국가 예산 편성안을 작성하여 우즈베키스탄 내각에 제출해야 함	9월 15일까지
2	대통령 행정부 및 감사원에 국가 예산 편성안 제출	우즈베키스탄 내각	우즈베키스탄 내각은 국가 예산 편성안을 검토한 후 대통령 행정부 및 감사원에 제출해야 함	9월 20일까지
3	감사원에 지방 예산 편성안 제출	지방정부	지방정부는 지방 예산 편성안을 작성하여 감사원에 제출해야 함	9월 20일까지
4	지방 예산 편성안에 관한 감사원 의견 제공	감사원	감사원은 지방 예산 편성안을 검토하고, 그에 관한 검토의견을 우즈베키스탄 내각에 제출해야 함	10월 1일까지
5	국가 예산 편성안에 관한 감사원 의견 제공	감사원	감사원은 국가 예산 편성안을 검토하고, 그에 관한 검토의견과 재정전략보고서에 관한 검토의견을 우즈베키스탄 내각에 제출해야 함	10월 5일까지
6	지방 예산 편성안 발표	지방정부	지방정부는 공개 의견 수렴 절차를 위해 지방 예산 편성안을 발표하여야 함	10월 10일까지
7	국가 예산 편성안 발표	재무부	재무부는 공개 의견 수렴 절차를 위해 국가 예산 편성안을 발표하여야 함	우즈베키스탄 의회에 국가 예산 편성안이 제출되기 전까지

No.	단계	관련당사자	주요내용	기한
8	우즈베키스탄의 회에 국가예산 편성안 제출	우즈베키스탄 내각	우즈베키스탄 내각은 감사원이 제공한 검토의견과 국가 예산 편성안을 우즈베키스탄 하원에 제출하여야 함	10 월 15 일까지
9	지방예산편성안 수정 후 지방의회에 제출	지방정부	지방정부는 지방 예산 편성안의 공개 의견 수렴 절차를 통해 수정된 버전을 지방의회에 제출하여야 함	10 월 25 일까지
10	우즈베키스탄 하원의 국가 예산 승인	우즈베키스탄 하원	우즈베키스탄 하원은 국가 예산을 검토 및 승인한 후 5 일 이내에 상원으로 제출하여야 함	11 월 15 일까지
11	우즈베키스탄 상원의 국가 예산 승인	우즈베키스탄 상원	우즈베키스탄 상원은 하원이 제출한 국가 예산 승인안을 검토한 후 최종적으로 승인을 확정하여야 함	12 월 15 일까지
12	국가 예산 공포	우즈베키스탄 대통령	우즈베키스탄 대통령은 우즈베키스탄 하원 및 상원이 승인한 국가 예산을 공포하여야 함	법률상 구체적으로 정해진바 없음. 2020년-2023년 확정된 국가예산의 경우, 대통령이 당해 회계연도가 끝나기 전에 차년도 국가 예산을 공포하였음
13	공포된 국가 예산에 포함된 예산액을 예산 수령 예정자에게 통보	재무부	국가 예산이 공포된 후 재무부는 국가 예산에 따라 예상되는 지출 금액을 예산 수령 예정자에게 통지하여야 함	국가 예산 공포일로부터 3 영업일 이내
14	지방의회의 지방 예산 승인	지방의회	국가 예산 공포 후 지방의회는 관할 지역의 지방 예산을 승인하여야 함	국가 예산 공포일로부터 7 일 이내
15	지방 예산 공포	지방정부	지방정부는 지방의회가 승인한 지방 예산을 공식 홈페이지에 게재 및 공포하여야 함	지방 예산 승인일로부터 3 영업일 이내
4) 지출 예상 금액 승인 및 등록				
1	지출 예상 금액 승인 및 등록 절차	예산기관 또는 예산 수령자 또는 지방정부	예산기관, 예산 수령자, 또는 지방정부는 우즈베키스탄 재무부 또는 각 지방정부의 재무부와 협의하여 다음 해 1 분기에 대한 지출 예상 금액을 승인하고 등록하여야 함	12 월 25 일까지

No.	단계	관련당사자	주요내용	기한
2	지출 예상 금액 최종 승인	예산기관 또는 예산 수령자 또는 지방정부	공포된 국가 예산 또는 지방 예산을 고려하여 예산기관, 예산 수령자 또는 지방정부는 다음 해 모든 분기에 대한 지출 예상 금액을 최종적으로 승인하여야 함	다음 해 3월 10일까지
3	지출 예상 금액 최종 등록	예산기관 또는 예산 수령자 또는 지방정부	예산기관, 예산 수령자 또는 지방정부는 지출 예상 금액을 우즈베키스탄 재무부 또는 각 지방정부의 재무부서에 최종적으로 등록하여야 함	다음 해 4월 1일까지
5) 예산 집행 및 등록 의무				
1	예산 집행 시 근거 서류 등록 의무	예산기관 또는 예산 수령자 또는 지방정부	예산기관, 예산 수령자 또는 지방정부는 예산 집행을 위한 근거 서류(예를 들어, PPP의 경우 PPP 계약서 등)를 우즈베키스탄 재무부 또는 각 지방정부의 재무부서에 제출하고 등록하여야 함	다음 해 12월 25일까지
2	예산 사용 시 청구 서류 등록 의무	예산기관 또는 예산 수령자 또는 지방정부	예산기관, 예산 수령자 또는 지방정부는 예산 집행을 위한 청구 서류를 우즈베키스탄 재무부 또는 각 지방정부의 재무부서에 제출하고 등록하여야 함	관련 청구서 수령 후 즉시
3	별도 계좌 개설	우즈베키스탄 재무부	재무부는 예산기관, 예산 수령자 또는 지방정부의 서면 요청에 따라 예산 집행을 위한 별도의 계좌를 개설함	구체적으로 정해진 기간은 없음
4	예산 집행	예산기관 또는 예산 수령자 또는 지방정부	재무부는 별도로 개설된 계좌를 통해 예산을 집행하여야 함	예산 사용 근거가 되는 계약에서 정한 바에 따름

3. 사업계획 변경 시 기 배정 예산 변경(증감) 절차

우즈베키스탄 예산법은 법률상 근거가 있고, 예산집행기관의 정책 사업에 포함되는 경우에만 예산 증액이 허용되도록 규정하고 있습니다(예산법 제 89 조). 예산 증액은 예산 신청서에 기재된 과거 연도와 비교하여 결정됩니다(예산법 제 89 조). 즉, 예산기관 또는 예산 수령자는 예산 신청서 작성 시 예산 분류에 따라 과거 연도, 당해 연도 및 향후 3 년의 경비 예산을 반영해야 하며, 재무부는 예산 신청서를 검토하여 필요한 경우 예산 배정 금액을 조정하게 됩니다. 재무부가 예산 배정 금액을 조정할 경우, 관련 예산기관 및 예산 수령자에게 수정된 내역을 전달합니다. 어떤 항목에 대한 예산 증액이 허용되는 경우, 예산기관 또는 예산 수령자는 해당 예산 항목으로 이미

배정된 금액의 조정을 요청할 수 있습니다. 한 항목의 예산을 증액하는 경우, 다른 항목의 예산은 그에 비례하여 감액됩니다.

기 배정된 예산의 변경은 재무부, 지방정부 등 관련 예산기관 간 협의를 통해 최대 연 4 회까지 허용됩니다. 다만, 예산기관 및 예산 수령자의 요청이 있더라도 이미 배정된 예산의 감액이 결코 허용되지 않는 항목이 있으며, 이러한 항목은 재무부에 의해 결정되고 공고됩니다(예산법 제 150 조). 재무부는 「예산기관 및 예산 수령자의 예산 수정 절차에 관한 규정 제 2346 호」를 통해 예산 변경 절차를 규정하고 있으나, 어떠한 예산 항목에 대해서 감액이 허용되지 않는지에 대해서는 별도로 언급하지 않고 있습니다²⁹.

4. 예산집행 절차 등 위반시 벌칙규정 내용

예산집행기관은 매월 국가신탁기금 예산집행 보고서를 재무부에 제출해야 합니다. 또한 분기별로 작성되는 보고서는 재무부가 지정한 기간 이내에, 그리고 연간으로 작성되는 결산보고서는 다음 연도의 4 월 1 일 이전까지 우즈베키스탄 재무부에 제출해야 합니다. 예산집행 보고서를 정해진 기한 내에 제출하지 않을 경우, 관리자는 223,000~446,000 슴(한화 약 2 만 원~4 만 원)의 과태료 처분을 받을 수 있습니다(행정책임법 제 175.6 조). 또한 예산집행 공개 절차를 위반하는 경우, 관리자는 446,000 슴(한화 약 4 만 원)의 과태료 처분을 받을 수 있습니다(행정책임법 제 175.7 조).

VI. ODA 사업 변경

1. ODA 사업내용 변경 사례

우즈베키스탄의 공개된 자료에 따르면, 현재까지 우즈베키스탄에서 진행되고 있는 ODA 사업은 대부분 사업 변경 시 별도의 대통령령, 대통령훈령 또는 내각령 형식으로 개정되어 왔던 것으로 확인됩니다.

예를 들어, 「정보통신기술 분야 직업교육 발전 촉진 사업 이행을 위한 독일 정부의 양허성 차관

²⁹ 사안별로 재무부가 검토하여 결정하는 것이 일반적인 실무로 확인되고 있습니다.

자금 사용 조치에 관한 내각령 제 46 호」(제정 2005. 3. 15.) [Постановление Кабинета Министров Республики Узбекистан «О мерах по использованию сэкономленных средств льготного кредита Правительства Германии в рамках проекта «Содействие развитию профессионального образования в сфере информационно-коммуникационных технологий» от 15.03.2006 г. № 46], 「정보통신기술 분야 직업교육 발전 촉진 사업 이행을 위한 독일 정부의 양허성 차관 자금 사용 조치에 관한 내각령 제 89 호」(제정 2007. 5. 3.) [Постановление Кабинета Министров Республики Узбекистан «О мерах по использованию сэкономленных средств и средств пополнения льготного кредита Правительства Федеративной Республики Германия в рамках проекта «Содействие развитию профессионального образования в сфере информационно-коммуникационных технологий» от 03.05.2007 г. № 89]는 이미 승인된 사업 지출 자금이 예상보다 절감되어, 해당 잔여 자금을 정보통신기술 분야 직업교육을 위한 장비 추가 구매에 사용하는 제안을 허용한 바 있습니다(내각령 제 46 호 제 2 항 및 제 5 항, 내각령 제 89 호 제 2 항 및 제 3 항).

2. 분쟁사례 및 유의사항

우즈베키스탄의 공개된 자료에 따르면 현재까지 우즈베키스탄에서 ODA 사업의 변경과 관련하여 발생한 분쟁 사례는 없는 것으로 확인됩니다.

앞서 설명드린 바와 같이 기 승인된 ODA 사업과 관련하여, 사업의 시행 기간이 변경되거나 기존 승인된 사업비 대비 20% 이상의 사업비 증가 가능성이 있는 경우가 타당성 재조사를 진행해야 합니다. 이 경우 ODA 사업 초기에 실시한 타당성 조사와 동일하게 타당성 조사 및 승인 절차를 거쳐야 합니다. 이 과정에서 실무적으로 관련 정부기관들과의 협의가 매우 중요하므로, EDCF 를 제공하는 외국정부 금융기관으로서는 해당 사업 참여 전에 수원국에 대한 법률실사 및 재무실사를 통해 해당 사업의 변경가능성과 변경절차 및 사업비 변경이 필요한 경우 취해야 할 조치에 대하여 미리 확인하는 것이 바람직할 것으로 생각됩니다.

[별첨 1] 법령 러문·영문 출처

No.	관련 법령	출처
대통령령		
1	투자 및 대외 무역 분야의 관리 시스템 개선 조치에 관한 대통령령 제UP-5643호 (제정 2019. 1. 28.)	• (러문) https://lex.uz/docs/4182349
2	대외 무상 지원 자금 및 기부 협력 유치 메커니즘 개선 조치에 관한 대통령령 제UP-5848호 (제정 2019. 10. 10.)	• (러문) https://lex.uz/ru/docs/4550465 • (영문) https://lex.uz/ru/docs/5694385
3	2022-2026년 NEW 우즈베키스탄 발전 전략에 관한 대통령령 제UP-60호 (제정 2022. 1. 28.)	• (러문) https://lex.uz/ru/docs/5841077#5843521
대통령훈령		
1	국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제PP-3857호 (제정 2018. 7. 16.)	• (러문) https://lex.uz/docs/3823562 • (영문) https://lex.uz/docs/5698991
2	2019~2030 녹색경제로의 전환 전략 승인에 관한 대통령훈령 제PP-4477호 (제정 2019. 10. 4.)	• (러문) https://lex.uz/docs/4539506
3	우즈베키스탄을 2030년까지 녹색 경제로 전환하기 위한 개혁의 효율성 제고 조치에 관한 대통령훈령 제PP-436호 (제정 2022. 12. 2.)	• (러문) https://lex.uz/ru/docs/6303233#6304756
4	2021-2023년 우즈베키스탄의 사회 및 생산 인프라 개발을 위한 조치에 관한 대통령훈령 제PP-4936호 (제정 2020. 12. 28.)	• (러문) https://lex.uz/ru/docs/5188515

[별첨 2] 법령 영문 내용³⁰

No.	관련 법령	영문명
1	대외 무상 지원 자금 및 기부 협력 유치 메커니즘 개선 조치에 관한 대통령령 제UP-5848호 (제정 2019. 10. 10.)	DECREE OF THE PRESIDENT OF THE REPUBLIC OF UZBEKISTAN ON MEASURES TO IMPROVE MECHANISMS FOR ATTRACTING EXTERNAL NONREPAYABLE ASSISTANCE FUNDS AND INTERACTION WITH DONORS
2	국제 금융기구 및 외국정부 금융기관 참여를 통 한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제PP-3857호 (제정 2018. 7. 16.)	RESOLUTION OF THE PRESIDENT OF THE REPUBLIC OF UZBEKISTAN ON MEASURES TO IMPROVE THE EFFICIENCY OF PREPARATION AND IMPLEMENTATION OF PROJECTS WITH THE PARTICIPATION OF INTERNATIONAL FINANCIAL INSTITUTIONS AND FOREIGN GOVERNMENTAL FINANCIAL ORGANIZATIONS
3	국가조달에 관한 법률 제ZRU-684호 (제정 2021. 4. 22.)	LAW OF THE REPUBLIC OF UZBEKISTAN ON PUBLIC PROCUREMENT
4	투자 및 투자활동에 관한 법률 제ZRU-598호 (제정 2019. 12. 25.)	LAW OF THE REPUBLIC OF UZBEKISTAN ON INVESTMENTS AND INVESTMENT ACTIVITY
5	PPP에 관한 법률 제ZRU-537호 (제정 2019. 5. 10)	LAW OF THE REPUBLIC OF UZBEKISTAN ON PUBLIC-PRIVATE PARTNERSHIP

³⁰ 영문법률이 공개된 부분에 대해서 주요 법령에 대해 unofficial translation 을 제공해 드립니다.

1. 대외 무상 지원 자금 및 기부 협력 유치 메커니즘 개선 조치에 관한 대통령령 제 UP-5848 호
(제정 2019. 10. 10.)

**DECREE OF THE PRESIDENT OF THE REPUBLIC OF UZBEKISTAN
ON MEASURES TO IMPROVE MECHANISMS FOR ATTRACTING EXTERNAL
NONREPAYABLE ASSISTANCE FUNDS AND INTERACTION WITH DONORS**

Consistent efforts are being implemented in the country aimed at improving socio-economic life of the population, and attracting for this purpose grants, technical assistance and other means of external nonrepayable assistance (hereinafter — grants), establishing close partnerships with foreign states, international and foreign governmental and non-governmental organizations, foreign companies, organizations and funds providing nonrepayable assistance to the Republic of Uzbekistan (hereinafter — donors).

At the same time, insufficient overall coordination of cooperation with donors, monitoring of the implementation of external nonrepayable assistance projects, as well as inefficient system of monitoring the achievement of their target indicators do not contribute to the increase in the volume of attracted grants and their efficient utilization.

In order to further improve the system for attracting and using external nonrepayable assistance, ensure alignment of work carried out in the field with national interests and priorities, organize a unified system for designing, implementation, monitoring and accounting of projects financed through grants, create favorable conditions for cooperation of the Republic of Uzbekistan with donors:

1. Establish, as priority areas for further development of an integrated system for the effective use of grants:

development of a sustainable platform for continuous dialogue with donors on joint implementation and performance evaluation of projects financed through grants, harmonization of procedures and joint efforts in specific sectors based on their specialization;

involvement of unused reserves and available opportunities for attracting grants to priority sectors of the economy and social sphere, expanding cooperation and establishing close interaction with foreign organizations that have donor potential;

ensuring alignment of the attracted grants with the national priorities and interests of the country in the development of the relevant sectors of the economy and social sphere;

increasing personal responsibility of heads and officials of state bodies and organizations, local authorities for attraction and effective use of grants, strengthening the preventive work of state financial control bodies to prevent their inappropriate use;

expanding the role of parliament and civil society institutions, as well as citizen participation in public oversight of meeting deadlines and achieving targets of projects funded by grants;

creating a unified information system for coordination of attracted grants, conditions for electronic registration of projects of external nonrepayable assistance with the automation of methods for analyzing areas and sectors of use.

2. Establish that Ministry of Investments and Foreign Trade of the Republic of Uzbekistan (hereinafter — Ministry) shall be the authorized body for coordinating the processes of elaboration, preliminary selection and approval of project initiatives proposed for financing through grants, ensuring accountability of projects of external nonrepayable assistance and monitoring their implementation, providing proposals for developing and increasing the efficiency of cooperation of the Republic of Uzbekistan with donors.

3. Establish that:

government agencies and organizations, local authorities (hereinafter — project initiators) shall attract grants worth \$100 thousand or more for one project by including them in the programs for attracting external nonrepayable assistance and cooperation with donors (hereinafter — Programs) developed and approved by Ministry;

Programs shall be formed by Ministry based on the state programs for the implementation of Strategy of action in five priority areas of development of the Republic of Uzbekistan in 2017 — 2021, National goals and objectives in the field of sustainable development until 2030, investment programs of the Republic of Uzbekistan, programs for the development of industries and regions, decisions of President of the Republic of Uzbekistan and Cabinet of Ministers;

Ministry of Foreign Affairs, jointly with foreign institutions of the Republic of Uzbekistan, shall assist Ministry, project initiators, industries and regions in attracting foreign donors for the implementation of projects of external nonrepayable assistance;

project initiators shall ensure, as applicable, the timely development of projects of external nonrepayable assistance, their submission for inclusion in the Programs, high-quality preparation of project documentation, as well as the unconditional and high-quality implementation of all activities for timely and full utilization of grants;

Ministry of Finance of the Republic of Uzbekistan annually, during development of State Budget parameters, shall include funds to cover the costs associated with the implementation by the project initiators of their obligations under grant attracting agreements (mandatory payments, authorization procedures, transportation and storage of goods, , assemblage, mounting, erection, installation of equipment and other costs associated with the implementation of projects) and ensure their timely allocation;

Ministry of Finance of the Republic of Uzbekistan shall monitor over the targeted use of grants and systematically take measures to prevent violations in this area.

4. Agree with the proposals of Ministry, Ministry of Foreign Affairs and Ministry of Finance of the Republic of Uzbekistan on the abolition of the Bureau for Coordination of Technical Assistance of the EU Commission under Cabinet of Ministers (hereinafter — UZBUROKES) with the transfer of its rights, responsibilities, staff and property (buildings and facilities) to Ministry.

5. Create Department for coordination of external nonrepayable assistance under the central office of Ministry (hereinafter — Department) with 11 management level employees.

Establish that staffing of Department is formed from among the staff of UZBUROKES (7) and the staff of Ministry.

6. Approve:

Plan for development, approval and implementation of programs for attracting external nonrepayable assistance funds and cooperation with donors in accordance with annex 1;

List of priority projects of external nonrepayable assistance worked out with donors in 2019-2020 (hereinafter — List) in accordance with annex 2.

Ministry, Ministry of Foreign Affairs and foreign institutions of the Republic of Uzbekistan, jointly with the concerned ministries and departments:

shall ensure compliance with necessary procedures for the final agreement, approval and execution of documents for external nonrepayable assistance projects included in the List;

shall intensify work with donors to address all issues related to financing and implementation of external nonrepayable assistance projects.

7. Ministry, by August 1, 2020, shall develop and implement the information system «Electronic approval, monitoring and accountability of projects of external nonrepayable assistance» (hereinafter — Information system), including:

digitalization of development, approval and accountability of Programs;

monitoring of compliance with deadlines and achievement of target indicators of projects of external nonrepayable assistance;

development of reliable and open data on the volume and utilization of attracted grants, progress in implementation of current projects funded by donors, and other information related to grants; online consulting of project initiators on the attraction and effective implementation of projects of external nonrepayable assistance, high-quality preparation of project specifications and documentation, as well as donors - on the areas and geography of grant allocation.

Ministry, by February 1, 2020, shall ensure the attraction of grants to finance the development and implementation of the Information System.

8. Establish that:

project initiators shall independently attract grants worth not more than \$100 thousand for a project and negotiate thereof with donors with the obligation to send to Ministry copies of respective grant agreements;

copies of donor project initiatives received by state bodies and organizations, as well as local authorities, within one day from the date of their receipt, shall be mandatorily sent to Ministry for monitoring over their consideration;

from January 1, 2021, coordination, development and approval of Programs shall be carried out exclusively in electronic form through Information System.

9. Introduce, from December 1, 2019, a procedure according to which:

required timeframe for advance notification of Ministry of Foreign Affairs for organization of visits to the Republic of Uzbekistan by donor delegations and their meetings with officials, as well as the organization of trips to the regions of the country shall be reduced from 30 to 15 business days;

obligation imposed on grant recipients to present bank statements and provide information and departmental reporting on technical assistance funds to Treasury of Ministry of Finance of the Republic of Uzbekistan shall be canceled;

recipients of grants on a quarterly basis (no later than 10th day of the month following the reporting quarter) shall provide Ministry with information on received and disbursed grants and ongoing projects of external nonrepayable in the format determined by Ministry;

Heads of state bodies and organizations, local authorities shall be given the right to incentivize employees, directly involved in the attraction and utilization of grants, for ensuring high-quality and timely implementation of projects of external nonrepayable assistance and achieving the approved target indicators, through one-time remuneration in the amount of up to fifteen times the minimum wage, but not more than two percent of the amount of the disbursed grant, at the expense of extra-budgetary funds of organizations, additional sources of local budgets, grants, as well as other sources not prohibited by law;

project initiators shall be entitled to cover the costs, associated with the fulfillment of their obligations under agreements providing for the attraction of grants, at the expense of extra-budgetary funds, free balances, revenues of local budgets in excess of the forecasted income indicators and other sources not prohibited by law.

10. Establish that:

a) Ministry of Foreign Affairs of the Republic of Uzbekistan, at the request of Ministry or initiators of projects — budgetary organizations, shall ensure, in the prescribed manner, issuance of entry visas for foreign specialists participating in the implementation of projects included in the Programs, without collecting consular fees and fees intended for reimbursement of actual costs;

b) Ministry of Internal Affairs of the Republic of Uzbekistan:

at requests of Ministry or initiators of projects — budgetary organizations, shall ensure, in the prescribed manner, registration, issuance and extension of multiple-entry visas, as well as registration at the place of temporary residence and extension thereof for foreign specialists participating in the implementation of projects included in the Programs, without charging a state fee;

Shall ensure registration of vehicles purchased under the projects included in the Programs, without charging mandatory fees and payments, except for fees for issuing a certificate of registration of a motor vehicle and state registration plates.

11. Agree with the proposal of Ministry of Health of the Republic of Uzbekistan to ensure one-off state registration of medicines, medical products and equipment and the issuance of a registration certificate, as well as the recognition of registration of medicines carried out outside the Republic of Uzbekistan with regards to medicines, medical products and equipment received under the implementation of projects included in the Programs, without their inclusion in the state register and collection of prescribed fees.

12. Establish that the amount of funds released as a result of the provision of benefits and preferences provided for by this Decree shall be the contribution of the Republic of Uzbekistan to the implementation of projects of external nonrepayable assistance, unless otherwise provided by agreements with donors.

13. Create Coordinating council on the attraction of external nonrepayable assistance, with the composition in accordance with annex 3, and set as its key objectives:

development of a permanent platform for dialogue with donors, assistance in addressing issues related to the financing and implementation of projects of external nonrepayable assistance;

determination of priority areas of cooperation of the Republic of Uzbekistan with donors, systematic work aimed at expanding the geography of interaction and search for new potential sources of funding for the implementation of projects of external nonrepayable assistance;

generation of proposals on facilitation of projects of external nonrepayable assistance, ensuring their targeted and effective use;

hearing, on a monthly basis, reports from responsible officials of state bodies and organizations, local authorities on the activities aimed at attracting and increasing the volume of grants, establishing close partnerships with donors, implementation of Programs, and biannual reports of employees involved in foreign economic activity of foreign institutions of the Republic of Uzbekistan on these issues.

14. Ministry shall:

a) within two months, study the best international practice in assessing the effectiveness of the attracted grants, including through visits of Ministry's specialists to foreign countries, and ensure its implementation into practice;

b) jointly with concerned ministries and departments, on a regular basis, hold seminars and trainings for employees of state bodies and organizations, local authorities on attracting and efficient use of grants with the active involvement of donor representatives and qualified foreign specialists in this process;

v) in accordance with the legislation, develop and continuously update the database of: qualified specialists in the field of attracting and using grants, as well as persons who have undergone training, retraining and advanced training under the implementation of projects of external nonrepayable assistance;

results of research carried out under the implementation of projects of external nonrepayable assistance, as well as reports, publications, reference and analytical materials and other information based on their results;

g) ensure wide dissemination in the relevant sectors of the economy and social sphere of best practices achieved as a result of the implementation of projects of external nonrepayable assistance.

15. Introduce changes and additions to some acts of the President of the Republic of Uzbekistan in accordance with annex 4.

16. Recognize as invalid some acts of the President of the Republic of Uzbekistan in accordance with annex 5.

17. Ministry, in collaboration with the concerned ministries and departments, within two months, shall develop and submit for approval to Cabinet of Ministers of the Republic of Uzbekistan:

Regulation on the procedure for development, implementation and monitoring of projects financed from proceeds of external nonrepayable assistance, including providing criteria for selection of priority and promising projects proposed for funding from grants, as well as mechanisms of settling disagreements arising between Ministry and project initiators during the formation of Programs;

Regulation on the procedure for control over the reception, accounting, targeted allocation and disbursement of humanitarian aid and monitoring of humanitarian projects in the new edition, adopting measures to simplify the procedure and reduce the timeframe for making decisions on receiving humanitarian aid and revise the concept of «humanitarian aid»;

proposals on changes and additions to the legislation arising from this Decree.

18. Control over the implementation of this Decree shall be entrusted to Adviser to President of the Republic of Uzbekistan, R.A.Gulyamov, and Deputy Prime Minister of the Republic of Uzbekistan, E.M.Ganiev.

President of the Republic of Uzbekistan Sh. MIRZIYOYEV

Tashkent city,
10 October 2019 y.,
№ DP-5848

ANNEX 1
to the Decree of the President of the
Republic of Uzbekistan of October 10,
2019, № DP-5848

PLAN
for development, approval and implementation of programs for attracting external nonrepayable assistance funds and cooperation with donors

Stages	Activities	Deadline	Responsible parties
1 stage	<p>Informing state bodies and organizations, local authorities (hereinafter — initiators of the projects) about the volumes and areas of intended use of external nonrepayable assistance and projects proposed for implementation by foreign states, international and foreign governmental and non-governmental organizations, foreign companies, organizations and foundations (hereinafter — donors).</p> <p>Development and dissemination among project initiators of samples of project specification forms for promising and priority projects proposed for funding by donors, and instructions for filling them out.</p> <p>Conducting seminars and trainings for employees of project initiators on attracting and effective use of grants, technical assistance and other means of external nonrepayable assistance (hereinafter — grants) with the active</p>	By February 1	Ministry of Investment and Foreign Trade of the Republic of Uzbekistan (hereinafter - Ministry)

Stages	Activities	Deadline	Responsible parties
	involvement of donor representatives and qualified foreign specialists in this process.		
2 stage	<p>Development of sectoral and territorial lists of promising and priority projects proposed for funding by donors, taking into account the state programs for the implementation of Strategy of actions in five priority areas of development of the Republic of Uzbekistan in 2017 — 2021, National goals and objectives in the field of sustainable development until 2030, investment programs of the Republic of Uzbekistan, programs for the development of industries and regions, decisions of the President of the Republic of Uzbekistan and Cabinet of Ministers.</p> <p>Submission to Ministry of lists and specifications of promising and priority projects proposed for funding by donors, indicating their priority.</p> <p>The priority of projects is indicated by the initiators of the projects by assigning them the appropriate serial numbers.</p>	By March 1	Project initiators
3 stage	<p>A set of submitted proposals and development of a preliminary consolidated list of promising and priority projects proposed for funding by donors, including titles of projects and their brief description, indicative costs and sources of funding.</p> <p>Sending consolidated list of promising and priority projects proposed for funding by donors for approval to the relevant ministries and departments.</p>	By April 1	Ministry
4 stage	Agreement on a consolidated list of promising and priority projects proposed for funding by donors.	By April 10	Concerned ministries and agencies
5 stage	Approval of Program for attracting external nonrepayable assistance funds, including a list of promising and priority projects proposed for funding by donors, and its posting on the official website of Ministry.	By April 15	Ministry
6 stage	Working out with donors the possibility of allocating grants for the implementation of projects included in	Constantly	Ministry, Ministry of Foreign Affairs, foreign institutions of the Republic of Uzbekistan, project initiators

Stages	Activities	Deadline	Responsible parties
	the Program for attracting funds from external nonrepayable assistance.		
7 stage	Based on projects approved by donors, development and approval of cooperation programs with donors (hereinafter — Cooperation programs) Cooperation programs define the main areas of cooperation with donors, as well as a list of external nonrepayable assistance projects planned for implementation, indicating title, brief description, targets, outcomes, recipients, donors, volume and sources of funding for each external nonrepayable assistance project.	As prescribed	Ministry, Ministry of Economy and Industry, Ministry of Finance of the Republic of Uzbekistan
8 stage	Posting Cooperation programs on the official website of Ministry.	Within five days from the date of approval of the Cooperation programs	Ministry
9 stage	Clarification of the parameters of Cooperation programs and their amending, as needed.	As needed	Ministry
10 stage*	Expert review and approval of draft agreements providing for the attraction of grants.	Within five days from the date of submission	Authorised ministries and agencies
11 stage*	Legal review of draft agreements providing for the attraction of grants.	Within five days from the date of submission	Ministry of Foreign Affairs of the Republic of Uzbekistan and Ministry of Justice
12 stage*	Coordination of decisions on holding negotiations and signing agreements providing for the attraction of grants.	Within a week from the date of submission	Cabinet of Ministers of the Republic of Uzbekistan
13 stage*	Registration of a certificate of authority to negotiate and sign agreements providing for the attraction of grants.	Within three days from the date of approval of the decision	Ministry of Foreign Affairs of the Republic of Uzbekistan
14 stage	Negotiating and signing agreements on financing and implementing projects of external nonrepayable assistance.	As prescribed	Ministry, project initiators
15 stage	Implementation of projects of external nonrepayable assistance. Provision by project initiators of information to Ministry on received and disbursed grants and ongoing projects of external nonrepayable assistance.	As prescribed	Project initiators

Stages	Activities	Deadline	Responsible parties
16 stage	Monitoring for timely and proper implementation of projects of external nonrepayable assistance.	Constantly	Ministry
17 stage	Completion of projects of external nonrepayable assistance, assessment of their efficiency and impact on the process of achieving National goals and objectives in the field of sustainable development until 2030, parameters of state programs for the implementation of Strategy of actions in five priority areas of development of the Republic of Uzbekistan in 2017 — 2021, investment programs of the Republic of Uzbekistan, programs for the development of relevant industries and regions.	Depending on project specifications	Ministry, Ministry of Economy and Industry, Ministry of Finance of the Republic of Uzbekistan

Apply to agreements that fall under the category of international treaties.

ANNEX 2
to the Decree of the President of the
Republic of Uzbekistan of 10 October,
2019, № DP-5848

LIST
of priority projects of external nonrepayable assistance worked out with donors in 2019-2020

№	Project title	Donor	Recipients	Indicative amount (\$ million)
1.	Modernization of the central phytosanitary laboratory of the State Plant Quarantine Inspectorate.	People's Republic of China	State Plant Quarantine Inspectorate	2.9
2.	Equipping regional children's and adult multidisciplinary medical centers with magnetic resonance imaging (Phase-1).		Ministry of Health	10.9
3.	Providing medical institutions of Surkhandarya, Kashkadarya, Bukhara, Navoi, Samarkand and Jizakh regions with modern medical equipment.		Ministry of Health	21.5
4.	Creation of an integrated agro-industrial cluster with a complete production cycle in Syrdarya region.		Ministry of Agriculture, khokimiyat of Syrdarya region	30
5.	Creation of new testing facilities and training of specialists of the Agency Uzstandart.		Agency Uzstandart	8.1
6.	Construction of a wind farm with 20 MW installed capacity.		JSC Uzbekgidroenergo	28

No	Project title	Donor	Recipients	Indicative amount (\$ million)
7.	Vocational training centers in Tashkent and Nukus.		Ministry of Employment and Labor Relations	12
8.	Construction of a wastewater treatment plant and sewerage network.		Ministry of Housing and Communal Services	14
Total cost of projects implemented with the People's Republic of China:			127.4	
1.	Implementation of a closed cycle micro-drainage system to reduce soil salinity.	JICA (Japan)	Ministry of Agriculture, Ministry of Water Resources	5
2.	Supporting the activities of the Multi-Partner Trust Fund for Aral Sea region. Financing activities aimed at improving the socio-economic and environmental situation in the Aral Sea region.		Ministry of Investment and Foreign Trade	4
3.	Implementation of the project Uzbek-Japanese Center (Phase-5).		Uzbek-Japanese Center	4
4.	Cooperation aimed at assisting to increase investment potential in the electricity sector.		Ministry of Energy	0.5
5.	Engaging a specialist in international financial reporting standards and capacity building in the area of international financial reporting standards.		Ministry of Energy	0.5
6.	Training program for specialists in the operation and maintenance of CCGT.		JSC Regional Electric Networks	0.5
7.	Creation of protective forest plantations on the dried up sea bed of Aral Sea on an area of 80 thousand hectares.		State Forestry Committee	6
8.	Building the capacity of regional centers for rehabilitation and prosthetics of disabled people in Uzbekistan (supply of medical and rehabilitation equipment).		Ministry of Health	7.5
Total cost of projects implemented with JICA (Japan):			28	
1.	Implementation of information management systems in organizations of Association Uzbekpaksanoat.	KOICA (South Korea)	Association Uzbekpaksanoat	4.9
2.	Development of information and communication technologies in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.		Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan	0.4
3.	Capacity building and modernization of the customs infrastructure.		State Customs Committee	2.9

№	Project title	Donor	Recipients	Indicative amount (\$ million)	
4.	Development of the digital economy by supporting the activities of the Innovation center to support the development and implementation of information technologies Mirzo Ulugbek Innovation Center.		Innovation center to support the development and implementation of information technologies Mirzo Ulugbek Innovation Center	10	
5.	Improving the infrastructure of the quarantine service, providing advisory services and capacity building.		State Plant Quarantine Inspectorate	2.7	
6.	Improving the system for the provision of public services.		Public Services Agency	8	
7.	Creation of business incubators and stimulating the growth of entrepreneurship in Uzbekistan.		Chamber of Commerce and Industry	6	
8.	Creation of the Research and Design Institute of the Center for Chemical Technology (UzCCT) in Uzbekistan.		JSC Uzkimyosanoat	7	
9.	Creation of a vocational training center in Urgench and a National qualification system in Tashkent CPE.		Ministry of Employment and Labor Relations	15	
10.	Technical support for the creation of a multipurpose land resource database based on Korean experience.		State Committee for Land Resources, Geodesy, Cartography and State Cadaster	17	
Total cost of projects implemented with KOICA (South Korea):			73.9		
1.	Budgetary support to Uzbekistan.		EU Commission	Ministry of Finance	40
2.	Development of employment skills in rural areas of Uzbekistan.			Ministry of Higher and Secondary Specialized Education	15
3.	Assistance in the process of accession of the Republic of Uzbekistan to the World Trade Organization.	Ministry of Investment and Foreign Trade, ministries and departments		5	
4.	Preparation of a program for budget support, assessment of the state financing system, mid-term project evaluation, etc.	Ministry of Finance, Ministry of Agriculture		2,5	
Total cost of projects implemented with EU Commission			62.5		
1.	Sustainable development of small ruminant production in Central Asia region.	Food and Agriculture Organization of the United Nations (FAO)	State Committee for Veterinary and Livestock Development, Ministry of Agriculture	0.7	
2.	Analyzing ruminant production policies and assessing		State Committee for Veterinary and	0.2	

№	Project title	Donor	Recipients	Indicative amount (\$ million)
	data availability in selected Central Asian countries under development of climate change adaptation and mitigation measures.		Livestock Development, Ministry of Agriculture	
3.	Investment and partnership forum on sustainable development of silk industry and increasing incomes of small farmers in Uzbekistan.		Association Uzbekipaksanoat, Ministry of Agriculture	0.1
4.	Evaluation of the effectiveness of freshwater aquaculture and food security in the Western Balkans, the Caucasus and Central Asia.		State Committee for Veterinary and Livestock Development, Association Uzbekbaliksanoat, Research Institute of Fish Farming, Ministry of Agriculture	1.5
5.	Capacity building for sustainable fisheries and aquaculture management in Central Asia.		State Committee for Veterinary and Livestock Development, Association «Uzbekbaliksanoat», Research Institute of Fish Farming, Ministry of Agriculture	1
6.	Reducing food loss and waste in Central Asian countries.		Ministry of Agriculture	0.5
7.	Building capacity in the agriculture and land use sectors in Uzbekistan to increase transparency in the implementation and monitoring of Uzbekistan's nationally determined contribution under Paris Agreement.		Center for Hydrometeorological Service under the Cabinet of Ministers, Ministry of Agriculture	1.3
8.	Strengthening regional cooperation and national capacity to control rust fungi of wheat and breeding for disease resistance in Central Asia and the Caucasus.		Ministry of Agriculture	1.1
9.	Smart farming for the next generation.		Ministry of Agriculture, Khokimiyat of Tashkent Region, Ministry of Innovative Development	4.5
10.	Sustainable forest management in arid regions of Uzbekistan.		State Committee on Forestry, State Committee on Ecology and Environmental	4.3

№	Project title	Donor	Recipients	Indicative amount (\$ million)
			Protection, Ministry of Agriculture	
11.	Implementation of the National concept for development of new lands in the Republic of Uzbekistan.		Ministry of Agriculture, Ministry of Water Resources, Center for Hydrometeorological Service under the Cabinet of Ministers	40
12.	Restoration of degraded forests and other lands.		State Forestry Committee, Ministry of Agriculture	2
13.	Leave No One Behind: seizing opportunities for economic growth through greater involvement and empowerment of rural women in Turkey and Central Asia.		Ministry of Agriculture, Women's Committee of Uzbekistan	0.9
14.	Supporting the transformation of the Organization for Economic Cooperation and Development's Food security coordination center from a project organization to a sustainable organization.		Ministry of Agriculture, Ministry of Innovative Development	0.5
15.	Building capacity on the Sustainable Development Goals of UN Global Agenda 2030.		Ministry of Agriculture, Ministry of Economy and Industry	0.1
16.	National overview and strategy for the aquaculture sector and the aquaculture value chain.		State Committee for Veterinary and Livestock Development, Association Uzbekbaliksanoat, Research Institute of Fish Farming, Ministry of Agriculture	0.3
17.	Conducting a feasibility study for the transformation of digital agriculture in Uzbekistan.		Ministry of Agriculture, Ministries and Agencies involved	0.1
18.	Sustainable development of beekeeping in Uzbekistan.		State Committee for Veterinary and Livestock Development, Ministry of Agriculture	0.4
Total cost of projects implemented with FAO:			59.5	
1.	Modernization of medical education and professional development programs in Termez with participants from the Islamic Republic of Afghanistan.	GIZ, German Development Bank KfW	Ministry of Health	17.5
2.	Ensuring the effective use of high technologies for modern		Ministry of Health	2

№	Project title	Donor	Recipients	Indicative amount (\$ million)
	therapeutic and diagnostic purposes.			
3.	Supporting the process of reforming and modernizing the vocational education system in Uzbekistan.		Ministry of Higher and Secondary Specialized Education	5
4.	Supporting digital reforms in the health sector — accompanying measure.		Ministry of Health	1.5
5.	Supporting economic reforms and sustainable economic development in the regions of Uzbekistan.		Ministry of Economy and Industry	5.5
6.	Facilitating the reform of quality infrastructure and the development of quality assurance services for the economy of Uzbekistan.		Ministry of Economy and Industry	1.3
7.	Foundation for research and technical assistance specialists.		Ministry of Higher and Secondary Specialized Education	1
8.	Vocational education in Central Asia — promoting systems approaches in the field of food production.		Ministry of Higher and Secondary Specialized Education	TBD
The total cost of projects implemented with the GIZ and the German Development Bank KfW:			33.8	
1.	Strengthening Financial Management in Asia and the Pacific (Phase 2).	Asian Development Bank	Ministry of Finance	0.1
2.	Development Statistics (Phase-2).		State Committee on Statistics	1
Total cost of projects implemented with ADB:			1.1	
1.	Water supply to Syrdarya region (project extension).	Swiss Confederation	Ministry of Housing and Communal Services	1
Total cost of the project implemented with Switzerland:			1	
1.	Creation of an educational management information system (EMIS — Educational Management Information System).	Eximbank (South Korea)	Ministry of Higher and Secondary Specialized Education	0.32
Total cost of the project implemented with Eximbank (South Korea):			0.32	
1.	International police training programs (7 refresher courses).	TIKA (Turkey)	Ministry of the Interior	TBD
2.	Organization of exchange programs for employees of government agencies.		Ministries and departments	TBD
3.	Organization of exchange programs in Turkey.		Ministries and departments	TBD

№	Project title	Donor	Recipients	Indicative amount (\$ million)
4.	Organization of professional development programs for employees of the Ministry of Employment and Labor Relations of the Republic of Uzbekistan.		Ministry of Employment and Labor Relations	TBD
5.	Organization of professional development programs for medical workers of the system of the Ministry of Health of the Republic of Uzbekistan.		Ministry of Health	TBD
6.	Organization of a professional development program for employees of the Ministry of Finance of the Republic of Uzbekistan.		Ministry of Finance	TBD
7.	Organization of training courses on 3D modeling.		Ministry of Health	TBD
8.	Organization of training courses on maternal and child health.		Ministry of Health	TBD
9.	Organization of Uzbek-Turkish health weeks.		Ministry of Health	TBD
10.	Professional development and organization of training programs for the staff of the Agency Uzstandart.		Agency Uzstandart	TBD
11.	Support for two events under State program for the implementation of Strategy of actions in five priority areas of development of the Republic of Uzbekistan in 2017 — 2021 in the «Year of Active Investments and Social Development».		Ministries and departments	TBD
12.	Supporting activities aimed at branding organic products in Uzbekistan.		Ministry of Agriculture	TBD
13.	Support to strengthening ties with Turkish educational institutions in the field of tourism and hospitality.		State Committee for Tourism Development	TBD
14.	Support for the saxaul planting project in Aral Sea region.		State Forestry Committee	TBD
15.	Support for projects aimed at increasing the income of the population under the state programs Obod kishlok and Obod mahalla.		Council of Ministers of the Republic of Karakalpakstan, khokimiyats of regions and Tashkent city	TBD
16.	Assistance in the implementation of programs aimed at supporting small and medium-sized businesses.		Chamber of Commerce and Industry	TBD
17.	Assistance in the implementation of programs		Ministry of Agriculture	TBD

№	Project title	Donor	Recipients	Indicative amount (\$ million)
	aimed at the development of agriculture (cultivation of aromatic plants and organic seeds).			
18.	Renovation and equipping the new building for the Bukhara branch of the Tadbirkor Ayol Association.		Association Tadbirkor Ayol	TBD
19.	Equipment for the textile shop at the Tadbirkor Ayol Association.		Association Tadbirkor Ayol	TBD
20.	Equipping a textile shop at the Tadbirkor Ayol Association.		Association Tadbirkor Ayol	TBD
21.	Providing one of the institutions of the Ministry of Higher and Secondary Special Education with equipment.		Ministry of Higher and Secondary Specialized Education	TBD
22.	Creation of nurseries of plants to prevent drought in the Aral Sea region.		State Forestry Committee	TBD
23.	Creation of a studio at the University of Journalism and Mass Communications of Uzbekistan.		Ministry of Higher and Secondary Specialized Education	TBD
24.	Implementation of projects aimed at the development of tourism.		State Committee for Tourism Development	TBD
25.	Restoration of Nurullabay madrasah in Khiva.		Ministry of Culture	TBD
26.	Construction of additional buildings in the mausoleum of Imam Maturidi.		Ministry of Culture	TBD
Total cost of projects implemented with TIKA (Turkey):				
1.	Sector-based national adaptation plan to promote medium and long-term adaptation planning in Uzbekistan.	Green Climate Fund (GCF)	Center for Hydrometeorological Service under the Cabinet of Ministers, Ministry of Investments and Foreign Trade	1.67
2.	Improving Uzbekistan's readiness for financing from the Green Climate Fund.		Ministry of Investment and Foreign Trade, Center for Hydrometeorological Service under the Cabinet of Ministers	0.6
Total cost of projects implemented with the Green Climate Fund (GCF):			2.27	
1.	Maintenance of climate data in Uzbekistan (Phase-2).	Korea Meteorological Administration (KMA) and World Meteorological Organization (WMO)	Center for Hydrometeorological Service under the Cabinet of Ministers	0.45
Total cost of the project implemented with KMA and WMO:			0.45	

№	Project title	Donor	Recipients	Indicative amount (\$ million)
1.	Creation in the Republic of Uzbekistan of the Unified geoinformation database of the environmental monitoring system.	Japanese government	State Committee for Ecology and Environmental Protection	6
Total cost of the project implemented with the Government of Japan:			6	
1.	Creation and sustainable use of wetland, lake and floodplain ecosystems of the Aral Sea region.	Global Environment Facility (GEF)	State Committee for Ecology and Environmental Protection	4
Total cost of the project implemented with the Global Environment Facility			4	
Total cost of all projects:			400.2	

ANNEX 3
to the Decree of the President of the
Republic of Uzbekistan of October 10,
2019, № DP-5848

**COMPOSITION
of Coordinating council on attraction of external nonrepayable assistance**

1. Umurzakov S.U. — Minister of Investments and Foreign Trade of the Republic of Uzbekistan, *Chairman of Coordination council*
2. Vafaev Sh.A. — Deputy Minister of Investments and Foreign Trade of the Republic of Uzbekistan, *Deputy Chairman of Coordination council*
3. Abidov B.N. — Deputy Minister of Investments and Foreign Trade of the Republic of Uzbekistan
4. Urunov A.A. — Responsible Officer of the Presidential Administration of the Republic of Uzbekistan
5. Turgunov D.A. — Head of the Secretariat of Cabinet of Ministers of the Republic of Uzbekistan
6. Nosirov M.M. — Head of Department of Central Bank of the Republic of Uzbekistan
7. Khodjaev A.B. — Head of Main Directorate of the Ministry of Foreign Affairs of the Republic of Uzbekistan
8. Matkarimov Sh.T. — Head of Department of Ministry of Economy and Industry of the Republic of Uzbekistan
9. Isakulov Sh.N. — Head of Department of Ministry of Finance of the Republic of Uzbekistan
10. By position — Deputy Chairman of Council of Ministers of the Republic of Karakalpakstan — Minister of Investments and Foreign Trade of the Republic of Karakalpakstan, deputy khokims of regions and city of Tashkent — heads of investment and foreign trade departments of regions and city of Tashkent
11. By agreement — Representative of the Multi-Partner Trust Fund for Aral Sea Region
12. By agreement — representatives of foreign donors
13. By position — Head of Department for coordination of external nonrepayable assistance of Ministry of Investment and Foreign Trade of the

Republic of Uzbekistan, *Executive Secretary of Coordination
council*

Note: when members of Coordinating council moved to other positions, they shall be replaced by persons newly appointed to the vacated positions, or persons entrusted with the performance of the functions thereof.

ANNEX 4
to the Decree of the President of the
Republic of Uzbekistan of 10 October,
2019, № DP-5848

Changes and additions to some acts of the President of the Republic of Uzbekistan

1. Text of annex 2 to the Decree of the President of the Republic of Uzbekistan of May 11, 2006, № DP-3751 «On the establishment of the Fund for Reconstruction and Development of the Republic of Uzbekistan» shall be amended to read as follows:

**COMPOSITION
of Council for management of the Fund for Reconstruction and Development of the
Republic of Uzbekistan**

Aripov A.N.	— Prime Minister of the Republic of Uzbekistan, <i>Chairman of Council</i>
Gulyamov R.A.	— Advisor to the President of the Republic of Uzbekistan, <i>Deputy Chairman of Council</i>
Kuchkarov D.A.	— Deputy Prime Minister of the Republic of Uzbekistan - Minister of Finance of the Republic of Uzbekistan
Khodjaev B.A.	— Minister of Economy and Industry of the Republic of Uzbekistan
Umurzakov S.U.	— Minister of Investments and Foreign Trade of the Republic of Uzbekistan
Ishmetov T.A.	— First Deputy Minister of Finance of the Republic of Uzbekistan

Note: when members of Council for management moved to other positions, they shall be replaced by persons newly appointed to the vacated positions, or persons entrusted with the performance of the functions thereof’.

2. In the Decree of the President of the Republic of Uzbekistan of January 28, 2019, № DP-5643 «On measures to improve the management system in the areas of investment and foreign trade»:

a) amend paragraph two of clause 3 to read as follows:

«is the authorized state body responsible for the implementation of a unified state investment policy, coordination of attracting foreign investments, primarily direct investments, cooperation with international financial institutions (governors’ offices) and foreign government financial organizations, as well as development and coordination of a unified state policy in the field of foreign trade, international economic cooperation, attracting external nonrepayable assistance funds (grants, technical assistance, targeted nonrepayable aid)»;

б) clause 4:

add paragraph five as follows:

«coordination of activities of state bodies and organizations aimed at attracting external nonrepayable assistance funds (grants, technical assistance, targeted nonrepayable aid) and humanitarian aid, as well as accounting and monitoring of their targeted use»;

paragraphs five — twelve to be considered respectively paragraphs six — thirteen.

3. Paragraph ten of clause 2 of the resolution of the President of the Republic of Uzbekistan of February 28, 2007, № RP-594 «On measures for the further development of the treasury execution of State budget» to be amended to read as follows:

«complete and systematic accounting for all types of humanitarian aid received in the Republic of Uzbekistan, including in non-material form».

4. Subclause 6 of clause 9 of annex 7 to resolution of the President of the Republic of Uzbekistan of March 18, 2017, № RP-2847 «On measures to further improve the activities of financial authorities» to be amended to read as follows:

« 6) in the management of humanitarian aid:

forms, together with concerned ministries and departments, a unified database of humanitarian aid to finance priority projects and activities;

develops an efficient mechanism for coordinating the process of applications and the inclusion of humanitarian aid in a single database;

forms and regularly updates, in collaboration with Ministry of Investments and Foreign Trade of the Republic of Uzbekistan, databases of donor organizations providing humanitarian aid;

coordinates the attraction of aid funds and timely execution and direction of applications for humanitarian aid, carries out accounting, monitoring and control over their intended use;

develops and approves, in accordance with the established procedure, forms for reporting on humanitarian aid;

collects, analyzes and summarizes information on humanitarian aid received, prepares appropriate analytical and reference materials;

prepares analytical materials and draft reports on receipt and disbursement of humanitarian aid for subsequent submission on a systematic basis to the Government of the Republic of Uzbekistan;

provides concerned ministries and departments with practical assistance in the registration of humanitarian assistance provided to the Republic of Uzbekistan».

5. In the resolution of the President of the Republic of Uzbekistan of January 28, 2019, № RP-4135 «On organization of activities of Ministry of Investments and Foreign Trade of the Republic of Uzbekistan»:

a) paragraph five of clause 2 to be amended to read as follows:

«Set the total number of administrative personnel of Ministry, Agency for attracting foreign investments, Export promotion agency and Center for development of investment projects under Ministry 1.541 employees, including the personnel of the central office of Ministry — 283 employees»;

b) in annex 3:

in section «Management of coordination of work with IFIs, FGFO 10», replace the number «10» with the number «6»;

after section «Management of coordination of work with IFIs, FGFO 6», add section «Department for coordination of external nonrepayable assistance 11»;

in note the words «1534 units» and «276 units» replace respectively with the words «1541 units» and «283 units».

ANNEX 5
to the Decree of the President of the
Republic of Uzbekistan of October 10,
2019, № DP-5848

LIST
of some acts of the President of the Republic of Uzbekistan recognized as invalid

1. Clause 32 of annex 1 to the Decree of the President of the Republic of Uzbekistan of February 1, 2019, № DP-5650 «On amendments and additions, as well as invalidation of some acts of the President of the Republic of Uzbekistan (Decree of the President of the Republic of Uzbekistan of August 26, 2018, № DP-5519 «On establishment of Administration of the President of the Republic of Uzbekistan»»).

2. Resolution of the President of the Republic of Uzbekistan of November 24, 2008, № RP-1005 «On establishment of Department for the coordination, accounting and control of the targeted use of humanitarian aid and technical assistance funds of Ministry of Finance of the Republic of Uzbekistan».

3. Resolution of the President of the Republic of Uzbekistan of February 10, 2009, № RP-1055 «On amendments and additions to some resolutions of the President of the Republic of Uzbekistan».

2. 국제 금융기구 및 외국정부 금융기관 참여를 통한 사업 준비 및 추진의 효율성 제고 방안에 관한 대통령훈령 제 PP-3857 호 (제정 2018. 7. 16.)

**RESOLUTION
OF THE PRESIDENT OF THE REPUBLIC OF UZBEKISTAN
ON MEASURES TO IMPROVE THE EFFICIENCY OF PREPARATION AND
IMPLEMENTATION OF PROJECTS WITH THE PARTICIPATION OF INTERNATIONAL
FINANCIAL INSTITUTIONS AND FOREIGN GOVERNMENTAL FINANCIAL
ORGANIZATIONS**

With a view to further improve the efficiency of preparation and implementation of projects with the participation of international financial institutions and foreign governmental financial organizations:

1. Approve the Regulations on preparation and implementation of projects with participation of international financial institutions and foreign governmental financial organizations according to Annex.

2. Establish that:

Heads of ministries and agencies, who have signed financial agreements, on-lending agreements, project agreements, subsidiary agreements, agreements on delegation of rights and claims, letters-agreements, and other agreements (hereinafter - agreements on projects) shall be authorized to sign on behalf of the Republic of Uzbekistan or the Government of the Republic of Uzbekistan changes, additions, and amendments to project agreements according to the procedure, established by this Resolution;

Legal opinions on signed agreements on projects for which provision of legal opinions is a condition for entry into force, as well as on state guarantees shall be issued by the Ministry of Justice in the form acceptable to international financial institutions and foreign governmental financial organizations (hereinafter - IFIs/FGFOs) within one week after submission of agreements and guarantees to the Ministry of Justice of the Republic of Uzbekistan;

Payment of compensation in case of allocation of land plots, demolition of houses, other structures, constructions, or plantings within the framework of the implementation of projects with participation of IFIs/FGFOs - if it is stipulated by agreements on projects - shall be carried out by authorized bodies in accordance with requirements of IFIs/FGFOs;

See previous version.

Within the framework of implementation of projects with participation of IFIs/FGFOs - effective July 1, 2021 - goods (works, services) and vehicles purchased shall be exempted from payment of customs duties (except for customs fees) according to the list composed in the prescribed manner, value added tax, fees to the state trust funds, non-resident legal entities of the Republic of Uzbekistan — from paying corporate income tax - from payment of corporate income tax; and non-resident individuals of the Republic of Uzbekistan — from payment of personal income tax;

(Para 5 of paragraph 2 as amended by the Decree of the President of the Republic of Uzbekistan No. UP-5717 dated May 14, 2019 — National Legislation Database, 15.05.2019, No. 06/19/5717/3132)

Should IFIs provide paid consulting services, they shall be single providers of these services, with which direct contracts shall be concluded, to be registered in a special information portal.

3. Resolve that:

Issuance of entry visas for foreign specialists participating in the implementation of projects with the participation of IFIs/FGFOs shall be carried out by the Ministry of Foreign Affairs of the Republic of Uzbekistan at the request of project initiators or implementing agencies without charging consular and other fees;

See previous version.

Issuance and renewal of multiple-entry visas and registration at the place of temporary residence of foreign specialists involved in the implementation of projects with the participation of IFIs/FGFOs shall be carried out by the Ministry of Internal Affairs of the Republic of Uzbekistan at the request of project initiators or implementing agencies without payment of state duty.

(Para 3 of paragraph 3 as amended by the Decree of the President of the Republic of Uzbekistan No. UP-6146 dated January 26, 2021 — National Legislation Database, 27.01.2021, No. 06/21/6146/0065)

4. Working Commission on Coordination of Drafting the Tax Code of the Republic of Uzbekistan in a new edition and the abolition of inefficient tax and customs benefits and preferences (B. Mavlonov) shall provide for the following:

a) Exemption of the following for the period of implementation of projects with participation of IFIs/FGFOs and warranty period:

Goods (works, services) and vehicles purchased at the expense of IFIs/FGFOs - from payment of customs duties (except for customs fees), value added tax, as well as fees to the state trust funds;

Non-resident legal entities of the Republic of Uzbekistan — from paying corporate income tax;

Non-resident individuals of the Republic of Uzbekistan — from paying personal income tax;

b) Extension of the benefits provided for in subparagraph "a" of this paragraph, for goods (works, services) and vehicles purchased at the expense of the State Budget of the Republic of Uzbekistan, own funds of project initiators and implementing agencies in the implementation of projects with the participation of IFIs/FGFOs.

Determine that the amount of funds released as a result of benefits shall be the contribution of the Republic of Uzbekistan in the implementation of projects with the participation of IFIs/FGFOs.

5. The State Investment Committee of the Republic of Uzbekistan shall submit jointly with the Ministry of Justice within a month to the Cabinet of Ministers proposals on amendments and additions to the legislation arising from this Resolution.

6. Control over the execution of this Resolution shall be assigned on the Prime Minister of the Republic of Uzbekistan A.N. Aripov and Deputy Prime Minister of the Republic of Uzbekistan - Chairman of the State Committee of the Republic of Uzbekistan Investments S.R. Kholmuradov.

President of the Republic of Uzbekistan SH. MIRZIYOYEV

Tashkent city,
July 16, 2018,
No. RP-3857

ANNEX
to the Resolution of the President of the
Republic of Uzbekistan No. RP-3857 dated July 16, 2018

REGULATIONS

On procedure for preparation and implementation of projects with the participation of international financial institutions and foreign governmental financial organizations

Chapter 1. General provisions

1. These Regulations shall govern the procedure for the preparation and implementation of projects carried out in whole or in part at the expense of loans (credits) of international financial institutions and foreign government financial organizations (hereinafter - IFIs/FGFOs), attracted under the State guarantee of the Republic of Uzbekistan or on behalf of the Republic of Uzbekistan (the Government of the Republic of Uzbekistan).

2. This Regulations shall not apply to projects with the participation of IFIs/FGFOs, for which a different procedure for their preparation and implementation under separate decisions of the President of the Republic of Uzbekistan is established.

3. The following basic definitions shall be used in these Regulations:

Advance borrowed funds – funds of loans (credits) provided by IFIs/FGFOs to finance project preparation or project activities carried out prior to signing the financial agreement on the project and included in the amount of the approved loan (credit) attracted for project implementation in the future;

Project Implementation (Coordination) Unit (PIU) - a unit (organization) to be established by the project initiator to support project implementation in accordance with the procedure established by legislation;

Preliminary appraisal document - a pre-project document defining the main parameters of the project planned for implementation, prepared in accordance with the IFI/FGFO methodology and being a basis for preparation of the appraisal document by IFIs/FGFOs;

Loan negotiations – negotiations between authorized representatives of the Republic of Uzbekistan and IFIs/FGFOs, in the course of which the draft financial agreement, terms and conditions of provision of the loan (credit) by IFIs/FGFOs, and the content of the project are discussed and agreed upon;

Loan (credit) funds or financing – loans (credits) and monetary funds of IFIs/FGFOs, issued to the project initiator on the basis of the financial agreement for certain purposes and for a certain period;

Procurement procedures – a package of actions related to procurement of goods (works and services), including under a "turnkey" conditions, within the framework of projects with participation of IFIs/FGFOs. Procurement procedures shall include the period from the date of approval of the procurement plan to the registration of the concluded contracts;

Project initiator (Customer) – state bodies, budget organizations, and other legal entities initiating the implementation of the project with the participation of IFIs/FGFOs;

Foreign government financial organizations (FGFOs) – foreign government financial organizations financing or co-financing projects in the Republic of Uzbekistan, including state banks and Development Funds, Eximbanks, whose loans (credits) are attracted by the Republic of Uzbekistan (the Government of the Republic of Uzbekistan) or under the State guarantee of the Republic of Uzbekistan;

Implementing agency – organization(s) responsible for project implementation;

International financial institutions (IFIs) – financial and economic organizations established on the basis of intergovernmental agreements to which the Republic of Uzbekistan is a member;

Monitoring of project implementation – systematic collection, processing, and analysis of information on the progress of project implementation, which is used to improve decision-making and ensure efficient project management;

Branch Scientific and Technical Council (BSTC) – a collegial body to be created under the branch ministries and agencies, which considers the feasibility and possibility of project implementation. In the absence of BSTC, its functions shall be performed by the collegial body to be created by the project initiator in accordance with these Regulations;

Procurement plan – a document that includes a list of planned procurement with a reflection of the methods, principles, and main parameters of project procurements, agreed upon with the IFIs/FGFOs and forming part of the project feasibility study and pre-project documentation, which may - if necessary - be updated or amended in accordance with the procedure established by these Regulations;

Signatory – a ministry, agency, or organization whose Head or Deputy Head is authorized to sign the financial agreement with the IFIs/FGFOs;

Pre-project documentation – documentation justifying the possibility and feasibility of implementing the project under the proposed parameters and including the appraisal document, procurement plan, project feasibility study, and procurement documentation;

Project documentation – documentation containing architectural and urban planning and technical solutions and estimated cost of construction, development of which shall be based on the approved feasibility study of the project;

The project office is a function of the Ministry of Investment and Foreign Trade of the Republic of Uzbekistan (hereinafter referred to as the Ministry of Investment and Foreign Trade), which provides coordination and control of the activities of PIUs and executive agencies in the field of project implementation with the participation of IFIs/FGFOs;

Project agreement – an agreement between a project initiator or project implementing agency and an IFI/FGFO;

IFI/FGFO Procurement Guidelines – documents approved by IFIs/FGFOs, which stipulate the requirements of IFIs/FGFOs to organizing and conducting procurement of goods (works and services) under the project;

On-lending agreement – an agreement on on-lending, agent agreement, agreement on delegation of rights and claims, subsidiary agreement, sub-credit or sub-loan agreement or any other agreement conclusion of which is required under the project for the purposes of utilization, accounting, and repayment of borrowed loan (credit) funds;

Strategy (program) of cooperation of the Republic of Uzbekistan with IFIs/FGFOs (strategy (program) of cooperation with IFIs/FGFOs) – a document defining the main areas for cooperation of the Republic of Uzbekistan with IFIs/FGFOs for a certain period, which includes lists of projects proposed for financing at the expense of IFIs/FGFOs funds;

Technical assistance – targeted funds provided by IFIs/FGFOs in the form of grants in kind and/or as monetary means for research and development works, scientific or other research, training, advanced training and retraining of personnel, provision of consultancy services, for procurement of equipment and technologies, and for other purposes in accordance with the legislation;

Project Feasibility Study (Project FS) – a pre-project document establishing the forecast parameters of the project with the participation of IFIs/FGFOs, prepared including taking into account the methodology of IFIs/FGFOs;

Financial agreement – a loan agreement, financing agreement, Istisna` agreement or other financial agreements signed by the Republic of Uzbekistan or the Government of the Republic of Uzbekistan with the IFIs/FGFOs, stipulating the provision of financing for the implementation of projects, as well as financial agreements signed by project initiators under the State Guarantee of the Republic of Uzbekistan.

The Government Commission is the Government Commission on Foreign Trade, investment, development of local industry and technical regulation, established in accordance with the Decree of the President of the Republic of Uzbekistan dated August 18, 2020 No. DP-6042 "On additional measures for the further development of the export and investment potential of the Republic.

Chapter 2. Procedure for preparation of strategies (programs) of cooperation with IFIs/FGFOs and development of new projects

4. The initiator of the project annually, until February 1, submits to the Agency for International Cooperation and Development (hereinafter — the Agency) a list of promising projects proposed for implementation for the next three years, in the form specified in Annex No. 1 to this Regulation, as well as their concepts and target matrices in the state and English languages according to the annex No. 1¹.

The implementation of projects at the expense of the state external debt is carried out according to Appendix No. 1².

The Ministry of Investment and Foreign Trade, as well as the Agency, also have the right to request other information on the project for submission to the IFI/FGFO.

5. After conducting a pre-project assessment of each project financed by the state external debt, the Agency, taking into account their priority, if necessary, carries out a pre-project assessment with the involvement of qualified consultants and experts, forms the sequence of implementation of investment projects, and annually submits to the Ministry of Investment and Foreign Trade a final list of projects for approval by March 1.

The list of projects is formed based on their socio-economic and strategic importance, as well as the development of industrial and social infrastructure.

6. The Ministry of Investments and Foreign Trade annually, until April 1, forms a consolidated list of promising and proposed projects for implementation at the expense of the state external debt and submits it to the initiators of the projects, to the Ministry of Finance and the Ministry of Economic Development and Poverty Reduction of the Republic of Uzbekistan for approval.

Consideration of the consolidated list of proposed and prospective projects for implementation is carried out within a week from the date of submission.

7. The consolidated list of promising and proposed projects, as well as amendments and additions to it, are approved by the Government Commission on Foreign Trade, Investment, Development of Local Industry and Technical Regulation.

8. Strategies (programs) of cooperation with IFIs/FGFOs, as well as lists of projects proposed for financing by IFIs/FGFOs shall be developed on the basis of the consolidated list of promising projects and those proposed for implementation within the limits of borrowed loan (credit) funds allocated by IFIs/FGFOs to the Republic of Uzbekistan for the period of development of cooperation strategy (program) upon agreement of the acceptability of proposed financing conditions with project initiators. In the event of expected repayment of loans (credits) at the expense of the State Budget, strategies (programs) of cooperation with IFIs/FGFOs shall also be agreed with the Ministry of Finance of the Republic of Uzbekistan.

Developed strategies (programs) of cooperation with IFIs/FGFOs shall be agreed upon with the President of the Republic of Uzbekistan.

9. Projects included in the strategies (programs) of cooperation with IFIs/FGFOs shall be subject to mandatory inclusion in the State Development Program of the Republic of Uzbekistan without an expert review and passing other additional procedures.

10. Decision on the implementation of projects not included in the strategy (program) cooperation with the IFIs/FGFOs, adopted by the Government Commission on Foreign Trade,

Investment, Development of Local Industry and Technical Regulation in coordination with the President of the Republic of Uzbekistan.

11. The initiator of new projects with the participation of IFIs/FGFOs is carried out only through the Ministry of Investment and Foreign Trade.

Project initiators are responsible for timely provision of notifications to the Ministry of Investment and Foreign Trade regarding the preparation of new projects with the participation of the IFIs/FGFOs.

Chapter 3. Procedure for preparation and review of pre-project documentation

12. Financing of measures on preparation of the project may be carried out at the expense of technical assistance funds (grant funds) of IFIs/FGFOs, advance borrowed loan funds, borrowed loan (credit) funds, own funds of the project initiator, as well as funds of the State Budget of the Republic of Uzbekistan, provided for these purposes for the project initiator, or other sources, not prohibited by the legislation of the Republic of Uzbekistan.

If IFIs/FGFOs allocate technical assistance funds for project preparation, the project initiator shall sign an agreement on provision of technical assistance or other similar document stipulated by the rules and procedures of IFIs/FGFOs.

13. If, at the request of the IFI/FGFO, a preliminary calculation for the project is required to study the attraction of borrowed (credit) funds, the initiator of the project sends to the Ministry of Investment and Foreign Trade the project charter in English with the necessary calculations attached for further transmission to the IFIs/FGFOs.

14. The project initiator shall be responsible for quality preparation of the project with participation of IFIs/FGFOs and evaluate the project jointly with IFIs/FGFOs, with the involvement - if necessary - of the experts from concerned ministries and agencies, design and research institutes.

The Agency participates in the preparatory and evaluation missions of the IFI/FGFO investment project, submits its conclusions and recommendations to the initiator of the project when preparing the initial assessment document in accordance with the IFI/FGFO methodology (if the IFI/FGFO has such a methodology).

At the request of IFIs/FGFOs, the project initiator shall ensure provision of data to IFIs/FGFOs in accordance with the rules and procedures of IFIs/FGFOs. If the data requested are confidential, the project initiator shall sign a confidentiality agreement with the IFIs/FGFOs, and implement the necessary internal procedures.

15. Based on project appraisal results, the IFIs/FGFOs shall prepare jointly with the project initiator a preliminary project appraisal document, which shall be subject to approval by the BSTC of the project initiator.

The preliminary project appraisal document shall be prepared in compliance with the methodology of the IFI/FGFO (if the IFI/FGFO has such methodology) and shall include the following:

Brief description of the project with its objectives and goals;

Estimated cost of the project with a breakdown by project components and categories of project costs.

The estimated cost of the project shall be formed based on the estimated cost of construction, the cost of procurement of goods (works and services), as well as other costs associated with the preparation and implementation of the project, including the creation of a reserve to cover physical and/or pricing costs.

The reserve to cover physical and/or pricing costs shall be provided to cover the costs associated with possible changes in the scope of construction work or the number of procured

goods or the actual cost of goods (works and services) and shall be formed in line with the methodology used by the IFI/FGFO for these purposes.

The head of BSTC shall bear personal responsibility for the correctness of the conducted project appraisal and its technical and technological parameters.

If necessary, as the preliminary evaluation document of the project is studied and approved, the initiator of the project, together with the Ministry of Investment and Foreign Trade, signs a memorandum or other document with the IFI/FGFO provided for by the rules and procedures of the IFI/FGFO.

16. Based on the project preliminary assessment document, the project initiator, together with the IFI/FGFO, develops a feasibility study of the project in accordance with the rules and procedures of the IFI/FGFO, as well as taking into account the methodology adopted by the IFI/FGFO and the terms of reference agreed with the Agency.

The Agency submits its conclusions and proposals to the initiator of the project when determining the choice of the most effective technical, organizational and economic solution for the rational placement and implementation of the project based on consideration of options for the development of feasibility studies of investment projects.

17. The Project Feasibility Study shall be developed on the basis of the document of preliminary appraisal of the project and the results of the project appraisal by the IFI/FGFO in compliance with the structure given in Annex 2 to these Regulations or on the basis of the project passport, agreed with the IFI/FGFO, if the requirement of IFIs/FGFOs to attract loan (credit) funds requires sending a preliminary calculation of the project.

The Project Feasibility Study shall be subject to review and endorsement by the BSTC of the project initiator.

In parallel with development of the Project Feasibility Study, the project initiator may develop design and estimate documentation, financing of which shall be carried out at the expense of the grant funds, advance borrowed loan funds, own funds of the project initiator, funds of the State Budget envisaged for these purposes for the project initiator or other sources not prohibited by the legislation.

18. The feasibility study of the project is carried out within two weeks from the date of its submission in parallel to the Ministry of Investment and Foreign Trade and the Ministry of Finance of the Republic of Uzbekistan within their competence.

19. Examination of the Project Feasibility Study and preparation of the conclusions shall be performed within two weeks (from the date of registration of the incoming document by the office) by:

a) The Ministry of Investment and Foreign Trade — in terms of assessing the overall economic feasibility of the project, its compliance with the priorities of investment policy, the approved strategy (program) cooperation with IFIs/FGFOs and the IFIs/FGFOs evaluation document;

b) Ministry of Finance - in terms of defining sources of funds for repayment of loans (credits) attracted, as well as expediency and volumes of expected budget allocations, provision of additional tax and customs benefits.

Determination of parameters of prices for goods (works and services) under the projects with participation of IFIs/FGFOs in the Project Feasibility Study shall be carried out on the basis of preliminary calculations in concord with the methodology applied by IFIs/FGFOs for these purposes.

The project initiator may engage - either independently or at the request of the project office - consulting companies acceptable to IFIs/FGFOs to carry out the examination of the preliminary appraisal document, the Project Feasibility Study, and preliminary calculations,

including the price parameters for goods (works and services) under projects with the participation of IFIs/FGFOs.

20. Upon receipt of positive conclusions of authorized expert bodies and approval of project financing by IFIs/FGFOs, the project initiator shall - within two days - submit for approval to the Cabinet of Ministers of the Republic of Uzbekistan the draft Government Decision on project implementation, which provides for approval of the following:

Main technical and economic parameters of the project in the form according to Annex 3 to these Regulations;

Projected repayment schedules of IFIs/FGFOs loans (credits);

Project results monitoring matrix;

Authority to sign the financial agreement.

The draft Government Decision shall be submitted with the attachment of Project Feasibility Study and conclusions of the authorized expert bodies specified in paragraph 19 of these Regulations, in three copies.

21. For projects, the implementation of which involves the provision of additional tax and customs benefits or other preferences, the budgetary allocations, attracting the funds of the Fund for Reconstruction and Development of the Republic of Uzbekistan, the project initiator shall prepare and submit in the prescribed manner a draft Decision of the President of the Republic of Uzbekistan.

22. If the Project Feasibility Study stipulates covering the deficit for repayment of the attracted loans (credits) at the expense of budgetary allocations, one copy of the approved Project Feasibility Study shall be submitted to the Ministry of Finance of the Republic of Uzbekistan.

Each page of the approved Project Feasibility Study shall be marked with a mandatory stamp with the details of the act, by which the Feasibility Study was approved.

23. Development of the Feasibility Study of the projects, stipulating allocation of over 80 percent of the borrowed loan (credit) funds for the provision of credit lines to be refinanced through commercial banks or other financial organizations, as well as for the institutional development projects (budget support, etc.) shall not be required.

Development of pre-project documentation (including business plans, etc.) for sub-projects, the selection of beneficiaries for which is carried out by commercial banks and other financial organizations shall be carried out in accordance with the requirements of the relevant commercial bank or financial organization.

24. Amendments and additions (adjustments) to the approved project feasibility studies shall be made if the need for the following arises:

Attraction of additional financing (loans or credits) and other financial resources (except for attraction of loans (credits) to provide credit lines through commercial banks);

Changes in the support parameters of the State Budget of the Republic of Uzbekistan for servicing the attracted loans (credits) and other financial means for project implementation;

Changes in the sources of project financing;

Changes in the main parameters or key technical-technological solutions of the project;

Increase of the project cost by more than 20 percent in comparison with the approved parameters of the project;

Introduction of other changes for which development of corrected Project Feasibility Study is stipulated by separate decisions of the President of the Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan.

Making changes (adjustments) to the project feasibility study shall not be allowed under the following circumstances:

Following the project implementation outcomes;

With a purpose of changing the project title;

Decrease of the project cost;

If increase of the project cost by more than 20 percent has occurred in connection with increase of the amount of the project financial costs due to extension of its implementation period or change of conditions of providing borrowed loan (credit) funds;

In case of changes in the cost of project components or cost categories, sources, and proportion of funding for project components without changing the total project cost, as well as in case of reallocation of funds between project components or cost categories and use of project savings.

25. Making amendments and additions (adjustments) to the approved Project Feasibility Study shall be carried out by developing an adjusted Project Feasibility Study.

26. The expert examination of the adjusted Project Feasibility Study shall be conducted in accordance with the procedure stipulated by these Regulations for the expert examination of the Project Feasibility Study.

27. After receiving conclusions from the authorized expert bodies, approval of the adjusted Project Feasibility Study shall be made in accordance with the procedure stipulated by paragraph 20 of these Regulations.

28. Responsibility for the cost parameters and technical and technological solutions presented in the preliminary project appraisal document and the Project Feasibility Study shall be borne by the project initiator and the design institute involved in their development.

Chapter 4. Procedure for conducting the loan negotiations on a project and signing a financial agreement

29. After receiving invitations from the IFIs/FGFOs to conduct loan negotiations on the project or negotiations to discuss financial conditions, including the procurement plan and the content of the project, the Ministry of Investment and Foreign Trade forms a delegation of the Republic of Uzbekistan and sends a corresponding letter to the IFIs/FGFOs on behalf of the Republic of Uzbekistan (the Government of the Republic of Uzbekistan) on the acceptability of the terms of the loan negotiations, the composition and powers of the delegation.

The Executive of the project initiator or his/her deputy shall be appointed as the head of the delegation to conduct loan negotiations.

Head of delegation shall be authorized to sign the minutes of negotiations, initial the drafts of financial agreement, project agreements (if necessary), procurement plans, and other documents, initialing of which is required in accordance with the procedures of IFIs/FGFOs (hereinafter - documents on the project).

The composition of the Uzbek delegation shall be formed from representatives of ministries and agencies in accordance with Annex 4 to these Regulations.

If in accordance with the rules and procedures of the IFIs/FGFOs signing of the minutes by the representative of the Ministry of Finance of the Republic of Uzbekistan is required, its representative shall be appointed as deputy head of delegation and authorized together with the head of delegation to sign the minutes and initial the documents on the project.

The project initiator shall ensure the approval of the Project Feasibility Study with the authorized expert bodies before signing the minutes of the loan negotiations.

If before the conduct of loan negotiations, sending of a financial condition eligibility form or other documents relating to the conditions of the IFIs/FGFOs loans (credits) is required in accordance with the rules and procedures of the IFIs/FGFOs, the Ministry of Finance of the Republic of Uzbekistan shall send within three days after receipt of the relevant forms from

IFIs/FGFOs an opinion on the eligibility of conditions or sign the appropriate form on behalf of the borrower.

30. The procurement plan shall be prepared by the project initiator and shall be subject to discussion before or during the loan negotiations, if the rules and procedures of the IFIs/FGFOs stipulate to do so.

If the rules and procedures of the IFIs/FGFOs do not provide for loan negotiations, the initiator of the project prepares a procurement plan, which is subject to coordination with the Ministry of Investment and Foreign Trade and the IFIs/FGFOs.

The procurement plan shall be agreed and approved (if the approval of the procurement plan is stipulated by the rules and procedures of IFIs/FGFOs) by the project initiator and IFIs/FGFOs before the start of procurement procedures and after receiving confirmation of the sources and amounts of IFIs/FGFOs financing (signed memorandums or minutes of negotiations, financial agreements with foreign creditors (organizations), notifications of the provision of foreign loans (credits), availability of the preliminary consideration of projects with IFIs/FGFOs or other documents or data indicating the availability of sources and amounts of financing).

31. The procurement plan shall include the following:

The titles of project components financed by the IFIs/FGFOs;

Brief description of the planned and completed actions (contracts);

Types and methods of procurement procedures applied;

Estimated cost of the project by component breakdown;

Amounts of funds planned to be attracted and disbursed;

Timing of procurement and its main stages, from preparation of procurement documents and to ending of contracts, delivery of goods, performance of works and services;

Other information on procurement, taking into account the specifics of the project to be implemented.

32. Signing of financial agreement shall be carried out on the basis of decision of the President of the Republic of Uzbekistan, Cabinet of Ministers of the Republic of Uzbekistan, or certificate of authority issued to the signatory.

33. The financial agreement shall be signed in accordance with the rules and procedures of IFIs/FGFOs.

34. If the rules and procedures of the IFIs/FGFOs do not provide for loan negotiations and preliminary initialing of the text of the financial agreement before its signing, the Ministry of Investment and Foreign Trade submits a draft financial agreement to the Ministry of Finance of the Republic of Uzbekistan and other interested ministries and departments for consideration. The Ministry of Finance and other interested ministries and departments within five working days consider the draft financial agreement and submit the conclusion to the Ministry of Investment and Foreign Trade.

If the Ministry of Finance or interested ministries and agencies give positive conclusions or comments, which are acceptable to the IFIs/FGFOs, consideration of the final version of the draft financial agreement with the Cabinet of Ministers of the Republic of Uzbekistan shall not be required.

The draft financial agreement is submitted for approval to the Cabinet of Ministers of the Republic of Uzbekistan in case of differences of opinion between the Ministry of Investment and Foreign Trade, the Ministry of Finance of the Republic of Uzbekistan and other interested ministries and departments.

35. The project initiator shall be responsible for timeliness of signing of project agreement or other agreements and documents on behalf of the project initiator. Consideration of

issue of signing agreements with the Cabinet of Ministers of the Republic of Uzbekistan or ministries and agencies concerned, as well as texts of agreements shall not be required.

Project initiator shall fully accept all obligations under the signed agreements and shall be responsible for the quality and timely implementation of all accepted obligations.

Chapter 5. Opening of financing, commencement of project implementation

36. The project initiator as well as ministry, agency, or organization, whose head has signed the financial agreement, shall ensure execution of all the conditions necessary for its coming into force.

Legal opinion on financial agreement, on-lending agreement, project agreement, subsidiary agreement, agreement on delegation of rights and claims, letters-agreements, and other agreements, on which provision of legal opinion is a condition for entry into force, as well as on State guarantees shall be provided by the Ministry of Justice of the Republic of Uzbekistan based on the request of signatory, submitted in accordance with legal requirements, in the form acceptable to IFIs/FGFOs.

37. If the signatory of the financial agreement is not the Ministry of Investment and Foreign Trade, the signatory submits a copy of this financial agreement to the Ministry of Investment and Foreign Trade within two days from the date of its signing.

38. In order to withdraw loan (credit) funds from accounts of IFIs/FGFOs (including payment and replenishment of special account at the expense of loan (credit) funds of IFIs/FGFOs) the project initiator shall submit to the signatory specimen signatures of persons authorized to withdraw loan (credit) funds from accounts of IFIs/FGFOs.

39. If the project provides for signing of the on-lending agreement, the initiator shall ensure its preparation and, if necessary, consideration with IFIs/FGFOs before signing the financial agreement.

The on-lending agreement shall be signed within one week from the date of signing of the financial agreement. No unreasonable delay in the process of signing an on-lending agreement shall be admitted by the parties to this agreement.

40. Applications for withdrawal of funds from the accounts of IFIs/FGFOs shall be executed by persons authorized by the signatory to sign the relevant applications for withdrawal of borrowed loan (credit) funds.

Chapter 6. Establishment of PIU; Rights and Responsibilities of PIU

41. In order to ensure timely and efficient project implementation, the project initiator may establish a PIU on the basis of a Government Decision.

Launching project activities (including establishment of PIU with appropriate payment of expenses on its functioning) at the expense of funds financed by IFIs/FGFOs on a retroactive basis and advance borrowed loan funds in accordance with the rules and procedures of IFIs/FGFOs before signing the financial agreement shall be allowed.

42. When implementing projects of the same type (similar in their objectives, tasks, subject composition, sources of financing, etc.), a joint PIU may be created or the functions of project implementation coordination may be entrusted to the existing PIU.

A joint PIU shall enjoy the same rights and responsibilities as a PIU created for a separate project.

To ensure effective monitoring of the intended use of loans under individual projects, the PIU shall be allowed to open separate bank accounts for each project with the right to pay salaries through them.

It shall not be allowed to write off funds from accounts opened for projects to pay off obligations under other projects of PIUs.

43. The functioning of the PIUs shall be carried out in accordance with the legislation of the Republic of Uzbekistan.

44. The main tasks of PIUs shall be as follows:

Organize - jointly with the project initiator - the development and examination of pre-project and project documentation in the authorized bodies, as well as execute project procurement documentation;

Ensure project implementation as well as timeliness of decision making at all stages of project implementation;

Perform monitoring and control over project implementation, execution of concluded contracts, efficient and intended use of financial and other resources;

Interact with IFIs/FGFOs on projects implemented with their participation within the scope of their powers;

Participate as a working body of the Procurement Commission during procurement procedures.

45. In line with the main tasks assigned, the PIU shall be entitled to perform as follows:

Engage highly qualified specialists as consultants;

Receive in the prescribed manner information from the state administration bodies, local government bodies, and other organizations about the project implementation;

Organize and hold meetings with representatives of state administration bodies, local government bodies, and other organizations, IFIs/FGFOs, and other PIUs to identify problematic issues in project implementation and to develop measures to resolve them.

The PIU may have other rights stipulated by legislation and IFI/FGFO rules and procedures.

46. The PIU shall have the following obligations:

Comply with the requirements of financial agreements, IFI/FGFO rules and procedures, and legislation of the Republic of Uzbekistan;

Execute dispositions, orders, resolutions, and instructions of the project initiator and the project office;

Implement and complete the project jointly with the project initiator within the established time-frame and within the approved parameters of the project;

Render assistance and perform coordination of the work of engaged consultants and highly qualified specialists;

Observe the confidentiality of the information related to the project implementation;

Keep the records in accordance with the established procedure, keep the documentation related to the implementation and completion of the project, and transfer - upon completion of the project - the documentation to the project initiator for storage in accordance with the established procedure.

The PIU may also bear other obligations stipulated by legislation and IFI/FGFO rules and procedures.

47. The PIU shall be responsible for the following:

Timely and high-quality execution of the tasks assigned to it;

Reliability and quality of the documents and other information on project implementation issues, prepared by it.

48. The PIU is headed by a project manager, who is appointed and dismissed by the initiator of the project in coordination with the Ministry of Investment and Foreign Trade and, if necessary, with the IFIs/FGFOs.

At the same time, PIU specialists in procurement, monitoring and financial issues, who are appointed and dismissed by the initiator of the project in coordination with the Agency and, if necessary, with the Ministry of Investment and Foreign Trade and the IFIs/FGFOs.

The Agency, together with the Ministry of Investment and Foreign Trade, evaluates the efficiency of the PIU at the end of the year for the implementation of the approved technical and economic parameters of the project and the targeted use of credit funds and submits conclusions to the initiator of the project on encouragement, disciplinary action or dismissal of responsible employees.

49. The head of PIU shall be personally responsible for implementation of the project, as well as reliability of submitted documents and other information related to project implementation.

50. The employees of the PIU shall be responsible for the results of their work and the decisions they make within their powers, compliance with work discipline and internal regulations, as well as the careful treatment of the property in use by the PIU.

51. Unless other periodicity is determined, the PIU shall submit on a monthly basis to the initiator and the project office the information on the progress of the project with a detailed description of the situation and problematic issues hindering project implementation, proposals for their solution, as well as reports and other necessary information in a form acceptable to IFIs/FGFOs.

52. The project office shall interact with the project initiator and the implementing agency in considering the project.

53. The project initiator shall be responsible for the development of the Project Charter, project preparation, timely and high-quality execution of the project, and ensuring the efficient functioning of the PIU.

Chapter 7. Procedure for performing the monitoring of implementation of projects with participation of IFIs/FGFOs

54. The monitoring of project implementation shall be provided by the project office.

To organize monitoring, the project office shall be entitled to involve specialists of ministries, agencies, international organizations, and consulting companies.

55. Monitoring shall be conducted with the following objectives:

Ensure timely and efficient implementation of projects;

Coordinate the activities of state administration bodies and other participants in the investment process, increase their responsibility for the timely resolution of issues related to project implementation;

Identify and study the factors hindering the implementation of projects at all stages and take prompt measures to eliminate them;

Perform control over the timely financing of projects in strict compliance with the approved volumes and timing;

Assist in meeting the obligations to the IFIs/FGFOs taken under the projects.

56. The projects being developed, implemented, and completed shall represent the subject of monitoring.

57. Monitoring shall be conducted by the project office by analyzing and summarizing of the following:

- Information on the progress of implementation of approved and updated procurement plans, network schedules, results matrix, and other project documents;

- Operational information provided by PIU and project initiators;

- Information on the issues of ensuring timely financing of projects implemented at the expense of centralized sources.

58. The PIU submit monthly information on the progress of project implementation and the results achieved to the project office, including information on all stages of project implementation, confirmed by the initiator of the project in terms of the execution of physical volumes according to the forms requested by the project office. The PIU annually, until March 1, submits an updated procurement plan, taking into account the amount of work performed over the past year, for approval by the Ministry of Investment and Foreign Trade and the IFI/FGFO for subsequent monitoring.

59. Executives of project initiators and PIU shall be personally responsible for the accuracy of the information provided.

60. In order to monitor the progress of the project activities, the initiator of the project, together with the Agency and the IFI/FGFO, develops a matrix of monitoring results, which is subject to mandatory inclusion in the feasibility study of the project.

For projects for which the feasibility study has already been developed and approved, the initiators of the projects, in coordination with the Agency and the IFI/FGFO, develop a matrix of results and submit it for approval to the Cabinet of Ministers of the Republic of Uzbekistan.

The Agency monitors the matrix of project targets at the end of each year for the period of project implementation and evaluates its effectiveness.

The Agency, together with the Ministry of Investments and Foreign Trade, submits proposals to the Administration of the President of the Republic of Uzbekistan and the Cabinet of Ministers on withholding salaries of up to 30 percent or taking disciplinary measures against top managers who, based on the results of monitoring and evaluating the matrix of project targets, unreasonably and timely failed to carry out certain activities during the implementation of investment projects financed by the account of the state external debt.

61. Based on the consolidated analysis of project implementation progress, as well as additional analytical information, the project office shall:

- study trends, identify bureaucratic obstacles in the implementation of projects, analyze the effectiveness of the system of benefits and preferences;

- develop proposals and recommendations for improving the regulatory framework of investment activities;

- organize work on the preparation of government decisions necessary to improve the efficiency of the investment process;

- prepare together with ministries, departments, organizations and public authorities on the ground proposals to resolve problematic issues during the preparation and implementation of projects;

- organize other activities necessary to ensure timely and high-quality preparation and implementation of projects;

- discuss with IFIs/FGFOs on a regular basis the current progress of ongoing projects, including problems in the course of their implementation.

62. The results of monitoring shall be submitted by the project office to the Cabinet of Ministers of the Republic of Uzbekistan on a quarterly basis.

Chapter 8. Organization of the process of procurement procedures

63. Legal relations in the field of organization of procurement procedures within the framework of projects financed at the expense of IFIs/FGFOs, attracted at the expense of State guarantee of the Republic of Uzbekistan or on behalf of the Republic of Uzbekistan (the Government of the Republic of Uzbekistan) shall be regulated by procurement guidelines and other documents of relevant IFIs/FGFOs, while in case of their absence they shall be regulated by conditions of financial agreements as well as procurement plan.

64. Domestic enterprises shall be entitled to receive foreign currency under the contracts concluded under the projects with participation of IFIs/FGFOs, providing for payment by direct payment method.

65. Procurements may be announced only for the volume, for which there is confirmation of the availability of sources and amounts of IFIs/FGFO financing (signed memorandums or minutes of negotiations, credit agreements with foreign creditors, notifications of the provision of foreign loans (credits) or availability of preliminary consideration of the project with IFIs/FGFOs, etc.).

If the rules and procedures of the IFIs/FGFOs provide for the possibility to start organizing procurement procedures before signing a financial agreement, the initiator of the project proceeds to start procurement procedures after coordination with the Ministry of Investment and Foreign Trade and approval of the procurement plan in accordance with the procedure established by this Regulation.

66. In accordance with established criteria to ensure the compliance with procurement procedures, objective evaluation and arrangement of bids (proposals) of procurement participants, the executive of the project initiator (implementing agency) in consultation with the head of the project office shall approve the Procurement Commission, which is a permanent body for procurement procedures, consisting of an odd number of members (at least 7 people).

The procurement commission, along with representatives of the Ministry of Investment and Foreign Trade and the Anti-Corruption Agency of the Republic of Uzbekistan, also includes representatives of:

- Project initiator (implementing agency);
- Agency;
- Ministry of Finance of the Republic of Uzbekistan;
- Ministry of Construction of the Republic of Uzbekistan;
- Antimonopoly Committee.

If the procurement procedures do not provide for construction work, the participation of a representative of the Ministry of Construction of the Republic of Uzbekistan in the procurement commission is not mandatory, a representative of the BSTC will take part instead.

The number of representatives of project initiator (implementing agency) shall not exceed 30 percent of total membership of the Procurement Commission.

The Procurement Commission shall be headed by the Executive of the project initiator (implementing agency).

The members of the Procurement Commission - along with the project initiators, employees of PIU, and authorized bodies - shall be personally responsible for objectivity and quality of procurement procedures.

67. The Procurement Commission shall:

Endorse the procurement documentation, including the text of the procurement announcement or invitation to participate in the procurement procedures, after receiving the

approval of the IFI/FGFOs (if it is stipulated by the terms of the financial agreement, guidelines, and requirements) within a period not exceeding five working days;

Determine the requirements for the design and procedure for submission of bids (proposals) of procurement participants in accordance with the procurement guidelines of IFIs/FGFOs;

Approve the results of the pre-qualification (if it is stipulated by the terms and conditions of the procurement documents) performed by the PIU;

Determine the procedures for opening envelopes, the procedure for their review and evaluation, as well as their storage, while observing confidentiality measures, in accordance with the procurement guidelines (procedures and/or conditions) of IFIs/FGFOs and reflecting them in the procurement documentation;

Set the deadlines for receipt and consideration of bids (proposals) of bidders;

Decide on extending the deadlines for submitting bids (proposals);

Make decisions on recognizing procurement procedures as valid or invalid or announcing a new tender (retender) based on objective reasons within a period not exceeding five working days;

Determine the terms of contract conclusion in case of recognition of the results of procurement procedures as valid, not contradicting the requirements of IFIs/FGFOs.

68. In order to organize procurement procedures, the project initiator (implementing agency) shall:

Ensure that the necessary decisions and organizational measures are taken to implement the procurement plan agreed upon with the IFIs/FGFOs;

Conclude contracts with the engaged experts and consultants to assist in the preparation of terms of reference, specifications, and the necessary package of procurement documentation, as well as for the evaluation of bids;

Make expenses related to the preparation and conduct of the procurement of goods (works, services);

Make a proposal to the Procurement Commission to extend the deadlines for submission of bids (proposals).

The project initiator (implementing agency) may also perform other functions and bear responsibilities in accordance with the legislation and contracts concluded by it.

69. The PIU or the Agency (for the relevant projects) is the responsible body for the organization of procurement procedures (hereinafter referred to as the working body). If the project implementation does not provide for the creation of a hydraulic fracturing, the consulting company PIU appointed by the initiator of the project, or the responsible group created by him performs the function of a working body.

70. The working body in consultation with the project initiator (implementing agency) shall:

Develop, execute, and consult procurement documentation, organize pre-qualification and carry out expert evaluation of incoming bids (proposals) in accordance with IFIs/FGFOs rules and procedures;

Submit the procurement documentation for consideration by the Procurement Commission seven working days prior to the date of announcement of the procurement or distribution of the invitation to participate;

Ensure confidential distribution of all documentation related to the procurement procedures to the members of the Procurement Commission;

Conduct negotiations with the winners of procurement procedures after approval of the minutes (decision) of the Procurement Commission and approval by the IFIs/FGFOs;

Publish announcements in the mass media and/or distribute invitations to bidders;

Coordinate the activities of experts and consultants involved;

Organize pretender meetings, if provided for in the procurement (bidding) documentation;

Maintain correspondence in order to clarify terms and conditions of procurement procedures and form optimal offer of a procurement participant in due time;

Respond to claims and complaints from procurement participants upon results of procurement procedures;

Familiarize applicants with the procurement (tender) documentation;

Accept applications and bids (proposals) from participants of procurement procedures and ensure their accounting, safety, and confidentiality;

Draw up minutes of meetings of the Procurement Commission;

Submit for approval by the Procurement Commission and endorsement by IFIs/FGFOs a decision on recognizing procurement procedures as valid or invalid or on announcing a new tender (retender);

Request and receive from procurement participants in writing additional information, explanations on submitted bids (proposals) for examination, evaluation, comparison of bids (proposals).

71. The date of beginning of the procurement procedures shall be the date of official publication of the announcement on special portals, as well as in mass media or date of official notification (invitation) of the procurement participant by mail, fax, or other form in accordance with the IFI/FGFO procedures.

72. The working body shall collect and systematize materials for the pre-qualification of participants based on the bids/proposals received.

73. The decision to deny admission to the procurement process shall be made by the Procurement Commission and/or the IFIs/FGFOs, of which the working body shall notify the procurement participants in writing.

74. All documents shall be accepted with recording the date and time of acceptance against the signature of the transferring and receiving person in the registration book. The registration book shall be tied, numbered, and stamped by the working body.

75. The registration book shall include the following:

Ordinal number;

The title of the document to be registered, with its main data;

The number of submitted documents (sealed packages);

Date and time of document receipt and transfer;

Information about the responsible authorized person who delivers the document against signature, specifying his/her position, or the name and registration number of the courier service that delivers the document;

Information on the responsible authorized person receiving the document against signature, specifying his/her position, or the registration number of the document received by the registry office.

76. When opening applications (proposals) in accordance with the IFI/FGFO procedures and within the time limits set by the procurement documentation, the presence of a quorum for the meeting of the procurement commission is not required, subject to the mandatory participation of representatives of the Ministry of Investment and Foreign Trade and/or the Agency for Combating Corruption of the Republic of Uzbekistan.

77. In the event of rejection by the Procurement Commission of all received proposals, the working body shall analyze the reasons causing their rejection and introduce respective corrections into the procurement documentation before starting repeated procurement procedures.

78. If a single proposal is received as a result of the procurement procedures, they may be considered valid under the IFI/FGFO procedures if the invitation to participate in the procurement was properly made public and the qualification criteria were not unreasonably restrictive.

79. Evaluation reports and reports of results of procurement procedures shall be prepared in a form acceptable to the IFIs/FGFOs and shall be approved by a decision of the Procurement Commission.

80. Information about examination and process of bids (proposals) evaluation shall not be communicated to procurement participants and persons not officially involved in the evaluation procedure before official announcement of evaluation results.

Members of the Procurement Commission, involved experts, project initiator (implementing agency), and PIU shall be responsible for disclosure of this information.

81. Meetings held and decisions of Procurement Commission taken shall be executed in form of minutes which shall be subject to initialing by attending members of Procurement Commission and approval by the Chairperson of the Procurement Commission no later than within ten days from the date of meeting.

Prior to signing the minutes, obtaining endorsement of the IFIs/FGFOs for the evaluation report shall be required.

The working body shall send a copy of the minutes for endorsement or information to the IFIs/FGFOs in accordance with IFI/FGFO rules and procedures no later than three working days from the date of approval.

82. The results of evaluation of bids (proposals), when agreed with the IFIs/FGFOs and the Procurement Commission shall be published within three days after the conclusion of the contract by the working body on special portals, as well as in the mass media.

83. Contracts concluded based on the results of procurement procedures, as well as amendments and additions to them, come into force from the moment they are signed or other conditions specified in the contracts are fulfilled that do not contradict the requirements of the IFIs/FGFOs, which are subject to registration with the Ministry of Investment and Foreign Trade for the purposes of further monitoring without examination.

84. In order to take into account the concluded contracts, the initiator of the project (executive agency) provides the following documents to the Ministry of Investment and Foreign Trade within two weeks from the date of signing the contract:

Application in the form according to Annex 5 to these Regulations;

Original of the concluded contract;

Copy of the concluded contract (numbered and tied in the prescribed manner);

Legal opinion of the legal service of the project initiator under the contract for compliance with the legislation of the Republic of Uzbekistan;

Endorsement by the IFI/FGFO of the evaluation report, if it is provided for by the IFI/FGFO procedures;

Copy of the document confirming the powers of the parties to conclude the contract (Charter, power of attorney, etc.);

Copy of the minutes of the evaluation results, initialed by the members of the Procurement Commission and approved by the Chairperson of the Procurement Commission;

any other information or documentation at the request of the Ministry of Investment and Foreign Trade, taking into account the specifics of the project being implemented.

In case of execution of contracts in several languages, originals and copies of concluded contracts in all executed languages are submitted to the Ministry of Investment and Foreign Trade.

85. Additional agreements to contracts are concluded without additional procurement procedures in agreement with the Agency and with the approval of the IFIs/FGFOs in the case of:
 Making amendments envisaged in the terms and conditions of the contract;
 Changes in the scope of works and/or contract value not exceeding 15 percent of the total scope and/or total value of the concluded contract.

The Supplementary Agreement is also subject to registration with the Ministry of Investment and Foreign Trade for the purposes of further monitoring, without examination.

86. In order to take into account the concluded supplementary agreement, the initiator of the project (executive agency), within two weeks from the date of signing the supplementary agreement, provides the Ministry of Investment and Foreign Trade with the following documents:

Application in the form according to Annex 6 to these Regulations;

Original of the concluded additional agreement;

Copy of the concluded additional agreement (numbered and tied in the prescribed manner);

Any other information or documentation upon request of the State Investment Committee with consideration of the specifics of the project to be implemented.

If the additional agreement is executed in several languages, the original and copies of the concluded additional agreements in all executed languages shall be submitted to the State Investment Committee.

Legal opinion of the legal service of the project initiator under the additional agreement for compliance with the legislation of the Republic of Uzbekistan;

approval by the Agency to sign an additional agreement;

any other information or documentation at the request of the Ministry of Investment and Foreign Trade, taking into account the specifics of the project being implemented.

In case of registration of an additional agreement in several languages, originals and copies of the concluded additional agreements in all issued languages are submitted to the Ministry of Investment and Foreign Trade.

87. Procurement procedures stipulated by these Regulations shall be applied to procurement under the projects implemented with participation of the grant funds of the IFIs/FGFOs.

Procurement procedures stipulated by these Regulations shall not apply to procurement under the projects, the beneficiaries of which are selected by commercial banks and other financial organizations refinancing the funds of IFIs/FGFOs.

Chapter 9. General matters of projects implementation

88. The working schedules of meetings of missions or representatives of IFIs/FGFOs are reviewed by the Ministry of Investment and Foreign Trade and, based on the results, the Ministry of Investment and Foreign Trade notifies ministries, departments and organizations of meetings that are planned with them. These notifications are binding on ministries, departments and organizations.

If the organization of visits of missions or representatives of IFIs/FGFOs entails expenses by the Republic of Uzbekistan, the schedule of meetings and receptions shall be submitted to the Cabinet of Ministers of the Republic of Uzbekistan for approval.

89. Resolution of issues on extension of project implementation time frames (closing of loans or credits), reallocation between cost categories, project components, use of project savings, cancellation of unused funds of loans (credits), changes in project documentation and financial agreements shall be made in line with the following procedure:

the initiator of the project (executive agency) submits proposals to the Ministry of Investment and Foreign Trade with a cover letter, including all detailed information indicating,

including costs and expenses, as well as to the Ministry of Finance — in case of extension of the project implementation period, additions and changes that will further affect the amount of funds paid for servicing attracted loans (credits) IFIs/FGFOs;

The Ministry of Investment and Foreign Trade considers the proposal and, if the position of the Ministry of Finance or the initiator of the project, presented in the form of a written opinion within five working days from the date of receipt of the request from the initiator of the project, coincides with the opinion of the Ministry of Investment and Foreign Trade, sends a corresponding request on behalf of the Republic of Uzbekistan (the Government of the Republic of Uzbekistan) to the IFIs/FGFOs. If the rules and procedures of the IFIs/FGFOs provide for sending a corresponding request from the signatory, the Ministry of Investment and Foreign Trade within two days from the date of receipt of the positive conclusion of the Ministry of Finance sends a notification to the signatory. The signatory, within two days from the date of receipt of the notification from the Ministry of Investment and Foreign Trade, sends a corresponding request to the IFIs/FGFOs. If necessary, the signatory draws up amendments and additions to the financial agreement and other agreements on the project within five working days from the date of receipt of the draft amendments and additions;

if the positions of the Ministry of Investment and Foreign Trade and the Ministry of Finance differ, the initiator of the project (executive agency) submits the issue for consideration to the Cabinet of Ministers of the Republic of Uzbekistan;

The Cabinet of Ministers of the Republic of Uzbekistan considers and, within five working days from the date of receipt of the request, if the proposal of the initiator of the project (the executive agency) is acceptable, submits the relevant resolution on consent and, if necessary, instructs the signatory or the Ministry of Investment and Foreign Trade (depending on the requirements of the IFIs/FGFOs) to send the relevant request to the IFIs/FGFOs.

90. The project initiator (implementing agency) shall enforce the requirements of the financial agreement, the rules and procedures of the IFIs/FGFOs regarding compensation for land acquisition, demolition of houses, other structures, constructions, or plantations, anti-corruption and other issues referenced in the financial agreement.

Chapter 10. Project completion

91. The initiator of the project (executive agency) prepares a report on the completion of the project within three months from the date of completion of the project. If the development and submission of this report is required according to the terms of the financial agreement with the IFIs/FGFOs, the initiator of the project (the executive agency) prepares the report in the form and within the time acceptable to the IFIs/FGFOs. The initiator of the project sends a report on the completion of the project to the IFIs/FGFOs and the Ministry of Investment and Foreign Trade.

92. The Ministry of Investments and Foreign Trade sends specialists, including those attracted from other ministries, departments and design institutes, to study the implementation of project activities and, based on the results of the study, provides the project initiator (executive agency) with an opinion on the project completion report, and also reports the results to the Cabinet of Ministers of the Republic of Uzbekistan.

93. After the project is put into operation, the Agency, if necessary, with the involvement of qualified specialists, carries out monitoring and evaluation work on the implementation of approved technical and economic parameters with a visit to the project territory at least once a year for 5 years.

94. When conducting an independent evaluation of the results of the project by the IFIs/FGFOs, the staff of the Agency and the initiator of the project (executive agency) provide support for the independent evaluation mission and take a direct part in its work.

Chapter 11. Final provisions

95. The State Investment Committee shall ensure the functioning of the electronic system for monitoring the preparation and implementation of projects with the participation of IFIs/FGFOs, which provides for mandatory publication of the pre-project, project, and procurement documentation, as well as the results of procurement procedures with ensuring an access for authorized bodies and organizations.

96. Persons guilty of violating the requirements of these Regulations shall be liable in accordance with the procedure established by legislation.

ANNEX 1
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procedure for preparation
and implementation of
projects with the
participation of
international financial
institutions and foreign
governmental financial
organizations

**LIST
of promising and proposed for projects implementation with the participation of
IFIs/FGFOs**

No.	Project Title	Anticipated amount of borrowings	Possible sources of financing/preferred supplier of goods/services	Priority (high, medium, low)

ANNEX 1¹
to the Regulations on the
procedure for preparation
and implementation of
projects with the
participation of
international financial
institutions and foreign g
overnmental financial
organizations

PROJECT CONCEPT

Chapter 1. Project information								
Name of the project								
Compliance of the draft industry development strategy ¹ (the name of the concept and the task(s) to be solved within the framework of the project strategy)								
Scope of the project								
Place of project implementation								
Project initiator (customer) (name, TIN, address, phone number)								
Project Manager (project office)								
Chapter 2. Description of the project								
Proposed financing plan: (the amount of the project and the envisaged source of financing)								
Project implementation:								
The basis for the implementation of the project (including regulatory legal acts that were the basis for the start of the project)								
Project description (description of the works included in the project)								
Project effectiveness a) indicators of benefit and cost analysis ² (PV, IRR) b) indicators of benefit and cost analysis ³								
Estimated self-sufficiency period								
Expected project risks								
Cost types: equipment; construction and installation works; other expenses								
Chapter 3. The initial matrix of measurable results that are planned to be achieved as a result of the project implementation								
Project objectives								
Project targets and their distribution by year	Indicators	Unit of measurement	Period (by year)					
			20	20	20	20	20	...
Project results								

¹ Clarification is required as to why the project is necessary from the point of view of national and sectoral planning, strategic and macroeconomic needs.

² The analysis of benefits and costs allows you to assess the return on investment after a period of time by analyzing discounted cash flows (units of measurement used for calculating: the cost of the project — in cash; the result of the project — in cash).

³ Benefit-cost analysis compares the costs of different options that lead to the same results based on relative costs and results.

ANNEX 1²
to the Regulations on the
procedure for preparation
and implementation of
projects with the
participation of international
financial institutions and foreign
governmental financial
organizations

SCHEME
the procedure for the implementation of projects at the expense of the state external debt

No.	Name of the event	Deadlines	Responsible performers
1st stage. Project formation			
1.	Development of the project concept (passport)	If necessary	Initiator of the project
2.	Coordination of the project concept with the Branch Scientific and Technical Council	In due time	Initiator of the project
3.	Coordination of the project concept with the Kengash of People's Deputies	Annually until January 1	Initiator of the project, local khokimiyats
4.	Submitting the project concept to the Agency for approval	Annually until February 1	Initiator of the project
5.	The Agency carries out a preliminary assessment of each project financed by the state external debt, forms a sequence of project implementation and a final list of projects, taking into account their priority, for submission to the Ministry of Investment and Foreign Trade for approval	Annually until March 1	Agency for International Cooperation and Development (Agency)
6.	The Ministry of Investment and Foreign Trade submits for final approval a consolidated list of promising and proposed projects for implementation at the expense of external debt to the initiators of the project, to the Ministry of Economic Development and Poverty Reduction and the Ministry of Finance	Annually until April 1	Ministry of Investment and Foreign Trade
7.	Consideration of the consolidated list and submission of relevant	7 days	Project initiators,

No.	Name of the event	Deadlines	Responsible performers
	proposals to the Ministry of Investment and Foreign Trade		Ministry of Economic Development and Poverty Reduction, Ministry of Finance
8.	Submission of project concepts for consideration and approval by the Government Commission on Foreign Trade, Investment, Local Industry Development and Technical Regulation	Within 7 days after collecting the relevant offers	Ministry of Investment and Foreign Trade, Government Commission on Foreign Trade, Investment, Local Industry Development and Technical Regulation
9.	Coordination of strategies (programs) formed for cooperation with IFI/FGFO with the President of the Republic of Uzbekistan	In accordance with the established procedure	Ministry of Investment and Foreign Trade, Government Commission on Foreign Trade, Investment, Local Industry Development and Technical Regulation
10.	Decisions on the implementation of projects not included in the strategy (program) cooperation with IFI/FGFO, implemented by the Ministry of Investment and Foreign Trade in coordination with the President of the Republic of Uzbekistan. The Ministry of Investment and Foreign Trade sends a request to the IFI/FGFO to start preparing the IFI/FGFO project.	In accordance with the established procedure	Ministry of Investment and Foreign Trade
2nd stage. The process of approving the feasibility study of the project			
11.	Development and coordination with the Branch Scientific and Technical Council of the Terms of Reference for the development of a feasibility study of the project.	In due time	Initiator of the project
12.	Coordination of the developed terms of reference with the authorized bodies	In due time	Agency
13.	Start of project preparation with the mission of the IFI/FGFO	In due time	Agency
14.	Development of a feasibility study of the project based on the approved terms of reference and the IFI/FGFO assessment report	In due time	Initiator of the project
15.	Coordination of the developed feasibility study of the project with	14 days	Initiator of the project,

No.	Name of the event	Deadlines	Responsible performers
	the Branch Scientific and Technical Council		Branch Scientific and Technical Council
16.	Conducting an examination of the feasibility study of the project simultaneously in the relevant authorized bodies	14 days	Ministry of Finance, Ministry of Investment and Foreign Trade
17.	Development, approval and submission to the Cabinet of Ministers of the Government resolution on the implementation of the project	In due time	Initiator of the project
3rd stage. The process of signing a loan agreement*			
18.	Consideration of the terms of the draft loan agreement, negotiations and signing of the protocol together with the IFI/FGFO	In due time	Initiator of the project, Ministry of Economic Development and Poverty Reduction, Ministry of Investment and Foreign Trade, Ministry of Finance, Ministry of Justice, Agency
19.	Approval of the project by the IFI/FGFO Board of Directors	In due time	Ministry of Investment and Foreign Trade, Ministry of Finance, initiator of the project
20.	Approval of the feasibility study of the project by the relevant Government decision	In due time	Relevant secretariats of the Cabinet of Ministers of the Republic of Uzbekistan
21.	Signing of a loan agreement between the Government and IFI/FGFO	In due time	Ministry of Finance, initiator of the project
22.	Providing the IFI/FGFO with a legal opinion on the loan agreement on behalf of the Government	In due time	Ministry of Justice, initiator of the project, Ministry of Finance
4th stage. The process of determining the winners among companies, contractors and suppliers of technological equipment for the provision of design and consulting services			
23.	Development of procurement documentation	According to the schedule	Initiator of the project, Agency
24.	Approval and announcement of procurement documentation	30 days	Initiator of the project,

No.	Name of the event	Deadlines	Responsible performers
			Agency, Industry Procurement Commission, IFI/FGFO
25.	Conducting pre-tender meetings, making clarifications to the terms and requirements of the announced tender	According to the decision of the Industry Procurement Commission	Initiator of the project, Agency
26.	Acceptance of proposals from procurement participants	30 — 60 days	Agency, Industry Procurement Commission
27.	Evaluation of received offers	30 days	Initiator of the project, Agency, Industry Procurement Commission
28.	Approval of the results of the evaluation report	30 days	Agency, Industry Procurement Commission, IFI/FGFO
29.	Conducting pre-contractual negotiations, coordination and signing of the draft agreement with IFI/FGFO	30 days	Initiator of the project, IFI/FGFO
30.	Registration of the contract with the authorized bodies	14 days	Initiator of the project, Ministry of Investment and Foreign Trade
5th stage. Commissioning of the project			
31.	Execution of the act of the Working Commission on the commissioning of the project	30 days	Initiator of the project
32.	Execution of the act of the State Acceptance Commission on the commissioning of the project	90 days	Initiator of the project

Note: * The signing process is based on the requirements of the IFI/FGFO.

ANNEX 2
to the Regulations on the
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Structure of the Feasibility Study

I. Project Description

1.1. Project Goals and Objectives

1.2. Project Beneficiaries

II. Main Parameters of the Project

2.1. Basic Technical and Economic Parameters of the Project

2.2. Project Components and Project Expenditure Categories

2.3. Project Financing Scheme and Project Implementation Mechanism

2.4. Monitoring and Evaluation of the Results

2.5. Procurement Plan

2.6. Project Implementation Schedule

2.7. Preliminary Terms of Reference for Project Consultants

III. Project Analysis and Evaluation

3.1. Technical Evaluation

3.2. Analysis of Economic and Financial Performance of the Project

3.3. Financial Analysis of the Initiator (to be included, if the repayment of the loan (credit) shall be provided in whole or in part at the expense of the project initiator)

3.4. Servicing of a loan (credit) of an IFI/FGFO;

3.5. Project Risk Analysis

IV. Social and Environmental Aspects

V. Conclusions

Section I shall give a brief description of the need for project implementation, sector description and situation in the sector, main goals and objectives of the project, relevance of the project to current programs in the country, basis for project preparation, project participants, etc.

Section II shall present the content of the project, breakdown of project cost by components, by sources of financing, by years, as well as by categories of project expenditures.

Section III shall contain results of the financial and economic analysis of the project (calculation of FNPV, FIRR, ENPV and EIRR), calculation of total investment costs, distribution of financing needs by project stages and sources of financing, calculation of production costs (operating costs), calculation of other project costs, including for personnel training, calculation of production costs, tariffs, selling price of products (services), calculation of income from sales, calculation of retained earnings and net profit, summary of cash-flow calculation, analysis of the project using simple methods of financial evaluation, including calculation of payback period, simple rate of return, debt coverage ratio, sensitivity analysis of the main parameters (sales volume, sales price, direct costs), accounting forms of project participants, who are recipients of credit or budgetary funds for the past two years, confirmed by the tax inspection, the current financial position of project participants, who are recipients of credit or budgetary funds, including:

Assessment of enterprise liquidity;

Assessment of the self-sufficiency of the enterprise;

Assessment of the profitability of equity capital;

Assessment of profitability of invested funds, taking into account liabilities;

Assessment of financial risks, determining the main risk factors, the expected nature and range of changes, the proposed risk mitigation measures.

Section IV shall reflect the social and environmental aspects of the project and the benefits of the project by beneficiaries.

The Conclusions shall reflect the main advantages and disadvantages of the project, the main risks of the project, and other findings.

If any requirements for the content and structure of the Feasibility Study are not applicable to the projects due to its nature, these provisions or calculation shall reasonably be not included in the Feasibility Study.

ANNEX 3
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Basic Technical and Economic Parameters of the Project

No.	Component Title	Unit of Measure	Total	Expected sources of financing		
				IFIs/FGFOs	State Budget Funds	Own Funds

ANNEX 4
to the Regulations on the
procedure for preparation
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the participation of
international financial
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organizations

COMPOSITION

of the Uzbek delegation to participate in loan negotiations with IFIs/FGFOs

1. Head or Deputy Head of the Project Initiator - Head of the delegation;
2. Representative of the State Committee of the Republic of Uzbekistan on Investments (representative of the Ministry of Finance of the Republic of Uzbekistan) - Deputy Head of the delegation;
3. Representative of the Ministry of Economy of the Republic of Uzbekistan;
4. Representative of the Ministry of Justice of the Republic of Uzbekistan;
5. Representatives of ministries, agencies, organizations involved in the project implementation, whose presence is necessary to address issues that may arise during the negotiations.

If the loan negotiations are planned outside the territory of the Republic of Uzbekistan, the composition of the Uzbek delegation may be changed and shall be agreed upon with the Cabinet of Ministers of the Republic of Uzbekistan in accordance with the established procedure.

ANNEX 5
to the Regulations on the
procedure for preparation
and implementation of
projects with the

participation of international financial institutions and foreign governmental financial organizations

State Committee of the Republic of Uzbekistan on Investments

APPLICATION

Please register the contract No. _____ dated _____, concluded between _____ (full name of the organization, country) and _____ (full name of the organization, country) for _____ (name of the contract, supplied goods, services, works on a turnkey basis) within the project _____ (full name of the project).

The total amount of the contract is _____ (contract cost, currency of the contract).
Sources of financing under the contract at the expense of borrowed loan (credit) funds _____

(name of the IFI/FGFO).
Applicant's contact details are as follows: _____.

The following documents are attached to the application (as required by the Regulations):

Applicant (signature) _____ Full Name
Stamp here

ANNEX 6 to the Regulations on the procedure for preparation and implementation of projects with the participation of international financial institutions and foreign governmental financial organizations

State Committee of the Republic of Uzbekistan on Investments

APPLICATION

Please register the Additional Agreement No. _____ to Contract No. _____ dated _____, concluded between _____ (full name of the organization, country) and _____ (full name of the organization, country) for _____ (name of the contract, supplied goods, services, works on a turnkey basis) within the project _____ (full name of the project).

The total amount of the Additional Agreement is _____ (cost of the additional agreement, currency of the additional agreement).
The total amount of the Contract is _____ (the cost of the previously concluded contract, the currency of the contract).
Sources of financing under the Contract at the expense of borrowed loan (credit) funds _____

(name of the IFI/FGFO).
Applicant's contact details are as follows:
_____.

The following documents are attached to the application (as required by the Regulations):

Applicant (signature) _____ Full Name
Stamp here

3. 국가조달에 관한 법률 제 ZRU-684 호 (제정 2021. 4. 22.)

**LAW OF THE REPUBLIC OF UZBEKISTAN
ON PUBLIC PROCUREMENT**

Adopted by the Legislative Chamber on December 1, 2020

Approved by the Senate on March 12, 2021

Chapter 1. General Provisions

Article 1. Purpose of this Law

The purpose of this Law shall be to regulate relations in the field of public procurement.

Article 2. Scope of this Law

This Law shall apply to public procurement which is:

carried out in the implementation of projects provided for by the Investment Program of the Republic of Uzbekistan and other state programs, decisions of the President of the Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan;

carried out in the course of business activities of state customers;

financed at the expense of the budgets of the budgetary system of the Republic of Uzbekistan, as well as other funds organized in budgetary organizations;

financed at the expense of foreign grants, technical and other external gratuitous assistance provided within the framework of agreements concluded by the President of the Republic of Uzbekistan and the Cabinet of Ministers of the Republic of Uzbekistan with donor countries, international organizations, foreign governmental and non-governmental organizations, and foreign loans provided to the Republic of Uzbekistan, if the procedures of donor countries, international organizations, foreign governmental and non-governmental organizations or the conditions for the provision of foreign loans and foreign grants, technical and other external gratuitous assistance provided to the Republic of Uzbekistan, do not define a different procedure for the procurement of goods (works, services). In this respect, regardless of the procedures established by donor countries, international, foreign governmental and non-governmental organizations or the conditions for providing foreign loans and foreign grants, technical and other external gratuitous assistance provided to the Republic of Uzbekistan, information on the results of public procurement shall be announced on a special information portal;

financed by financial, humanitarian or charitable assistance and other gratuitous non-repayable financing, unless the conditions for the provision of financial, humanitarian or charitable assistance and other gratuitous non-repayable financing define a different procedure for the procurement of goods (works, services). In this respect, regardless of the procedures established by the conditions for the provision of financial, humanitarian or charitable assistance and other gratuitous non-repayable financing, information on the results of public procurement shall be announced on a special information portal.

The procedure for public procurement to ensure the security of persons subject to state protection, defense capability, security and maintenance of internal order in the Republic of Uzbekistan, public procurement related to state secrets, as well as public procurement for the preparation and conduct of elections of the President of the Republic of Uzbekistan, to the Oliy Majlis of the Republic of Uzbekistan, regional, district and city Kengashes of people's deputies, as well as referendums of the Republic of Uzbekistan, shall be established in accordance with the legislation.

Article 3. Legislation on Public Procurement

Legislation on public procurement shall consist of this Law and other acts of legislation.

If an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan on public procurement, then the rules of the international treaty shall apply.

Article 4. Basic Concepts

The following basic concepts shall be used in this Law:

beneficial owner means an individual who ultimately owns the property rights or actually controls the supplier of goods (works, services);

auction to lower the starting price means a competitive way of public procurement on a special platform of the electronic public procurement system, in the organization of which the only criterion for determining the winner shall be the price;

state customer means a legal entity carrying out public procurement;

public procurement means the process of meeting the needs of state customers in goods (works, services) on a paid basis;

contract on public procurement means an agreement between the state customer and the executor of public procurement on the establishment, change or termination of rights and obligations in public procurement;

subjects of public procurement means a state customer, a participant in procurement procedures, a public procurement contractor, a procurement commission, an operator of an electronic public procurement system, a specialized organization and an expert, an expert organization;

prequalification selection means a procedure carried out by the procurement commission for selecting qualified participants in procurement procedures, which are allowed to conduct procurement procedures, and which comply with the technical, economic, organizational and other features established in the procurement documentation;

reserve winner means a participant in the procurement procedures, whose proposal, according to the results of the procurement procedures, was recognized as the most optimal in accordance with the decision of the procurement commission, following the proposal of the winner;

tender means a competition that provides for the procedure for determining the executor of public procurement through a competitive procedure for public procurement, according to the results of which the participant in the procurement procedures, who has offered the best conditions for the execution of the public procurement contract, is recognized as the winner;

procurement procedure means a set of actions related to public procurement;

affiliated person of a participant in procurement procedures means an individual or legal entity that has the right to make a decision and (or) influencing, including on the basis of a written agreement, the decision-making of this participant in procurement procedures, as well as an individual or legal entity that has such a right in relation to this participant in the procurement procedures;

Unified Register of Contracts means a register of public procurement contracts concluded by state customers, which is maintained by the authorized body in the field of public procurement on a special information portal;

electronic public procurement means a form of public procurement through the use of information and communication technologies;

electronic store (e-store) means a competitive way of public procurement of goods (works, services), which are not subject to specific requirements, providing for the auction in electronic form on a special platform in the electronic public procurement system;

selection of the best proposals means a competitive way of public procurement based on a comparison of proposals received from several participants in procurement procedures;

announcement means an information message on upcoming public procurement with indicating the method of implementation, requirements and conditions of public procurement, the terms and procedure for submitting proposals, posted by the state customer in the electronic system of public procurement through a special information portal;

winner means a participant in the procurement procedures, whose proposal is recognized as the most optimal based on the results of the procurement procedures.

Article 5. Basic Principles of Public Procurement

The basic principles of public procurement shall be:

professionalism and responsibility;

validity;

rationality, efficiency and effectiveness of the use of financial resources;

openness and transparency;

competition and objectivity;

proportionality;

unity and integrity of the public procurement system;

inadmissibility of corruption.

The basic principles of public procurement should be applied at all stages of the public procurement process.

Article 6. The Principle of Professionalism and Responsibility

The professionalism of the responsible persons of the state customer, the operator of the electronic public procurement system, the specialized organization shall be ensured by establishing requirements for the employees of the relevant departments on the availability of specialized education, regular advanced training, gradual development of practical experience and professional activity.

The state customer shall be obliged to determine the person responsible for organizing and conducting procurement procedures.

Regular advanced training of the person responsible for organizing and conducting the procurement procedure of the state customer in order to gain professionalism is provided through the organization of training by the authorized body in the field of public procurement.

In case there is a conflict of interest, the person responsible for organizing and conducting the procurement procedure shall be subject to removal from the functions performed.

Article 7. The Principle of Validity

Public procurement shall be carried out taking into account the feasibility and necessity of their implementation, the validity of the choice of goods (works, services), its consumer properties (description), quality parameters and cost to effectively meet the real needs and requirements of the state customer, ensuring the solution of the tasks facing them.

Article 8. The Principle of Rationality, Efficiency and Effectiveness of the Use of Financial Resources

Public procurement must be carried out in a rational and efficient way, allowing:

to take into account the costs of the state customer for public procurement and the cost of goods (works, services);

effectively use the funds allocated for public procurement, including ensuring the optimal balance between the benefits from the acquisition of goods (works, services), their quality and cost (taking into account the costs of the operating cycle);

conduct public procurement within optimal time limit.

Article 9. The Principle of Openness and Transparency

Openness and transparency of public procurement shall be carried out by:

posting information on public procurement on a special information portal with full, timely, free and without consideration access to the relevant state bodies, subjects of public procurement and the public in the manner prescribed by legislation;

preparation and preservation of documents and reports on procurement procedures.

Article 10. The Principle of Competition and Objectivity

Competition in public procurement shall be supported through the use of competitive mechanisms between participants in procurement procedures, between operators of electronic public procurement systems and between specialized organizations, impartiality and transparency when considering proposals from participants in procurement procedures and making a final decision in favor of the best offer based on objective and reasonable criteria.

The objectivity of public procurement shall provide for impartiality when considering proposals from participants in procurement procedures, as well as making a final decision in favor of the best option.

The objectivity of public procurement shall be based on:

ensuring equal opportunities for participants in procurement procedures;

creating conditions that ensure competition and impartiality in relation to the subjects of public procurement;

open, transparent and competitive mechanisms for considering complaints, disputes and disagreements in the public procurement process and taking appropriate measures.

Article 11. The Principle of Proportionality

Proportionality in public procurement shall be ensured by correspondence of:

the method of public procurement with the risk, cost, nature and complexity of goods (works, services);

requirements for the qualification data of participants in procurement procedures, criteria and methods for evaluating proposals with goods (works, services);

rights, duties and responsibilities of subjects of public procurement to their functions.

Article 12. The Principle of Unity and Integrity of the Public Procurement System

Public Procurement shall be based on the unity of goals, principles and approaches, the integrity and interconnection of all stages of the public procurement process and the interaction of all subjects of public procurement.

The unity and integrity of public procurement shall be ensured by:

a single and coherent legal framework governing public procurement and its uniform application;

the availability of a unified, coherent and integrated information system for public procurement, which ensures the collection, processing and analysis of all information on public procurement and providing access to it to all interested parties;

unification of documents on public procurement;

introduction of a unified national classifier of goods (works, services) standardized in harmony with international standards;

the availability of a unified infrastructure that ensures the organization of planning and implementation of public procurement, the conclusion and execution of public procurement contracts, monitoring and control, appealing and considering disputes and disagreements, increasing the level of professionalism and responsibility of public procurement entities.

Article 13. The Principle of Inadmissibility of Corruption

Requirements for the organization and conduct of procurement procedures should prevent corruption offenses in the field of public procurement. In this respect, priority shall be given to measures to prevent corruption.

Government customers must ensure openness and transparency of information on public procurement procedures.

Inadmissibility of corruption in public procurement shall be carried out by ensuring:

fair competition and the use of objective criteria in decision-making;

creation of an effective system of monitoring and control, including internal monitoring and control;

publication in open sources of information about cases of violation of the requirements of this Law and other acts of legislation in the field of public procurement;

implementation of public procurement procedures in accordance with the requirements established in this Law.

Legislation may provide for other measures to prevent corruption in the field of public procurement.

Article 14. Conflict of Interest

A conflict of interest shall be deemed any situation, as well as the presence of affiliation, in which personal interest, direct or indirect, affects or may affect the proper performance of official or service duties by a person and in which a conflict arises or may arise between their personal interest and rights, as well as legitimate interests of subjects of public procurement.

Officials and other employees of the state customer, the operator of the electronic public procurement system, a specialized organization, an expert organization, as well as members of the procurement commission and experts shall not be entitled to receive any personal benefit, directly or indirectly, in the implementation of procurement procedures, which would be the result of a public procurement transaction concluded with their participation.

The persons specified in part two of this article shall:

be obliged to prevent any manifestations of a conflict of interest in the implementation of procurement procedures that damage and restrict the rights and legitimate interests of other subjects of public procurement;

guarantee the disclosure of any potential, perceived or existing conflict of interest.

The persons specified in part two of this article who become aware of an existing or perceived conflict of interest shall be required to inform their immediate supervisor and the authorized body in the field of public procurement about this. The supervisor, who has received information about the presence of a conflict of interest, shall be obliged to take timely measures to prevent or resolve it and inform the authorized body in the field of public procurement of the measures taken. Upon receipt of information on the presence of a conflict of interest, the authorized body in the field of public procurement shall be obliged to submit relevant information to the state bodies exercising state control in accordance with this Law.

Article 15. Confidentiality

In its relations with public procurement executors or with any other person, an employee of a state customer or an operator of an electronic system of public procurement shall not be entitled to disclose information related to the protection of the interests of state security, or if the disclosure of such information would be contrary to the law, hinder the enforcement of legislation, damage the legitimate interests of public procurement entities or hinder fair competition, unless the authorized body in the field of public procurement decides to disclose such information.

If a decision is made by the authorized body in the field of public procurement on the disclosure of such information, the conditions of such a decision shall be observed.

By participating in the procurement procedure, the participant in the procurement procedures shall agree to the disclosure of all the information specified by them in the proposal related to their participation in the procurement procedure.

Chapter 2. State Regulation in the Field of Public Procurement

Article 16. Main Objectives of State Regulation in the Field of Public Procurement

The main objectives of state regulation in the field of public procurement shall be the creation of a favorable environment for public procurement entities, as well as countering corruption and other violations of the legislation in public procurement for:

achievement of state strategic goals and objectives;

ensuring the needs of state customers in goods (works, services);

execution of the Investment Program of the Republic of Uzbekistan and other state programs;

performance of state functions in solving social problems;

provision of public services.

When carrying out public procurement, the priorities of socio-economic policy shall be taken into account, including the creation of high-tech and innovative industries, the preservation of a favorable environmental situation.

If not less than three domestic manufacturers participate in public procurement of goods (works, services) along with foreign suppliers, these domestic producers may be provided benefits and preferences used in the evaluation of proposals by decrees and resolutions of the President of the Republic of Uzbekistan, unless otherwise provided by international treaties of the Republic of Uzbekistan.

State procurement of goods (works, services) necessary to meet the needs of the Republic of Uzbekistan may be carried out jointly with foreign states. The procedure for such public procurement shall be determined by an international treaty of the Republic of Uzbekistan.

Article 17. Powers of Cabinet of Ministers of the Republic of Uzbekistan in the Field of Public Procurement

The Cabinet of Ministers of the Republic of Uzbekistan shall:

ensure the formation and implementation of the state policy in the field of public procurement;

take measures to rationally use the funds of the budgets of the budget system in the field of public procurement, improve and expand the use of types of procurement procedures, as well as the wide participation of business entities in them;

coordinate the work on control over the activities of state customers in the field of public procurement;

determine the methods and criteria for evaluating and comparing proposals of participants in procurement procedures, as well as the procedure for organizing their conduct;

determine the procedure for submitting proposals by participants in procurement procedures for participation in the selection of the best proposals and tender in electronic form;

approve the composition of the Commission for consideration of complaints in the field of public procurement.

Article 18. Powers of the Ministry of Finance of the Republic of Uzbekistan in the Field of Public Procurement

The Ministry of Finance of the Republic of Uzbekistan shall be the authorized body in the field of public procurement (hereinafter referred to as the authorized body).

Authorized body shall:

carry out state regulation and state policy in the field of public procurement;

take measures to improve the efficiency and openness of the development and implementation of programs for the development of a system for organizing and conducting public procurement, including an electronic system;

determine the operators of the electronic public procurement system and the procedure for their activities in relation to the organization and conduct of public procurement, as well as the procedure for the operation of a special information portal;

establish requirements for the electronic public procurement system;

develop the procedure for applying the method for evaluating the most economically advantageous offer (non-price evaluation criteria);

determine the procedure and volumes of placement, disclosure and access to information on public procurement, as well as additional requirements for the announcement, depending on the product (work, service) and the method of public procurement;

approve standard forms of announcements on procurement procedures, procurement documentation;

develop and approve the procedure for the formation of the Unified Register of Unscrupulous Performers;

determine the procedure for maintaining the Unified Register of Contracts;

provide monitoring of the implementation of normative legal acts in the field of public procurement and control over their implementation;

request information from subjects of public procurement, consolidate, analyze it and generate reports;

develop and submit for consideration by the Cabinet of Ministers of the Republic of Uzbekistan proposals for the implementation of a certification system for procurement and anti-corruption standards in the field of public procurement.

Chapter 3. Subjects of Public Procurement

Article 19. State Customers

For the purposes of this Law, state customers shall be understood to be:

1) budgetary customers:

state bodies and institutions;

budget organizations;

recipients of budget funds allocated for the implementation of procurement procedures;

state trust funds;

other funds organized in budget organizations;

2) corporate customers:

state enterprises;

legal entities with a state share in their authorized fund (authorized capital) in the amount of 50 percent or more;

legal entities, in the authorized fund (authorized capital) of which the aggregate share of the organizations specified in paragraphs two and three of paragraph 2 of this article is 50 percent or more;

legal entities, in the authorized fund (authorized capital) of which the aggregate share of the organizations specified in paragraph four of paragraph 2 of this article is 50 percent or more.

The list of corporate customers shall be maintained by the State Assets Management Agency of the Republic of Uzbekistan and shall be formed on a special information portal through the exchange of information.

The state customer shall have the right:

independently or with the involvement of a specialized organization to determine the starting price of goods (works, services), except for cases established by legislation;

place an announcement during public procurement on its official website or the official website of its parent body, as well as in the media;

require participants in procurement procedures to pay a deposit or provide a bank guarantee that ensures the fulfillment of obligations to conclude a public procurement contract (hereinafter referred to as the contract) and (or) fulfill contractual obligations during the selection of the best proposals and tender;

extend the deadlines for submitting proposals that apply to all participants in procurement procedures;

apply to participants in procurement procedures with a proposal to extend the validity of their proposals for a certain period in cases provided for by legislation.

The state customer may also have other rights in accordance with the legislation and the contracts concluded by it.

The state customer shall be obliged to:

plan public procurement;

decide on the choice of the type of procurement procedure in accordance with this Law;

carry out public procurement in the manner prescribed by legislation;

post information on public procurement on a special information portal in the manner and within the time limits established by legislation;

provide, in accordance with the legislation, explanations to participants in procurement procedures at their request related to goods (works, services) and public procurement procedures;

conclude contracts with participants in procurement procedures recognized as winners, as well as ensure their execution;

provide information on affiliation in public procurement;

place in the electronic public procurement system through a special information portal and in the media announcements of upcoming public procurement only upon confirmation of the availability of sources and amounts of funding.

Corporate customers shall quarterly provide information on their public procurements to the authorized body.

The state customer may also bear other obligations in accordance with the legislation and the contracts concluded by it.

The duties and functions of the state customer, provided for by the legislation on public procurement, must be carried out by the management of the state customer, procurement commissions and structural divisions or individual employees of the state customer responsible for organizing and implementing procurement procedures.

Article 20. Procurement Commission

Procurement Commission shall be a collegiate body formed by the state customer for the organization and conduct of procurement procedures, the regulation for which requires the formation of such a body.

The main purpose of the work of the procurement commission shall be an objective assessment and streamlining the proposals of the participants in the procurement procedures according to the degree of correspondence with the order, and the selection of the winner (winners) through competitive methods of public procurement.

The procurement commission shall be an acting body under the state customer, formed and disbanded by the relevant decisions of the state customer.

The procurement commission shall consist of an odd number of members, the composition and number of its members depend on the type of procurement procedure and may change in accordance with the legislation and taking into account the characteristics of the goods (works, services) being purchased.

Members of the procurement committee must be objective and not personally interested in choosing the winner of the procurement procedure.

The work of the procurement commission shall be managed by the chairperson, who shall convene and conduct meetings of the procurement commission, announce votes and decisions taken by the procurement commission, and also sign the minutes of the meetings of the procurement commission. In the absence of the chairperson of the procurement commission, their functions shall be performed by the deputy.

The operational activities of the procurement commission shall be organized by its executive secretary without the right to vote.

Each member of the procurement committee may vote “for”, “against” or abstain from voting. The chairperson of the procurement commission shall have no right to abstain from voting.

Meetings of the procurement commission shall be held in person in the presence of members of the procurement commission. Face-to-face meetings may be held in the format of videoconferences (teleconferences, etc.).

The Procurement Commission, when conducting the selection of the best proposals and the tender in electronic form, shall have the right to vote remotely using information and communication technologies.

Based on the subject of public procurement, the procurement commission may involve experts, as well as specialists from other interested ministries, departments and a higher organization of the state customer, to carry out its activities.

Inclusion of a representative of the authorized body in the procurement commission of another state customer shall not be allowed.

The state customer shall be responsible for the correct formation of the procurement commission.

The decision of the procurement commission shall be adopted by a majority vote of the total number of members of the procurement commission.

In case of equality of votes, the vote of the chairperson of the procurement commission shall be decisive.

In the event that the members of the procurement commission have connections that are in the nature of affiliation with the participants in the procurement procedures, the issue of which is submitted to the meeting, such a member of the procurement commission must declare self-recusal, which shall be noted in the minutes of the meeting of the procurement commission, and must not take part in voting on this question.

In the event that the procurement commission became aware of the existence of an affiliation of a member of this commission before making a decision on the relevant issue, and they did not recuse themselves, such a member of the procurement commission shall be excluded from voting on this issue.

If the procurement commission becomes aware of the presence of an affiliation of a member of this commission who voted on the relevant issue after the decision is adopted, the vote of such a member of the procurement commission shall be excluded from the voting results on this issue.

The procurement commission shall perform the following functions:

coordinate the procurement documentation;

set deadlines for accepting proposals;

establish procedures for opening proposals;

establish criteria and methods for evaluating proposals;

establish the procedure for making, the amount and form of the proposal security, if necessary;

conduct the opening of proposals of participants in procurement procedures;

conduct pre-qualification selection, if it is provided for by the terms of the procurement documentation;

adopt a decision, if necessary, taking into account the results of the preliminary qualification selection;

adopt, if necessary, a decision on the creation of an evaluation group;

carry out procurement procedures in accordance with this Law;

determine the winner and, if necessary, a reserve winner of competitive types of procurement procedures or recognizes the auction as invalid.

The procurement commission shall be responsible for the compliance of the procedures for determining the public procurement executor with the requirements of the legislation on public procurement, the validity and impartiality of its decisions.

The Procurement Commission shall not be responsible for the actions carried out by other subjects of public procurement.

Decisions adopted by the procurement commission within its competence shall be binding on the state customer and participants in procurement procedures.

Article 21. Specialized Organization

A specialized organization shall be a legal entity that has the right to provide, on behalf of the state customer, services for organizing public procurement of goods (works, services) on the basis of a contract on a paid basis.

The state customer shall have the right to involve a specialized organization in order to organize the conduct of procurement procedures.

The determination of the essential terms of the contract and the signing of the contract shall be carried out exclusively by the state customer.

The involvement of a specialized organization shall be carried out by the state customer on the basis of the requirements and criteria defined by this Law.

A specialized organization must meet the following requirements to provide services for the organization of public procurement:

- have the status of a legal entity;
- absence of other subjects of public procurement among the founders of a specialized organization;
- have at least one employee with practical experience in providing services related to the organization of public procurement;
- have available software and hardware tools that provide access to a special information portal.

A specialized organization shall have the right to receive from the state customer the necessary information to provide services for the organization of procurement procedures, except as otherwise provided by legislation.

A specialized organization shall be obliged to:

- submit, at the request of the state customer, a report on the work done at any stage of the organization of the procurement procedures;
- provide services in compliance with the basic principles of public procurement;
- submit, at the request of the authorized body in the field of public procurement, information on compliance with this Law and other acts of legislation to the Commission for consideration of complaints in the field of public procurement;
- take measures to prevent unscrupulous participants in procurement procedures from participating in public procurement;
- determine the person responsible for organizing the procurement procedures for each public procurement;
- organize procurement procedures based on the requirements of this Law and other acts of legislation.

A specialized organization shall provide the following services:

- determine the starting price of a product (work, service), except for cases established by legislation;
- conduct marketing and other researches;
- organize advertising work;
- draw up the texts of notices, announcements of procurement procedures, procurement documentation;
- prepare, in accordance with the legislation, the texts of requirements, conditions of procurement procedures and clarifications on them;
- offer the state customer a type of procurement procedure;
- place, at the written request of the state customer, information on the procedure and terms of public procurement in the electronic system of public procurement and on a special information portal, in accordance with the legislation;
- prepare draft contracts to be signed with the winners;
- place announcements on forthcoming public procurements on the written instruction of the state customer only upon confirmation of the availability of funding sources;
- address, on a written instruction from the state customer, to the participants in the procurement procedures with a proposal to extend the validity of their proposals for a certain period;
- draw up the minutes of the meetings of the procurement commission;
- draw up reports on the results of procurement procedures;
- ensure the distribution of invitations to participate in the procurement procedure.

A specialized organization or its affiliated person cannot take part in the procurement procedure as a participant in the procurement procedures, the organizer of which it is.

The state customer shall be responsible for engaging a specialized organization in accordance with the requirements established in this article.

In cases of violations of the requirements of this Law and other acts of legislation in the course of public procurement by a specialized organization, liability shall be assigned to the state customer and the specialized organization.

Article 22. Expert, Expert Organization

Experts, expert organizations may be involved in the process of organizing and conducting procurement procedures to obtain advice and (or) an opinion on the consideration, evaluation and comparison of proposals on the basis of a relevant contract, including without consideration.

An expert shall be an individual who has special knowledge in the field related to the subject of public procurement, for the provision of consulting services and (or) the issuance of an opinion.

An expert organization shall be a legal entity whose employees have special knowledge in the field related to the subject of public procurement in order to provide consulting services and (or) issue an opinion.

An expert, an expert organization shall provide services in compliance with the legislation on public procurement.

Article 23. Participant in Procurement Procedures

A participant in procurement procedures (hereinafter referred to as the participant) shall be an individual or legal entity that is a resident or non-resident of the Republic of Uzbekistan, participating in the procurement procedure as a bidder for public procurement.

The participant shall have the right to:

access to information on public procurement to the extent provided for by legislation;

submit requests to the state customer or a specialized organization involved by them and receive clarifications on the procedures, requirements and conditions for conducting specific public procurement;

participate in the opening of proposals by the procurement commission in accordance with the established procedure;

appeal the results of procurement procedures to the Commission for consideration of complaints in the field of public procurement;

make changes to offers or withdraw them in accordance with the legislation.

The participant shall be obliged to:

comply with the requirements of the legislation on public procurement;

submit proposals and documents that meet the requirements of the procurement documentation, and be responsible for the accuracy of the information provided;

disclose information about the main beneficial owner;

conclude a contract with the state customer in the event of recognition them as the winner in the manner and within the time limits stipulated by legislation.

The participant and their affiliate shall not be entitled to participate in the same lot of the electronic store, auction, selection of the best offers and tender.

Article 24. Executor of Public Procurement

The executor of public procurement (hereinafter referred to as the executor) shall be the participant determined as the winner following the results of the procurement procedure, with which a contract on public procurement has been concluded.

The executor shall have the right:

to apply to the state customer for clarification in the process of executing the contract with it;

receive payment for the delivered goods (work, service);

terminate the contract in accordance with the terms of the contract and (or) in cases provided for by legislation.

The Contractor shall be obliged to:

comply with the requirements of the legislation;
 execute the contract in accordance with its terms;
 disclose information about the main beneficial owner;
 provide the state customer or the authorized state body with clarifications and information at their request in the process of executing the contract.

Article 25. Operator of the Electronic System of Public Procurement

The operator of the electronic system of public procurement shall be a specially authorized legal entity that provides the subjects of public procurement with services related to the conduct of procurement procedures in electronic systems of public procurement, determined by the authorized body.

The operator of the electronic public procurement system shall:

ensure the uninterrupted functioning of the electronic public procurement system, the safety and integrity of the information posted in it, integration of the functioning of its electronic resource in the prescribed manner with the official websites and information systems of the relevant government bodies and a special information portal;

be responsible for ensuring the storage of information in electronic form, including electronic documents and electronic messages, as well as for the correct operation of the electronic public procurement system when conducting procurement procedures in accordance with the legislation;

place its electronic resource on hardware located on the territory of the Republic of Uzbekistan;

interact with the authorized body, other state and economic management bodies involved in the public procurement process.

The operator of the electronic public procurement system shall not be entitled to:

participate in public procurement as a participant, executor, as well as a state customer in its electronic system, be their affiliate;

interfere in the process of public procurement and pricing, restrict the freedom of subjects of public procurement when choosing counterparties and concluding contracts, as well as otherwise restrict the rights of subjects of public procurement, except as otherwise provided by legislation;

control or verify the accuracy of transmitted, received and stored electronic documents and electronic messages, as well as their compliance with the legislation, unless otherwise provided by legislation or the contract;

change the content of electronic documents and electronic messages posted by subjects of public procurement.

The operator of the electronic system of public procurement shall not be liable for the legal consequences related to the content of electronic documents and electronic messages transmitted to this operator by subjects of public procurement, including information posted in the electronic system of public procurement about upcoming public procurement.

Chapter 4. General Requirements for the Process of Public Procurement

Article 26. Process of Public Procurement

The process of public procurement shall include the following stages:

planning of public procurement;
 implementation of procurement procedures;
 conclusion and execution of the contract;
 monitoring of public procurement.

It is allowed to implement projects included in the Investment Program of the Republic of Uzbekistan and other state programs on a turnkey basis using the fast-track method (simultaneous design, procurement and construction works) in accordance with decrees and resolutions of the President of the Republic of Uzbekistan.

Article 27. Special Information Portal

A special information portal shall be deemed a website (special electronic platform) maintained by an authorized body that provides electronic viewing of information on public procurement announcements, public procurement results, proposals of participants and other information provided for by legislation, as well as collection of information entered (sent) by operators of electronic public procurement systems on conducted electronic public procurement.

A special information portal shall ensure:

- openness of information on public procurement to the public;
- compilation, processing of information in the field of public procurement and the formation of analytical reporting;
- interaction with electronic public procurement systems and other information systems;
- monitoring and control by authorized state bodies exercising state control of procurement procedures over the implementation by subjects of public procurement of their functions within the framework of the requirements of this Law and other acts of legislation in the field of public procurement.

A special information portal shall systematize the processes of planning public procurement, implementing procurement procedures, concluding a contract, monitoring and controlling public procurement.

Payments for public procurement of budget customers shall be made in the prescribed manner by the Treasury of the Ministry of Finance of the Republic of Uzbekistan after the completion of the planning of public procurement, the implementation of procurement procedures, the conclusion of a contract and the placement of information about them on a special information portal.

Article 28. Electronic Public Procurement System

The electronic public procurement system shall be deemed a software package of organizational, informational and technical solutions that ensure the interaction of public procurement subjects, the conduct of procurement procedures in the process of electronic public procurement.

The electronic public procurement system must comply with the requirements established by the authorized body, including:

- requirements for technical parameters;
- requirements for technical and technological capabilities;
- requirements for the location of equipment for storing information and related data;
- methods and conditions of information security;
- opportunities for interaction with a special information portal and other external information systems;
- requirements for organizing and conducting procurement procedures;
- opportunities for access to the system of subjects of public procurement, the authorized body and authorized state bodies exercising state control over procurement procedures;
- other requirements in accordance with the legislation on public procurement.

Article 29. Planning Public Procurement

Planning public procurement shall be carried out by the state customer and represents the systematization of procurement, ensuring the relationship between public procurement planning and planning in the budgetary and investment processes, as well as economic activity planning.

The annual schedule of public procurement shall be posted by budget customers until March 25 of the current year on a special information portal.

Annual public procurement schedules for the next year shall be posted by corporate customers until December 25 of the current year on a special information portal.

Quarterly public procurement schedules for the next quarter shall be posted by state customers before the 25th day of the last month of the current quarter on a special information portal.

Article 30. Types of Implementation of Procurement Procedures

Types of implementation of procurement procedures shall be:

- electronic store;
- auction to lower the starting price;
- selection of the best offers;
- tender;
- public procurement carried out under direct contracts;

other competitive types of procurement permitted by decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan.

Procurement procedures may be carried out electronically.

Article 31. Information on Public Procurement

Information on public procurement shall include:

- legislation on public procurement;
- public procurement schedules;
- public procurement announcements;
- standard forms of documents;
- standard contracts required for participation in procurement procedures;
- information on the results of public procurement stages;
- Unified register of contracts;
- Register of Single Suppliers;
- Unified register of unscrupulous executors;

decisions of the Commission for consideration of complaints in the field of public procurement;

statistical information on public procurement.

Information on public procurement shall be published on a special information portal.

Information on public procurement must be complete, objective and reliable.

Article 32. Rules Concerning Evaluation Criteria and Procedures

Evaluation criteria for proposals of participants related to public procurement of goods (works, services) shall provide for:

- price;
- delivery basis;
- delivery time limits;
- characteristics and quality indicators;
- service life (use);
- terms of payment and guarantees;
- operating costs, including use and repair costs in a specific period of time;
- other criteria that do not contradict the requirements of the legislation.

The conditions of public procurement established by the state customer must contain the criteria for evaluating the proposals of participants, their relative importance, the procedure for applying the evaluation criteria within the framework of the evaluation procedure.

When evaluating the proposals of participants and determining the winner, the state customer shall use only those criteria and evaluation procedures that were specified in the procurement documentation, and apply these criteria and procedures in the manner set out therein.

In order to promote the improvement of the ecological environment or reduce the negative impact on the environment, criteria such as energy efficiency, rational use of natural resources, use of environmentally friendly materials and secondary raw materials, renewable energy sources, and other factors for assessing the environmental friendliness of purchased goods (works, services) may be used during public procurement.

Article 33. Rules Concerning the Estimation of the Cost of Public Procurement

In order to assess the conformity of the cost of public procurement with market prices, the state customer shall use data from open sources of information or other reliable sources.

Article 34. Rules Concerning the Description of Public Procurement of Goods (Works, Services) and the Terms of the Contract

Description of public procurement of goods (works, services) shall be objective, functional and general. The description shall indicate the relevant technical, qualitative, and, if necessary, operational characteristics of public procurement of goods (works, services).

Description of public procurement based on the technical properties of goods (works, services) may include classifications, plans, drawings, sketches, requirements and information on tests and test methods, packaging, marking or certification of conformity, as well as symbols and terminology.

The description of the public procurement of goods (works, services) should not include requirements or references regarding a specific trademark or name, patent, design or model, specific source of origin or manufacturer, exclusive right, unless there is no other sufficiently accurate way of describing the characteristics of public procurement of goods (works, services), and in this respect, the description of public procurement should include the words “or equivalent”, except for cases of incompatibility of goods.

The description of the public procurement of goods (works, services) must contain:

quantity of goods;

works (services) to be performed (provided);

place where goods are to be delivered or where work is to be performed, services are to be provided;

desired or required terms for the delivery of goods, performance of work or provision of services, if available.

The procurement documentation must contain indicators that allow determining the compliance of the goods (works, services) to be purchased with the requirements established by the state customer. In this respect, the maximum and (or) minimum values of such indicators shall be indicated, as well as the values of indicators that cannot be changed.

Upon necessity, the state customer shall establish requirements for the warranty period of goods (works, services) and (or) the volume of guarantees for their quality, for warranty service of the goods, the costs of operating the goods, the obligation to install and adjust the goods, and to train persons involved in the use and maintenance of the goods.

In the case of determining the executor supplying machinery and equipment, the state customer shall establish in the procurement documentation the requirements for the warranty period of the goods and (or) the volume of guarantees for their quality, warranty service for the goods, the costs of servicing the goods during the warranty period, as well as for the installation and adjustment of the goods, if it is provided for by the technical documentation for the goods. In the case of determining the executor supplying new machinery and equipment, the state customer shall additionally establish in the procurement documentation the requirements for providing a manufacturer’s and (or) supplier’s guarantee for this product and the validity period of such a guarantee. The provision of such a guarantee shall be carried out together with this product.

The supplied goods must be new, unless otherwise provided by the description of the public procurement of goods.

Inclusion in the procurement documentation (including in the form of requirements for quality, technical characteristics of the goods (works, services), requirements for the functional characteristics (consumer properties) of the goods) of excessive requirements for the manufacturer of the goods, the participant, including the requirements for their qualifications, which contradict basic principles of public procurement, shall not be allowed.

An additional agreement to the contract concluded as a result of the procurement procedure may be concluded in the manner prescribed by legislation, if it does not change the essential terms of the contract, in particular in the form of a change in the product (work, service), its quality and assortment, an increase in quantity and price, and as well as extending the delivery

time, except as otherwise provided by legislation. A change regarding the implementation of additional works and services in an amount not exceeding 10 percent of the total initial amount of the contract shall be carried out in the manner prescribed by legislation.

Article 35. Language of Public Procurement

Information on public procurement shall be published and distributed in the state language. Information on public procurement may be published and disseminated simultaneously with the state language in other languages. The content of information on public procurement published in other languages must correspond to the content of information published in the state language.

Article 36. Requirements for Participants

Participants must meet the following criteria:

- availability of the necessary technical, financial, material, human and other resources for the execution of the contract;
- eligibility to conclude a contract;
- no arrears in payment of taxes and fees;
- absence of bankruptcy procedures introduced against them;
- absence of an entry in the Unified Register of Unscrupulous Executors.

Article 37. Public Procurement with Additional Requirements for Participants

The state customer, if necessary, shall have the right to establish additional requirements for participants based on the specific properties or features of the product (work, service).

Additional requirements for participants should not contradict the basic principles of public procurement.

Additional requirements for participants must be indicated in the information on public procurement at the time of its announcement.

To participate in public procurement with additional requirements for participants, participants undergo a pre-qualification selection.

Article 38. Joint Public Procurement

The formation of joint public procurement of goods (works, services) shall be carried out in accordance with the schedules of public procurement of two or more state customers.

The formation of joint public procurement of goods (works, services) should be carried out from state customers participating in one state program or portfolio of projects.

Article 39. Security of Proposals

Procurement Commission shall have the right to establish a requirement for participants on the need to secure proposals in the form of a pledge, guarantee, deposit or other method provided for by legislation.

The requirement for participants in the form of the need to secure proposals shall apply to all participants and shall be indicated in the conditions of public procurement.

In the event that the procurement commission establishes a requirement for participants in the form of the need to secure proposals, the participant shall have the right to send a request to confirm the acceptability of the security before sending the proposal. The state customer shall respond to such a request within two working days.

The state customer shall not require payment of the amount of the offer security and within one business day shall return the document on the security or ensure its return after the occurrence of one of the following events:

- expiration of the offer security;
- entry into force of the contract and the provision of security for the execution of this contract, if such security is required in the conditions of public procurement;
- cancellation of public procurement;

withdrawal of the proposal before the deadline for submitting proposals.

Article 40. Ban on Negotiations

When implementing procurement procedures, negotiations between the state customer and the operator of the electronic system of public procurement, the operator of the electronic system of public procurement with the participant, and the state customer with the participants shall not be allowed until the winner is determined.

Article 41. Clarifications on the Procurement Documentation and the Procurement Procedure

Participants may apply to the state customer or a specialized organization engaged by them to obtain clarifications on the procurement documentation and the procurement procedure applied.

After receiving a request for clarifications on the procurement documentation and the procurement procedure applied, the state customer or a specialized organization involved by them shall submit the requested clarifications within two working days.

Clarifications on the procurement documentation and the procurement procedure shall be submitted in the same form as the request for clarifications on the procurement documentation and the procurement procedure applied.

Article 42. Conditions for Suspension of a Participant from Participation in Procurement Procedures

The Procurement Commission or the operator of the electronic public procurement system shall suspend a participant from participation in procurement procedures if:

- there is an entry about them in the Unified Register of Unscrupulous Performers;
- they have an overdue debt on the payment of taxes and fees;
- bankruptcy proceedings have been introduced against them;

participant does not meet the qualification, technical and commercial requirements of the procurement documentation;

participant directly or indirectly offers, gives or agrees to give to any current or former official or employee of a state customer or other government agency any form of reward, job offer or any other thing of value or service with the purpose of influencing the performance of any action, decision-making or application of any procurement procedure by the state customer in the public procurement process;

participant commits anti-competitive actions or, in violation of the legislation, has a conflict of interest, as well as when cases of affiliation are identified.

The decision of the procurement commission or the operator of the electronic public procurement system to suspend a participant from participation in the procurement procedures and its reasons shall be recorded in the report on the procurement procedures, and they shall be immediately reported to the relevant participant.

Article 43. Acceptance of the Winning Bid and Grounds for Acceptance

The state customer, based on the results of the conducted procurement procedures, shall adopt a decision to accept the winning bid.

Acceptance of the winning bid may be made if:

- public procurement has not been cancelled;
- the participant who sent the winning bid was not suspended;
- procurement procedures are not violated.

Article 44. Cancellation of Public Procurement

The state customer shall have the right to cancel the public procurement at any time before the acceptance of the winning bid. In case of cancellation of public procurement, the state customer shall publish the justified reasons for this decision on a special information portal through

the electronic system of public procurement within three working days after the adoption of such a decision.

The state customer shall not be responsible for the cancellation of the public procurement, except for cases when the cancellation was the result of illegal actions (inaction) of the state customer.

Article 45. Rules of Ethical Conduct

In order to carry out public procurement, state customers, the operator of the electronic public procurement system, specialized organizations, expert organizations shall adopt the Rules of Ethical Conduct, which provide for:

- measures to prevent conflicts of interest;
- procedures for the implementation of professional training of relevant employees and requirements for it.

The rules of ethical conduct shall define the uniform principles and rules of ethical conduct in professional and non-official activities, the requirements for the professional training of employees of state customers, the operator of the electronic public procurement system, specialized organizations, an expert organization, members of the procurement commission.

Acceptance of tangible and intangible benefits by responsible persons of the state customer and the operator of the electronic public procurement system, employees of specialized and expert organizations, members of the procurement commission, as well as experts from participants and contractors shall be prohibited.

The rules of ethical conduct shall be subject to publication on the official websites of state customers or their higher authorities.

Article 46. Restrictions in the Public Procurement Process

During the public procurement process, the following shall not be allowed:

- participation in public procurement of a participant in cases where close relatives of the participant and (or) an authorized representative of this participant have the right to make a decision on choosing the executor, and are also representatives of the state customer or a specialized organization engaged by them;

- discrimination of participants, provision of benefits or preferences to one participant to the detriment of others, except for the cases provided for by paragraph three of Article 16 of this Law;

- conflict of interest;
- unlawful choice of non-competitive methods of public procurement, influencing the subjects of public procurement, disclosure of information about the participation of participants in public procurement, unreasonable limitation of their number or overstating the requirements for their qualifications, other forms of preventing, restricting or eliminating competition;
- introducing into the text of the announcement of public procurement of illegal requirements that restrict competition among participants;
- prior conspiracy of bidders to misrepresent prices or results of bidder's selection;
- presentation or dissemination of false or distorted information, as well as unreasonable restriction of access to information on public procurement;
- splitting the volume of public procurement into parts in order to avoid competitive methods of public procurement;
- submission by participants of proposals at artificially low prices with subsequent refusal to sign the contract or to properly execute it;
- inclusion in the state procurement of goods (works, services) that are technologically and functionally unrelated;
- manifestation of fraud, falsification and corruption;
- carrying out public procurements that do not have evidence of the availability of sources and amounts of funding, or for an amount exceeding the amount of allocated funds.

Article 47. Unified Register of Contracts

The authorized body shall maintain a unified register of contracts through the exchange of information between the databases of electronic public procurement systems and a special information portal.

The Unified Register of Contracts shall include the following documents and information:

- name of the state customer;
- source of financing;
- method of determining the executor;
- date of summarizing the results of the procurement procedure and the details of the document confirming the basis for concluding the contract;
- date of conclusion of the contract;
- name of the goods (works, services), the price of the contract and the term of its execution, the price of a unit of goods (works, services), the name of the country of origin and manufacturer;
- name, company name (if available), location (postal address - for a legal entity), last name, first name, patronymic (if available), place of residence (for an individual), tax identification number of the executor or analogue of the taxpayer identification number of the executor for a foreign person in accordance with the legislation of the relevant foreign state, information about the beneficial owner, with the exception of information about the individual supplier of cultural property, including museum items and museum collections, as well as rare and valuable publications, manuscripts, archival documents (including their copies) that have historical, artistic or other cultural significance and intended to replenish the state museum funds, information and library funds, archival, film, photo funds and similar funds;
- information about the change in the contract, indicating the terms of the contract that have been changed;
- information on the execution of the contract, including information on the payment of the contract, the accrual of financial sanctions (fines, penalties) in connection with the improper performance of the obligations stipulated by the contract;
- information about the termination of the contract, indicating the reasons and grounds for its termination.

The information contained in the Unified Register of Contracts shall be available for review free of charge.

The procedure for maintaining the Unified Register of Contracts shall be established by the authorized body.

Payments under contracts, information about which is not included in the Unified Register of Contracts, shall not be made.

Article 48. Unified Register of Unscrupulous Executors

The Unified Register of Unscrupulous Executors shall be a list formed by the authorized body, which shall include information:

- about the winners of the procurement procedures who refused or otherwise evade from concluding a contract with a state customer on the terms determined on the basis of the results of the procurement procedures and public procurement;
- about executors found guilty in the established manner of non-fulfillment or improper fulfillment of obligations, except for cases of non-fulfillment or improper fulfillment of obligations due to force majeure circumstances;
- about bidders who provided false or forged documents, did not disclose information about affiliated persons participating in the same lot, or a conflict of interest in the public procurement process;
- on executors found guilty by court decision of committing crimes related to fraud, falsification and corruption.

The executor included in the Unified Register of Unscrupulous Executors cannot participate in public procurement for two years, after which the executor shall be considered excluded from the Unified register of unscrupulous executors.

Executors shall have the right to appeal against the decision to include them into Unified Register of Unscrupulous Executors in court.

The procedure for the formation of the Unified Register of Unscrupulous Executors shall be approved by the authorized body.

Chapter 5. Electronic Store

Article 49. Criteria for Public Procurement through Electronic Store

In an electronic store, public procurement can be carried out of:

goods costing under one contract up to twenty-five thousand sizes of the base calculated value (for budget customers — up to two thousand five hundred sizes of the base calculated value); works, services costing under one contract up to one hundred sizes of the base calculated value (for budget customers — up to fifty sizes of the base calculated value).

Public procurement of the same type of goods by a budgetary customer through an electronic store can be carried out in the amount of not more than ten thousand basic calculated values during one financial year.

Public procurement of the same type of work, services by a budgetary customer through an electronic store can be carried out in the amount of not more than five hundred basic calculated values (by a corporate customer — in the amount of not more than one thousand basic calculated values) within one financial year.

Article 50. Placement of Offers in the Electronic Store

The electronic store shall be formed from the offers of the participants. The participant's offer displayed in the electronic store shall be a public offer addressed to state customers.

In their offer posted in the electronic store, the participant shall indicate:

name of the proposed goods (work, service);
 sale price;
 maximum and minimum lot of goods;
 brand and technical parameters of the goods (normative document on standardization, technical passport);
 photo of the goods;
 region of delivery of goods (performance of work, provision of services);
 information about the manufacturer and country of origin of the goods;
 information about the terms and conditions of the guarantee;
 year of production of goods (day, month, year of manufacture of food products and perishable goods);
 expiration date of the goods (day, month, year);
 time limits of performance of work, provision of services;
 information on the certificate of conformity in cases where mandatory certification of goods (works, services) is required, as well as sanitary-epidemiological, veterinary, veterinary-sanitary, phytosanitary conclusions or information on environmental expertise;
 information on the availability of a license or other permit document or notification of the commencement of activities in cases where there is a mandatory requirement for licensing or obtaining another permit document or sending a notification on the commencement of activities in accordance with the legislation.

The participant's offer shall be active within fifteen working days from the moment of its placement in the electronic store. After this period, the participant shall have the right to activate it for another fifteen working days.

The participant shall have the right to withdraw the offer or make changes and additions to it at any time until its acceptance by the state customer.

Article 51. Procedure for Conducting the Procurement Procedure in an Electronic Store

The state customer, by studying the offers of participants in the electronic store, shall select the goods (work, service) they need and, after selecting the goods (work, service), shall use the request for quotation mechanism.

The electronic system of public procurement in automatic mode, by implementing the mechanism for requesting quotations, shall ensure the mailing to the participant who proposed the selected offer, as well as to all participants offering similar goods (works, services) in the electronic store, offers to participate in the procurement procedure.

Participants shall have the right to submit their proposals within forty-eight hours from the moment the electronic public procurement system sends an offer to participate in the request for quotation.

The proposal to participate in the request for quotations sent to the participants shall include a link to the participant's offer selected by the state customer.

A participant who has received an offer to participate in the procurement procedure shall have the right to make a quotation at a price lower than the offer price chosen by the state customer.

Comparison of quotations proposals submitted by participants shall be carried out by the electronic public procurement system in automatic mode.

The electronic public procurement system shall register the completed transaction between the state customer and the executor who offered the lowest price.

Participant data shall not be available to the state customer or participants until the summing up. The name of the executor shall be displayed in the electronic public procurement system at the time of determining the winner.

The electronic public procurement system shall form a contract in accordance with the conditions set forth in the participant's offer chosen by the state customer, and the lowest price offered by the participants.

In cases where, following the results of the procurement procedures, only the participant who proposed the selected offer took part, the electronic public procurement system shall send a request to the state customer, allowing bidding in electronic form. In this respect, the state customer shall have the opportunity to send a request to the participant who proposed the selected offer at a lower reasonable price than the price they offered. The participant who proposed the selected offer can accept or reject such a request within one business day.

When the quotation request is accepted by the participant who proposed the selected offer, the electronic public procurement system shall register the transaction between the state customer and the executor based on the quotation of the request sent by the state customer.

If the participant who offered the selected offer did not accept or rejected the request for quotation, the state customer, at his own request, may conclude a contract with this participant or make a purchase through an auction to lower the starting price or select the best offers in accordance with the requirements of this Law. In this case, the responsibility shall lie with the state customer.

If, within one working day after the completion of the procurement procedures, the state customer does not send a request for quotation, the electronic public procurement system shall register the transaction between the state customer and the executor.

The study of prices by the state customer can be carried out through the use of information from the electronic public procurement system or other open sources.

Chapter 6. Auction to Lower the Starting Price

Article 52. Criteria for Holding Auction to Lower the Starting Price

Public procurement through an auction to lower the starting price (hereinafter referred to as the auction) shall be carried out if the following conditions are simultaneously met:

- product has standard properties;
- there is no need to evaluate and compare the technical, operational and other characteristics of the goods;
- cost of the goods under one contract is up to twenty-five thousand (for budget customers — up to six thousand) of the size of the base calculated value.

Public procurement of services and works cannot be the subject of an auction.

The winner of the auction shall be the participant who offered the delivery of the goods on the conditions set forth in the announcement, at the lowest price. In this respect, this norm shall not cancel the requirement to supply goods that meet established quality standards.

Article 53. Announcement of an Auction

An auction shall be held only in electronic form.

To participate in the auction, the state customer shall place an announcement in the electronic public procurement system through a special information portal.

The announcement of the auction must be posted not less than five working days before its implementation.

The announcement of the auction must contain the following data:

name and address of the state customer;

the first and last day of the auction (period of the auction);

the starting price of the auction item;

the item of the auction and its characteristics (specification of the item of the auction);

quantity of goods;

terms and conditions of delivery of goods;

place (address) of delivery of goods;

requirement to have a document confirming the compliance of the goods with the current requirement of the standard;

requirement to have a certificate of conformity and a sanitary-epidemiological conclusion in cases where mandatory certification of goods is required;

if necessary, the requirement for a license, other permit document or notification of the commencement of activities;

conditions characterizing the individual parameters of the goods.

It shall be forbidden to introduce into the text of the announcement of the auction and the application of the state customer of requirements that are not related to the item of the auction and that restrict competition among the participants.

An announcement about an auction placed in the electronic public procurement system through a special information portal shall be automatically converted into an application from a state customer.

Article 54. Procedure for Holding an Auction

An auction shall be held in the electronic public procurement system by stepwise reduction of the starting price.

Course of the auction, provision of access to the auction for each lot in accordance with the amount of security deposited, determination of the winner of the auction, registration of the transaction and formation of the contract shall be carried out automatically by the electronic public procurement system.

In the course of auction, participants shall have the right to submit price offers an unlimited number of times during the entire period from the moment the auction begins to the moment it ends.

The name and contact details of the participants shall not be displayed in the electronic public procurement system until the moment the winner of the auction is determined.

When the end time of the auction comes, the electronic public procurement system shall automatically determine the offer with the lowest price submitted during the auction. The participant who submitted the proposal with the lowest price shall be selected by the electronic public procurement system as the winner of the auction. The name of the executor shall be displayed in the electronic system of public procurement, which shall automatically register the completed transaction and form a contract in accordance with the conditions set forth in the application of the state customer.

Article 55. General Procedure and Consequences of Declaring an Auction Invalid

If one participant or no one participated in the auction, the auction shall be considered to be invalid and the winner shall not be determined. The state customer may extend the auction for three working days or make purchases through an electronic store (within the criteria established in Article 49 of this Law) or selection of the best offers in accordance with the requirements of this Law.

The extension of the auction shall be carried out by the state customer within three working days from the end of the previous auction.

Chapter 7. Selection of Best Proposals**Article 56. Criteria for the Selection of the Best Proposals**

Public procurement through the selection of the best proposals (hereinafter referred to as selection) shall be carried out if the following conditions are satisfied simultaneously:

criteria for determining the winner have not only a monetary, but also a quantitative and qualitative assessment of the public procurement of goods (works, services);

cost of goods (works, services) under one contract is up to twenty-five thousand (for budget customers — up to six thousand) the size of the basis calculated value.

In the event that by decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan, state customers are granted the right to make purchases without a tender, the procurement procedure shall be carried out through selection, regardless of the amount of public procurement. In this respect, in cases where the cost of goods (works, services) exceeds twenty-five thousand (for budget customers — six thousand) basic calculated values, the terms of reference for public procurement shall be submitted for examination to the state unitary enterprise “Center for Comprehensive expertise of projects and import contracts” under the Ministry of Economic Development and Poverty Reduction of the Republic of Uzbekistan in the manner prescribed by legislation (hereinafter referred to as the Center for Comprehensive Expertise).

The selection shall be mandatory carried out in electronic form, with the exception of cases provided for by legislation.

Article 57. Procurement Commission in course of Selection

A procurement commission shall be formed to carry out public procurement through selection, consisting of not less than five members from among the employees of the state customer.

During the selection, not less than two thirds of the total number of members of the procurement commission must be present, each meeting and the decision adopted must be documented in protocol.

Article 58. Announcement of Selection

Information on public procurement through selection shall be communicated by the state customer to an unlimited number of persons by placing an announcement on the selection and procurement documentation for the selection in the electronic public procurement system through a special information portal, and also, at the request of the state customer, on its official website or on the official website of its higher authority, as well as in the media.

In the event that by decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan, state customers are granted the right to make purchases without holding a tender, the announcement of the selection shall be placed only after receiving a positive conclusion on the terms of reference for the public procurement of the Center for Comprehensive Expertise.

The announcement of the selection and procurement documentation for the selection shall be placed by the state customer in the electronic public procurement system through a special information portal, and also, at the request of the state customer, on its official website or on the

official website of its higher authority, as well as in the mass media not less than five working days before the closing date for the submission of proposals.

Depending on the specific properties or features of the goods (works, services) to be purchased, the state customer shall have the right to place an announcement about the selection for a longer period than is established in part three of this article.

The announcement of the selection must contain the following information:

form of the selection;

detailed description and starting price of goods (works, services);

address of the place of selection;

requirements for participants;

surname, name, patronymic, position and address of one or more officials or other employees of the state customer identified as contact persons for communication with the participants;

date and time of the deadline for submission of proposals by participants;

proposal submission requirements.

The announcement of the selection and (or) invitation to participate in the selection may contain other information that does not contradict the legislation.

Article 59. Procurement Documentation for Selection

The procurement documentation for the selection shall be placed by the state customer in the electronic public procurement system through a special information portal simultaneously with the placement of the announcement of the selection.

The procurement documentation for the selection shall contain:

information specified in the announcement of the selection;

information about the currency, payment procedure and delivery terms used to form settlements with contractors;

requirement for the mandatory preparation of a proposal for participation in the selection in the state language and, as necessary, in other languages;

procedure, start and end dates for providing participants with clarifications on the provisions of the procurement documentation for the selection;

terms of reference;

evaluation criteria and the procedure for consideration of proposals in accordance with this Law;

requirement for the mandatory submission by the participants of the selection of an application to prevent corruption.

In the procurement documentation for the selection, the state customer may declare that each piece of goods (work, service) is considered as a separate unit of the procurement procedure. In this case, the state customer can conclude contracts with several participants in the selection for the supply of different goods (works, services), in this respect for each piece of goods (work, service) only one winner can be determined. For each piece of goods (work, service) the winner shall be determined separately according to the terms of the procurement procedure.

The procurement documentation for the selection shall be accompanied by a draft contract, which is its integral part.

The state customer shall approve the procurement documentation for the selection which is agreed with the procurement commission.

The state customer, in agreement with the procurement commission, shall have the right to decide on making changes to the procurement documentation for the selection no later than one business day before the deadline for submitting proposals for participation in the selection. In this respect, the deadline for submission of proposals in this selection shall be extended by not less than three working days. At the same time, changes shall be made to the announcement of the selection, if the information specified in the announcement has been changed. Change of goods (works, services) shall not be allowed.

Article 60. Procedure for Submitting Proposals of Selection Participants

Proposals of selection participants shall be submitted in accordance with the procedure established in the announcement and in the procurement documentation for selection in sealed envelopes at the address indicated in the announcement of selection.

The procedure for submitting proposals of selection participants during the selection in electronic form shall be determined by the Cabinet of Ministers of the Republic of Uzbekistan.

The proposal may contain a sketch, drawing, photograph and other image, sample, design of the goods that are the object of public procurement.

The selection participant shall be responsible for the authenticity and reliability of the information and documents provided.

The selection participant shall be entitled to submit only one proposal.

Acceptance of proposals for selection shall be terminated with the onset of the deadline specified in the announcement published in the electronic public procurement system through a special information portal.

Article 61. Conducting Selection

If at the time of the deadline for submission of proposals for participation in the selection only one proposal has been submitted or no proposals have been submitted, the selection shall be recognized as not having taken place. In this respect, the state customer may conduct a new selection or purchase through an electronic store (within the criteria established in [Article 49](#) of this Law) or an auction in accordance with the requirements of this Law.

At the time indicated in the announcement as the time of the selection, the procurement commission for the evaluation of proposals shall open the envelopes with proposals submitted by the participants in the selection. The proposals received shall be considered by the procurement committee. Proposals that do not meet the requirements of the procurement documentation for the selection shall be excluded and not evaluated by the procurement commission. During the selection, proposals of participants with a price exceeding the starting price shall be excluded and shall be not evaluated by the procurement commission.

The selection shall be recognized as completed if the procurement commission has received not less than two proposals from participants that meet the requirements specified in the procurement documentation for the selection.

All proposals of the participants shall be evaluated on the basis of the criteria specified in the procurement documentation for the selection, and shall be recorded in the protocol of the selection.

The term for considering and evaluating the proposals of the selection participants cannot exceed ten working days from the date of the deadline for submitting proposals.

Evaluation of proposals of participants can be carried out in two stages.

Selection for the amount of not more than fifty basic calculated values (for budget customers — for the amount of no more than twenty-five basic calculated values) under one contract can be carried out without the participation of the procurement commission, but for the amount of not more than one thousand basic calculated values within one financial year for one corporate customer and in the amount of not more than five hundred basic calculated values — within one financial year for one budget customer. In this respect, the winner shall be determined by the state customer by comparing prices obtained from open sources of information, or by requesting prices from potential suppliers of goods (works, services), without placing an announcement about the selection. Information about the registered documents, concluded contracts and additional agreements to them shall be posted by the state customer on a special information portal no later than three working days from the date of their registration or conclusion.

Article 62. Determining the Winner of the Selection

Based on the results of comparison of proposals, the procurement commission shall determine the winner of the selection and shall reflect the results of the selection in the protocol.

By decision of the procurement commission, in accordance with the criteria specified in the procurement documentation for the selection and proposal, a reserve winner may be determined, who is recognized as the participant who submitted the most optimal proposal after the proposal of the winner.

The protocol on the day of its registration shall be placed by the state customer for discussion for two working days in the electronic public procurement system.

If within two working days no objections were received from the selection participants based on the results of the selection, a contract shall be concluded between the state customer and the participant recognized as the winner by the procurement commission.

Objections received after the expiration of the period set for discussion shall not be considered by the procurement commission.

Upon receipt of objections based on the results of the selection from its participants, the procurement commission shall consider the objections and adopt an appropriate decision.

Based on the information on the results of the discussion provided by the state customer to the procurement commission, an appropriate protocol of the meeting of the procurement commission shall be drawn up and placed in the electronic public procurement system within three working days from the date of its signing.

Information on the concluded contract based on the results of the selection shall be posted by the state customer on a special information portal no later than three working days from the date of its conclusion.

Article 63. Registration of Selection Results

The contract based on the selection results shall be concluded on the terms provided for in the procurement documentation for the selection and the proposal submitted by the selection participant with whom the contract is concluded.

The state customer may set a condition in the procurement documentation for the selection providing for the conclusion of the contract after the winner submits the security of the terms of the contract.

If the winner refuses to conclude the contract, the amount of the deposit shall not be returned to him. If the procurement commission determines the reserve winner, the right to conclude the contract and fulfill obligations under it shall pass to the reserve winner. In this respect, the reserve winner shall conclude the contract at the price offered by the winner (except for cases when the price offered by the reserve winner is lower than the price offered by the winner), or may refuse to conclude the contract.

If the procurement commission has not determined a reserve winner or the reserve winner has refused to conclude a contract, the state customer may conduct a new selection or purchase through an electronic store (within the criteria established in [Article 49](#) of this Law) or an auction in accordance with the requirements of this Law.

Chapter 8. Tender

Article 64. Criteria for Conducting Tender

Public procurement through a tender shall be carried out if the following conditions are satisfied simultaneously:

criteria for determining the winner have not only a monetary value, but a quantitative and qualitative assessment of the goods (work, services);

cost of goods (works, services) is more than twenty-five thousand basic calculated values (for budget customers — more than six thousand basic calculated values) under one contract.

The tender shall be mandatory held in electronic form, except as otherwise provided by legislation.

Article 65. Procurement Commission for the Tender

Procurement commission consisting of not less than seven members shall be formed to carry out public procurement through a tender.

The best conditions for the execution of the contract shall be determined by the procurement commission on the basis of the announced criteria for evaluating the proposals of tender participants.

The procurement commission shall be considered competent if not less than two thirds of the total number of members of the procurement commission are present at the meeting. All decisions adopted by it must be documented in protocol.

Article 66. Announcement of Tender

Information on public procurement through a tender shall be communicated by the state customer to an unlimited number of persons by posting an announcement of a tender and procurement documentation for the tender in the electronic public procurement system through a special information portal, as well as at the request of the state customer on its official website or on the official website of its higher authority, as well as in the media.

The announcement of the tender shall be placed only after receiving a positive conclusion from the Center for Comprehensive Expertise on the procurement documentation for the tender.

The announcement of the tender shall be placed by the state customer in the electronic public procurement system through a special information portal not less than twelve working days and no more than thirty working days before the deadline for accepting proposals from tender participants.

The announcement of the tender must contain the following information:

form of the tender;

detailed description and starting price of goods (works, services);

address of the tender venue;

requirements for bidders;

surname, name, patronymic, position and address of one or more officials or other employees of the state customer identified as contact persons for communication with the participants;

date and time of the deadline for submission of proposals;

requirements for bidding.

The announcement of the tender may contain other information that does not contradict the legislation.

Article 67. Procurement Documentation for the Tender

The procurement documentation for the tender shall be placed by the state customer in the electronic system of public procurement through a special information portal simultaneously with the placement of the announcement of the tender.

The procurement documentation for the tender must contain:

information specified in the tender announcement;

information on the currency and payment procedure used to form the contract price and settlements with contractors;

requirement for the mandatory preparation of a proposal for participation in the tender in the state language and, as necessary, in other languages;

information on the technical and price part of the proposal of the tender participant, the procedure for their evaluation;

procedure, start date and end date for submission to tenderers of clarifications of the provisions of the procurement documentation for the tender;

terms of reference;

evaluation criteria and the procedure for consideration of tender participants' proposals in accordance with this Law;

requirement for the mandatory submission by bidders of a statement on the prevention of corruption.

In the procurement documentation for the tender, the state customer may declare that each piece of goods (work, service) shall be considered as a separate unit of the procurement procedure. In this case, the state customer may conclude contracts with several bidders for the supply of different goods (works, services), while only one winner can be determined for each good (work, service). For each good (work, service) the winner shall be determined separately according to the terms of the procurement procedure.

A draft contract shall be attached to the procurement documentation for the tender, which shall be its integral part.

The state customer shall approve the procurement documentation for the tender which is agreed with the procurement commission.

The state customer, in agreement with the procurement commission, shall have the right to decide on making changes to the procurement documentation for the tender no later than one business day before the deadline for submitting proposals for participation in the tender. In this respect, the deadline for submitting proposals in this tender shall be extended by not less than ten working days. At the same time, changes shall be made to the announcement of the tender, if the information specified in the announcement has been changed. Changing the name of goods (works, services) shall not be allowed.

The tender participant shall have the right to send a request to the state customer for clarification of the provisions of the procurement documentation for the tender. Within two working days from the date of receipt of the specified request, the state customer shall send clarifications to the provisions of the procurement documentation for the tender, if the specified request was received by the state customer no later than two working days before the deadline for submission of proposals. Clarifications of the provisions of the procurement documentation for the tender should not change its essence.

Procurement documentation for the tender shall be submitted for examination to the Center for Comprehensive Expertise in accordance with the procedure established by legislation.

Responsibility for the compliance of the concluded contracts, import contracts and additional agreements to them with the procurement documentation and their authenticity shall be borne by the state customer.

Article 68. Procedure for Submitting Proposals of Tender Participants

Proposals of tender participants shall be submitted in accordance with the procedure established in the announcement and procurement documentation for the tender, in sealed envelopes at the address specified in the tender announcement.

The procedure for submitting proposals of bidders during the tender in electronic form shall be determined by the Cabinet of Ministers of the Republic of Uzbekistan.

The proposal may contain a sketch, drawing, photograph and other image, sample, design of the goods that are the object of public procurement.

The bidder shall be responsible for the authenticity and reliability of the information and documents provided.

The bidder shall be entitled to submit only one proposal.

Acceptance of proposals for participation in the tender shall be terminated with the onset of the deadline specified in the announcement published in the electronic public procurement system through a special information portal.

Tender participants' proposals shall be considered by the procurement commission if not less than two proposals have been received from tender participants by the deadline for submission of proposals.

The tender shall be declared invalid if only one participant took part in the tender or no one took part. In this case, the state customer shall be obliged to conduct the procurement procedure again on the same conditions and with the same criteria and requirements for the good (work, service). If it is necessary to change the conditions, evaluation criteria and requirements for the good (work, service), the procurement commission shall adopt an appropriate decision indicating

the grounds. The bidder shall have the right to withdraw or amend the submitted proposal before the deadline for submission of such proposals.

Article 69. Consideration and Evaluation of Proposals of Tender Participants

The time limit for consideration and evaluation of proposals of tender participants cannot exceed forty-five working days from the moment of the deadline for submission of proposals.

The proposal shall be recognized as properly registered if it complies with the requirements of this Law and the procurement documentation for the tender.

The Procurement Commission shall reject the proposal if the tender participant who submitted it does not meet the requirements established by this Law, or the proposal of the tender participant is not properly executed, and also does not comply with the requirements of the procurement documentation for the tender.

At the time indicated in the announcement as the time of the tender, the procurement commission shall open the envelopes with proposals submitted by the tender participants one by one in order to evaluate the proposals. If the envelopes with proposals were not opened at the set time, the state customer shall ensure the distribution and placement in the electronic public procurement system of a notice on the time of opening the envelopes with proposals with a reasonable explanation on this case to the tender participants. In this respect, the period between the initially set time and the next time for opening envelopes with proposals should not exceed five working days.

During the procedure for opening the envelopes with tender proposals, the state customer shall make a video recording, and in the process of opening the envelopes, all submitted documents and the price of the commercial offer of the participants shall be announced, except for cases when the tender is held in electronic form.

If the information contained in the documents submitted by the tender participant is found to be unreliable, the procurement commission shall have the right to remove such participant from participating in the tender at any stage of the procurement procedure.

In order to identify the winner of the tender based on the criteria specified in the procurement documentation for the tender, the procurement commission shall evaluate proposals that have not been rejected.

At the first stage, the evaluation of the technical part of the tenderer's proposal shall be carried out. The decision of the procurement commission on the evaluation of the technical part of the tender proposal shall be drawn up in a protocol, which indicates the results of the evaluation of the first stage of the tender.

The second stage of the tender shall be held if there are proposals from not less than two participants who have passed the first stage of the tender.

At the second stage of the tender, the opening and evaluation of the price part of the proposal shall be carried out. The decision of the procurement commission on the evaluation of the price part of the tender proposal shall be drawn up in a protocol that determines the winner of the second stage of the tender. In the tender, proposals of participants with a price exceeding the starting price shall be excluded and shall not be evaluated by the procurement commission.

An authorized representative of the tender participant shall have the right to be present at the procedure for opening envelopes with proposals.

Based on the results of consideration of proposals, the tender shall be declared invalid:

at the first stage — if the procurement commission rejected all proposals or only one proposal meets the requirements of the procurement documentation for the tender;

at the second stage — if the procurement commission rejected all proposals.

Based on the technical characteristics of the purchased goods (works, services), the tender can be held in one stage. In this respect, the state customer must indicate this in the procurement documentation for the tender. In this case, the opening and evaluation of the technical and price parts of the tender offer shall be carried out simultaneously.

Upon holding a tender in one stage, when the procurement commission rejected all proposals or only one proposal meets the requirements of the procurement documentation for the tender, the tender shall be declared invalid.

The winner shall be the bidder who offers the best conditions for the execution of the contract based on the criteria specified in the procurement documentation for the tender and the proposal.

By decision of the procurement commission, in accordance with the criteria specified in the procurement documentation for the tender and proposal, a reserve winner may be determined, who is recognized as the participant who provided the most optimal proposal following the winner's proposal.

If the procurement documentation for the tender provides that each good (work, service) of the tender is considered as a separate unit of the procurement procedure, the procurement commission shall determine the winner for each item of the tender.

The results of consideration and evaluation of proposals shall be recorded in the protocol of consideration and evaluation of proposals.

The protocol of consideration and evaluation of proposals must contain information:

on the date and time of consideration and evaluation of tender proposals;

on the composition of the present members of the procurement commission and authorized representatives of the tender participants;

about the bidders whose proposals were considered;

about bidders whose bids were rejected, indicating the specific reasons for their rejection;

on the decision adopted on the winner of the tender;

on the name (for a legal entity), last name, first name, patronymic (for an individual), location (postal address) of the tender winner.

The protocol for consideration and evaluation of proposals at the stages of the tender shall be signed by all members of the procurement commission present, and an extract from it shall be published in the electronic public procurement system within three working days from the date of signing the protocol.

Any bidder after the publication of the protocol of consideration and evaluation of proposals shall have the right to send a request to the state customer for clarification of the results of the tender. Within three working days from the date of receipt of such a request, the state customer shall provide the bidder with the relevant clarifications.

The state customer and the procurement commission shall not be entitled to discuss proposals until the end of their acceptance.

Article 70. Conclusion of the Contract Based on the Results of the Tender

Based on the results of the tender, the contract shall be concluded on the terms specified in the procurement documentation for the tender and the proposal submitted by the tender participant with whom the contract is concluded.

If the winner refuses to conclude the contract, the amount of the deposit shall not be returned to him. If the procurement commission determines the reserve winner, the right to conclude the contract and fulfill obligations under it shall pass to the reserve winner. In this respect, a contract shall be concluded with the reserve winner at the price offered by the winner (except for cases when the price offered by the reserve winner is lower than the price offered by the winner), or they may refuse to conclude the contract. If the procurement commission does not determine the reserve winner or the reserve winner refused to conclude the contract, the state customer shall conduct a new tender.

Information on the concluded contract based on the results of the tender shall be posted by the state customer on a special information portal no later than three working days from the date of its conclusion.

Chapter 9. Public Procurement Carried Out under Direct Contracts

Article 71. The Procedure for Public Procurement under Direct Contracts

Public procurement under direct contracts may be carried out in the following cases:

public procurement of goods (works, services) permitted for public procurement from a single supplier included in Register of Single Suppliers;

public procurement of goods (works, services) carried out under direct contracts on the basis of decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan;

public procurement of goods (works, services) which are necessary to meet the needs of the Republic of Uzbekistan in order to eliminate emergency situations;

public procurement related to the appointment of a lawyer (representative) to participate in court proceedings;

public procurement of the results of intellectual activity, such as works of science, literature and art, performances, phonograms, programs of on-air or cable broadcasting organizations, from a single person who has the exclusive right to this object of intellectual property;

public procurement of goods (works, services), prices (tariffs) for which are regulated by the state.

State customers shall be obliged to post information about concluded direct contracts on a special information portal within three working days from the date of their conclusion.

If information about the concluded direct contracts was not posted on a special information portal, then payment under these contracts shall not be made.

The state customer, in accordance with the requirements of this Law, may also use other competitive types of procurement procedures in the implementation of public procurement provided for in this article.

In the event that decrees and resolutions of the President of the Republic of Uzbekistan, as well as resolutions of the Cabinet of Ministers of the Republic of Uzbekistan, allow public procurement of goods (work, services) on the basis of a direct contract, the contract and additional agreements to it shall be subject to comprehensive examination at the Center for Comprehensive Expertise, except for cases established by legislation.

Article 72. Public Procurement from a Single Supplier

A single supplier shall be a supplier of goods (works, services) recognized as a single supplier in the manner prescribed by this Law and included in the Register of Single Suppliers.

If it is necessary to purchase goods (works, services) from a single supplier, a direct contract shall be concluded between them and the state customer, and information about the contract shall be subject to placement on a special information portal within three working days from the date of its conclusion.

Public procurement from a single supplier shall be carried out in the following exceptional cases:

public procurement of technically complex goods (works, services) that have no analogues on the market and which can only be purchased from a single supplier;

acquisition of cultural property;

public procurement from entities defined as single suppliers in decrees and resolutions of the President of the Republic of Uzbekistan or resolutions of the Cabinet of Ministers of the Republic of Uzbekistan;

state procurement of goods (works, services) of a subject of natural monopoly;

emergence of a need for works or services, the performance or provision of which can be carried out only by state authorities and public administration in accordance with their powers or state institutions and organizations subordinate to them.

Article 73. Register of Single Suppliers

The Register of Single Suppliers shall be an information resource maintained by the authorized body on a special information portal.

The Register of Single Suppliers shall contain a list of goods (works, services) permitted for public procurement from a single supplier, and a list of single suppliers.

Chapter 10. Monitoring and Control of Procurement Procedures

Article 74. Monitoring and Control in the Field of Public Procurement

Monitoring in the field of public procurement shall be deemed a system of monitoring on an ongoing basis the observance of the legislation on public procurement, the implementation of the goals, principles and restrictions of public procurement established by this Law, carried out by collecting, summarizing, systematizing and evaluating information about their implementation.

Control in the field of public procurement shall be deemed a system of measures aimed at preventing, detecting and suppressing violations of legislation requirements in this area.

The main form of control of state bodies over compliance with public procurement legislation shall be inspections carried out by comparing and analyzing statistical and other information in the manner prescribed by legislation.

Monitoring and control in the field of public procurement shall be carried out by the relevant authorized state bodies.

State bodies carrying out public procurement shall have the right to monitor and control the public procurement conducted by their subordinate state customers.

In the course of organizing and conducting procurement procedures, it shall not be allowed to conduct inspections and demand reporting forms that are not provided for by legislation.

Article 75. State Control of Procurement Procedures

State control over the correct application of this Law and other acts of legislation in the field of public procurement shall be carried out by:

- Accounts Chamber of the Republic of Uzbekistan;
- General Prosecutor's Office of the Republic of Uzbekistan;
- Anti-Corruption Agency of the Republic of Uzbekistan;
- Ministry of Finance of the Republic of Uzbekistan;
- Antimonopoly Committee of the Republic of Uzbekistan within their powers.

The Accounts Chamber of the Republic of Uzbekistan shall conduct an audit of public procurements carried out by state customers, and include the results of the audit in a report that annually submit to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan at the end of the year, and also shall place it in open sources of information.

State control over the correct application of this Law and other acts of legislation in the field of public procurement shall be carried out by other authorized state bodies as well within their powers, in accordance with the legislation.

Article 76. Public Control of Procurement Procedures

Public control of procurement procedures shall be carried out in order to promote the development and improvement of public procurement, prevent and detect violations of the requirements of the legislation on public procurement and inform state customers, authorized state bodies about the identified violations.

Public control of procurement procedures shall be carried out through the implementation of the principles of openness and transparency.

Citizens of the Republic of Uzbekistan, self-governing bodies of citizens, as well as non-state non-commercial organizations and mass media registered in the manner prescribed by legislation, shall have the right to exercise public control over compliance with the legislation on public procurement.

Citizens of the Republic of Uzbekistan, self-governing bodies of citizens, as well as non-governmental non-commercial organizations and mass media registered in the manner prescribed by legislation, exercising public control, shall have the right to:

- prepare proposals for improving the legislation on public procurement;

send requests to state customers for information on the implementation of procurement procedures and on the progress of execution of contracts;

carry out independent monitoring of procurement procedures and assessment of the effectiveness of public procurement, including an assessment of their compliance with the requirements of this Law;

apply to state bodies with the initiative to conduct verification activities;

apply to law enforcement agencies in cases of violations in the actions (inaction) of the state customer, the operator of the electronic public procurement system, the authorized body, procurement commissions and their members;

appeal to court in accordance with the legislation.

Article 77. Analysis of the Efficiency and Effectiveness of Public Procurement for Project Activities

Analysis of the efficiency and effectiveness of public procurement for project activities shall be carried out by the relevant authorized body.

The head of the state customer or a project management representative appointed by him shall be familiarized with the results of the analysis against signature.

Post-project monitoring of the efficiency and effectiveness of public procurement shall be carried out by the relevant authorized body within three years after the completion of public procurement for the project.

Chapter 11. Consideration of Complaints

Article 78. Commission for Consideration of Complaints in the Field of Public Procurement

For the purpose of fair, prompt and effective consideration of complaints, the authorized body shall create a permanent Commission for consideration of complaints in the field of public procurement, which consists of representatives of the relevant state bodies, operators of electronic public procurement systems and the public and shall be approved by the Cabinet of Ministers of the Republic of Uzbekistan.

The procedure for considering complaints received by the Commission for the consideration of complaints in the field of public procurement shall be determined by the authorized body.

The authorized body shall be the working body of the Commission for the consideration of complaints in the field of public procurement and organize its activities.

Each participant, as well as persons exercising control, shall have the right to appeal in court or in the manner prescribed by this chapter, to the Commission for consideration of complaints in the field of public procurement actions (inaction) of the state customer, the procurement commission, its members, the operator of the electronic system of public procurement, if such actions (inaction) violate the rights and legitimate interests of the participant.

Article 79. Procedure for Filing and Considering Complaints

The Commission for Considering Complaints in the Field of Public Procurement, upon receipt of a complaint, within three working days from the date of its receipt, shall notify the state customer about this and shall suspend the procurement procedure for a total period of up to ten working days.

The Commission for Consideration of Complaints in the Field of Public Procurement shall consider the complaint with the participation of the state customer and the participant, except in cases where the participant agreed to consider the complaint without their participation or did not participate without a good reason.

The Commission for Consideration of Complaints in the Field of Public Procurement must, within seven working days after receiving the complaint, shall adopt a decision on it and post information about it on a special information portal.

The adopted decision should not contain information, the disclosure of which will violate the commercial interest of the participant (executor) or threaten fair competition, except in cases where the Commission for Consideration of Complaints in the Field of Public Procurement has decided to publish this information.

If the participant's complaint is recognized as grounded, the Commission for Consideration of Complaints in the Field of Public Procurement may take the following measures: establish a ban on illegal actions, decisions or execution of illegal procedures of the state customer;

partially or completely cancel illegal decisions of the state customer, including if they violate the terms of the public procurement documentation;

decide on the completion of the procurement procedures;

include the executor in the Unified Register of Unscrupulous Executors.

Decisions of the Commission for Consideration of Complaints in the Field of Public Procurement shall be binding on all subjects of public procurement.

The Public Procurement Complaints Commission operates in accordance with this Law and other legislative acts.

The Executor may appeal against the decision of the Commission for Consideration of Complaints in the Field of Public Procurement in court.

Chapter 12. Final Provisions

Article 80. Settlement of Disputes

Disputes arising in the field of public procurement shall be resolved in the manner prescribed by legislation.

Article 81. Liability for Violation of the Legislation on Public Procurement

Public procurement subjects and their officials, in accordance with this Law and other acts of legislation, as well as anti-corruption legislation, shall be liable responsible for compliance with the requirements of public procurement legislation and proper fulfillment of obligations under the contracts they have concluded.

Persons guilty of violating the legislation on public procurement shall be liable in accordance with the established procedure.

Article 82. Recognition as Invalid of Some Acts of Legislation

To recognize as invalid:

1) Law of the Republic of Uzbekistan dated April 9, 2018 No. ZRU-472 "On Public Procurement" (Bulletin of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2018, No. 4, Art. 220);

2) Article 53 of the Law of the Republic of Uzbekistan dated December 3, 2019 No. ZRU-586 "On amendments to certain legislative acts of the Republic of Uzbekistan in connection with the improvement of the procedure for determining the amount of wages, pensions and other payments" (Bulletin of the chambers of the Oliy Majlis of the Republic of Uzbekistan, 2019 city, No. 12, item 880).

Article 83. Ensuring the Execution, Communication, Clarification of the Essence and Significance of This Law

To the Ministry of Finance, the Ministry of Justice of the Republic of Uzbekistan and other interested organizations shall ensure the execution, communication to the executors and explanation among the population of the essence and significance of this Law.

Article 84. Bringing Legislation into Line with this Law

To Cabinet of Ministers of the Republic of Uzbekistan:

to bring government decisions in line with this Law;

to ensure the revision and cancellation by the state administration bodies of their normative legal acts that are contrary to this Law.

Article 85. Entry into Force of this Law

This Law shall enter into force three months after its official publication.

The requirement to conduct mandatory electronic procurement procedures for the selection of the best offers and tenders shall come into effect from January 1, 2022.

President of the Republic of Uzbekistan SH. MIRZIYOEV

Tashkent city,
22 april 2021 y.,
No. ZRU-684

4. 투자 및 투자활동에 관한 법률 제 ZRU-598 호 (제정 2019. 12. 25.)

**LAW OF THE REPUBLIC OF UZBEKISTAN
ON INVESTMENTS AND INVESTMENT ACTIVITY**

Adopted by the Legislative Chamber on December 9, 2019
Approved by the Senate on December 14, 2019

Chapter 1. General provisions

Article 1. Purpose and objectives of this Law

The purpose of this Law is to regulate relations in the field of investments and investment activity carried out by foreign and domestic investors.

This Law does not regulate relations associated with centralized investments.

Legal relations in the field of concession activities, conclusion, execution and termination of production sharing agreements, investment, mutual and venture capital funds, capital market regulation, including securities transactions, public-private partnership, special economic zones are regulated by separate laws.

Article 2. Legislation on investments and investment activity

The legislation on investments and investment activity consists of this Law and other legislative acts.

If an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan on investment activity, then the rules of the international treaty shall apply.

Article 3. Key definitions

The following key terms are applied in this Law:

investment project — a set of interrelated activities aimed at attracting investments to obtain economic, social and other benefits;

investment obligation — an obligation, undertaken by an investor to achieve certain goals;

investment policy — a set of interrelated measures to ensure the required level and structure of investments in the economy of the Republic of Uzbekistan and its individual sectors, increase investment activity of investment entities aimed at finding sources of investments and identifying priority sectors for their use;

investment activity — set of actions of subjects of investment activities related to the implementation of investments;

party to the investment activities — a subject of investment activity, which ensures the implementation of investments as an executor of orders or on the basis of an order from an investor;

investment contract — a written agreement concluded between the subjects of investment activity that defines the rights, obligations and responsibilities of the parties to the investment agreement;

investments — tangible and intangible assets and rights to them, including intellectual property rights, as well as reinvestments, invested by an investor on the basis of risks in social facilities, entrepreneurial, scientific and other activities for profit, which may include:

 funds, including cash (including foreign currency), targeted bank deposits, shares, stocks, bonds, bills and other securities;

 movable and immovable property (buildings, structures, equipment, machinery and other material values);

 intellectual property rights, including patented or non-patented (know-how) technical, technological, commercial and other knowledge, drawn up in the form of technical documentation,

skills and production experience, necessary for organizing a particular type of production, as well as other values, not prohibited by the legislation of the Republic of Uzbekistan;

investor — a subject of investment activity, carrying out investment of own and (or) borrowed funds or other attracted investment resources in objects of investment activity in order to make a profit;

domestic investors — citizens of the Republic of Uzbekistan, foreign citizens and stateless persons who have the status of a resident of the Republic of Uzbekistan, including individual entrepreneurs, as well as legal entities of the Republic of Uzbekistan engaged in investment activities;

reinvestment — any income from investments invested into objects of business and other activities not prohibited by law, including profits, interest, dividends, royalties, license and commission fees, payments for technical assistance, maintenance and other forms of rewards.

foreign direct investments — investment at the expense of own or borrowed funds of a foreign investor on conditions of risk, without government guarantees;

foreign investments — tangible and intangible benefits and rights to them, including rights to intellectual property, as well as reinvestment by a foreign investor in objects of the social sphere, business, scientific and other activities;

foreign investors — foreign states, administrative or territorial bodies of foreign states, international organizations founded in accordance with conventions or other agreements between states or being subjects of public international law, legal entities, any other partnerships, organizations or associations founded and acting in accordance with acts of legislation of foreign states, citizens of a foreign state and stateless persons permanently residing outside the Republic of Uzbekistan;

enterprises with foreign investments in the territory of the Republic of Uzbekistan — enterprises in which foreign investments make up at least fifteen percent of the stocks (shares, units) or statutory fund (charter capital).

Article 4. Basic principles of investments and investment activity

The main principles of investments and investment activity are:

legality;

publicity and openness;

freedom to implementation of investment activity;

justice and equality of subjects of investment activity;

non-discrimination against investors;

presumption of investor conscientiousness;

The basic principles of the legislation on investments and investment activity are applied at all stages of the investment process and investment activity.

Chapter 2. Investments, objects and subjects of the investment activity

Article 5. Types of investments by the target object

Investments by the target of the object are subdivided into capital, financial and social.

Capital investments include investments made in the creation and reproduction of fixed assets, including in new construction, modernization, reconstruction, technical re-equipment, as well as in the development of other forms of tangible production.

Financial investments include investments in stocks, corporate, infrastructure and government bonds, as well as other types of securities.

Social investments include investments made in the development of human potential, skills and production experience, as well as in the development of other forms of intangible goods.

Article 6. Forms of investments implementation.

Forms of investments implementation are:

establishment of legal entities or equity participation in their authorized funds (authorized capital), including through the acquisition of property and stocks (shares);

acquisition of securities, including debt instruments issued by the residents of the Republic of Uzbekistan;

the acquisition of concessions, including concessions for exploration, development, production or use of natural resources, as well as participation in the production sharing agreement;

acquisition of property rights, including ownership of intellectual property, copyrights, patents, trademarks, utility models, industrial samples, brand names and know-how, business reputation (goodwill), as well as objects of trade and services along with land plots in which they are located;

acquisition of the right to own and use land (including on a rental basis) and other natural resources.

Investors can make investments in other forms that do not contradict the legislation.

Investment activity can be carried out through a combination of various forms of investments.

Changing the forms in which investments are initially or re-invested does not lead to a change in their qualifications as investments.

Article 7. Investment Resources

Investment resources include:

monetary (including foreign currency) and other financial assets, including loans, units, shares, stocks and other securities;

movable and immovable property (buildings, structures, equipment, machinery and other tangible values) and rights to them;

intellectual property objects, including patented or non-patented (know-how) technical, technological, commercial and other knowledge, drawn up in the form of technical documentation, skills and production experience, necessary for organizing a particular type of production;

rights to own and use land and other natural resources, as well as other property rights arising from property rights.

Article 8. Objects of investment activity

The objects of investment activity are objects of social sphere, entrepreneurial, scientific and other types of activity not prohibited by legislation.

It is prohibited to invest in objects, the creation and use of which do not meet the sanitary and hygienic, radiation, environmental, architectural, town planning and other requirements established by legislation, violate the rights and interests of legal entities and individuals protected by law.

Article 9. Subjects of investment activity

The subjects of investment activity are citizens, individual entrepreneurs and legal entities — residents of the Republic of Uzbekistan, state and local government bodies, foreign states, administrative or territorial bodies of foreign states, international organizations and foreign legal entities and citizens, as well as stateless persons.

Article 10. Investor's rights

An investor has the right to:

freely carry out investment activities, determine the volumes, types, forms, scope and directions of investment, not contradicting the legislation of the Republic of Uzbekistan;

conclude agreements with legal entities and individuals to carry out investment activity;

own, use and dispose of income received as a result of investment activities, as well as sell and export of income received as a result of investment activity;

independently and freely manage the income received as a result of investment activity, after paying taxes, fees and other payments stipulated by legislation (hereinafter — taxes and payments);

to use property and any property rights belonging to him by right of ownership as security for all types of obligations undertaken by him, including obligations aimed at attracting borrowed funds;

to receive adequate compensation in case of requisition (expropriation) of his investments and other assets;

raise funds in the form of loans and borrowings;

receive compensation for losses caused as a result of illegal actions (inaction) and decisions of state bodies, local government bodies and their officials.

Article 11. Investor's obligations

An investor is obliged:

pay taxes and fees;

fulfill contractual obligations assumed in connection with the investment;

comply with legal requirements, including competition, anti-corruption, investments and investment activity, labor, urban development, environmental protection, as well as safety, sanitary norms and rules;

to indemnify losses caused to a party in investment activity by failure to fulfill or improper performance of contractual obligations;

comply with the requirements of authorized bodies of state administration and state authorities in the field, within the scope of their mandate.

Article 12. Rights of a party to the investment activity

A party to the investment activity has the right to:

be a party of the competitive (tender) bidding, electronic stores and auctions;

enter into contracts with investors for the execution of their orders;

involve in execution of its contractual obligations with regard to the investor other persons, unless otherwise provided by the contract;

Article 13. Obligations of a party to the investment activity

A party to the investment activity is obliged:

comply with the norms, rules and standards established by law, including the requirements of competition law, anti-corruption, investments and investment activity, labor, urban planning and environmental protection;

execute contracts in a timely and proper manner;

to compensate losses caused to the investor by non-fulfillment or improper fulfillment of contractual obligations;

comply with the requirements of state and local government bodies presented within the scope of their authority;

Article 14. Pricing in investment activity

The cost of goods (works, services) in the process of investment activity is determined at agreed prices, with the exception of prices fixed by legislation.

Prices for goods (works, services) that are the objects of investment may also be formed at exchange, competitive, auction and other organized tenders.

The prices of tradable state assets formed at exchange, competitive, auction and other organized tenders are recognized as market prices regardless of the book value and estimated value of these assets.

Chapter 3. State guarantees of the rights of subjects of investment activity and investments protection

Article 15. Guarantees of the rights of subjects of investment activity

The state guarantees the rights of subjects of investment activity. State bodies and their officials are not entitled to interfere in the activities of investment entities carried out in accordance with the legislation.

If state bodies and their officials find violations of the law in the activities of subjects of investment activity, they can take those measures within their mandate and directly related to the elimination of a specific violation.

State bodies and their officials cannot use the fact of a violation as a basis for interference or restriction of other, not related to investment, legal activities of investment entities.

The state guarantees non-discrimination against investors regarding to their citizenship, place of residence, place of business, and also depending on the country of origin of investors or investments.

The exercise of rights by an investor must not violate the rights and legally protected interests of other investors. Moreover, the state as a co-founder (stockholder, participant) of a business entity has equal rights and obligations along with other founders (stockholders, participants).

The rules of this article do not apply to the adoption, amendment, supplement or repeal of legislative acts that are directly related to ensuring the national security of the Republic of Uzbekistan, which are determined in accordance with generally recognized principles and norms of international law.

Article 16. Guarantees of funds utilization

The income of the subject of investment activity, obtained as a result of investment activity, may be reinvested after taxes and payments, or used in any other way at its discretion.

Restrictions on the use or forced withdrawal of funds from accounts of enterprises with foreign and domestic investments by state bodies can be carried out exclusively in the manner prescribed by the Law.

Article 17. Guarantees of the free transfer of funds

Investors are guaranteed the free transfer of funds in foreign currency to and from the Republic of Uzbekistan without any restrictions, on condition that they pay taxes and payments, including currency conversion for repatriation. Such transfers include:

- initial and additional amounts to maintain or increase foreign investment;
- income investments implementation;
- funds received as compensation for losses in accordance with this Law;
- payments made in the execution of contract terms;
- proceeds from the sale of all or part of foreign investments;
- payments arising from the settlement of the dispute, including any judicial or arbitral award;
- salaries and other payments to employees;
- funds from other sources received in accordance with the legislation.

In accordance with the laws and international treaties of the Republic of Uzbekistan, the state may suspend the repatriation of funds of a foreign investor on the basis of non-discriminatory application of legislative acts in cases of insolvency and bankruptcy of an enterprise with foreign investment or violation of the rights of creditors, criminal acts or administrative offenses committed by a foreign investor — an individual, or other need to suspend such repatriation in accordance with judicial or and arbitral award.

Article 18. Guarantees on the return of foreign investments in connection with the termination of investment activity

A foreign investor has the right to terminate investment activity in the Republic of Uzbekistan.

After the termination of investment activity, a foreign investor has the right to freely repatriate investments in cash or in form that assets invested as a result of the termination of investment activity, without prejudice to the fulfillment of obligations of a foreign investor in relation to the Republic of Uzbekistan or other creditors.

Article 19. Guarantees against adverse changes in legislation for an investor

Acts of legislation are not retroactive in cases where their execution is detrimental to the investor or investment.

In case, if subsequent legislation of the Republic of Uzbekistan worsens the conditions for investment, then the legislation that was in force on the date of investment is applied to investors within ten years from the date of investment. The investor has the right, at his discretion, to apply those provisions of the new legislation that improve the conditions for his investment.

The guarantee on the application for ten years of the legislation in force at the time of investment, in case of worsening investment conditions by the subsequent legislation of the Republic of Uzbekistan, is applied in cases:

Introduction of additional requirements that complicate procedure of repatriation or reduce the size of income (profit) investor, transferred abroad, except in cases of suspension of government repatriation of funds to the investor on conditions of non-discriminatory application of legislation in cases of insolvency and bankruptcy of an enterprise with foreign investment or violations of the rights of creditors, criminal acts or administrative offences committed by the investor, or any other need for suspension of such repatriation in accordance with court or arbitration decision;

the introduction of quantitative restrictions on the volumes of investing and other additional requirements on the size of the investment, including in the form of increasing the minimum size of foreign investments in the enterprises with foreign investments;

the imposition of restrictions on equity participation of the foreign investor in statutory funds of enterprises of the Republic of Uzbekistan;

the introduction of additional procedures of registration and prolongation of visas of foreign investors, as well as other additional requirements on making foreign investments.

The validity of the guarantees against unfavorable changes for the investor starts with:

the establishment of the enterprise — from the date of its state registration;

the acquisition of property, shares, stocks and other securities emitted by residents of the Republic of Uzbekistan the right of ownership on objects of trade and sphere of services, for premises together with the land on which they are located, and the rights of ownership and use of land (including on the basis of rent) and natural resources — from the date of entry into force of the instrument embodying the right of ownership or other real rights;

the attachment of intellectual property rights, including copyrights, patents, trademarks, utility models, industrial samples, brand names and know-how, and also business reputation (goodwill) from the date of entry into force of the document confirming the attachment of intellectual property rights;

acquisition of concessions, including concessions for the exploration, development, extraction or use of natural resources — from the date of registration of the concession contract in accordance with legislation;

investing with simultaneous securing of investment commitments in the investment agreement with the Government of the Republic of Uzbekistan of the date of entry into force of the Treaty;

investing in other forms not contradicting the legislation of the Republic of Uzbekistan — from the date of entry into force of the document certifying performance by the investor of investment activity on the territory of the Republic of Uzbekistan. This article does not apply to the adoption, amendment, supplement or repeal of legislative acts that are directly related to ensuring the protection of the national security interests of the Republic of Uzbekistan, determined in accordance with generally recognized principles of international law.

Article 20. Guarantees of ensuring transparency and openness

Normative legal acts that are not officially published for public information do not entail legal consequences as they have not entered into force and cannot serve as a basis for regulating investment relations or applying any sanctions to subjects of investment activity for failure to comply with the requirements contained therein.

State and local government bodies are obliged to publish through the media, including on its official website, information on their participation and decisions made in the field of investment.

Individuals and legal entities is ensured by openness and unimpeded access to information on activities of State bodies and local government bodies and decisions in the sphere of investment activities.

Article 21. Investments protection

The state guarantees investments protection in accordance with the legislation of the Republic of Uzbekistan and international treaties.

Investments and other assets of investors are not subject to nationalization.

Investments and other assets of investors shall not be requisitioned (expropriation), except in cases of natural disasters, accidents, epidemics, epizootics and in other circumstances of an extraordinary nature.

The decision on requisition and expropriation of investments, was adopted by the Cabinet of Ministers of the Republic of Uzbekistan in compliance with the requirements on which requisition or expropriation:

subject to the minimum investment amount or other assets to investors for the solution of problems arising from the cases specified in part three of this article;

is not on a discriminatory basis;

accompanied by payment of compensation adequate to inflicted loss. The state is the guarantor of the timely implementation of these compensation payments.

An investor has the right to challenge in judicial and arbitral procedure, in particular:

the legality of the purpose used for the implementation of the requisition (expropriation);

the size of requisition (expropriation);

equity valuation of requisitioned (expropriated) investments and other assets;

according to the compatibility of compensation payment;

the procedure that complied with the state bodies and bodies of state authorities in the implementation of the requisition (expropriation).

Investment insurance and investor risk is voluntary.

Article 22. Additional guarantees and measures of investments protection

Additional guarantees and measures of protection of investments may include the provision of guarantees by the Government of the Republic of Uzbekistan, assisting in funding investment projects, creating special tax and payment regime, the state monitoring of realization of investment projects and other measures on the basic of investment agreements with the Government of the Republic of Uzbekistan.

Article 23. Conflicting provisions

In the event of any inconsistency between the provisions of this Law and other legislative acts or international treaties of the Republic of Uzbekistan, the most favorable provisions shall prevail to the investors.

Chapter 4. State regulation of investment activity

Article 24. The purposes of state regulation of investment activity

State regulation of investment activity is carried out by state and local authorities in order to implement investment policies that ensure the fulfillment of state tasks of socio-economic

development of the Republic of Uzbekistan and its territories, increase investment efficiency, and provide safe conditions for investments in various investment objects in the Republic Uzbekistan

Article 25. Methods of state regulation of investment activity

State regulation of investment activity is carried out by:

improve the regulatory legal base of investment activity;
creating favorable conditions for development of investment activities and guarantees of the Government of the Republic of Uzbekistan;

establish special economic zones and small industrial zones in territory of the Republic of Uzbekistan;

the granting of the right of accelerated depreciation of fixed assets;

establish rules, regulations and requirements of the technical regulation;

application of measures to support competition;

impose conditions on the possession and use of land and other natural resources.

Not allowed to provide investors with exclusive provisions and rights, putting them in a dominant position on the market.

Article 26. The authorized state body in the field of state regulation of investments and investment activity

The authorized state body in the field of state regulation of investments and investment activity is the Ministry of investments and foreign trade of the Republic of Uzbekistan.

The main powers of the authorized state body in the field of state regulation of investment activity are:

consult potential investors on legal, economic and other matters of activity and support them with all necessary aid and assistance in addressing emerging issues;

implementation of unified state investment policy and the coordination of activities of state bodies and organizations in the field of regulation of investment activity;

cooperation with foreign authorities, foreign government financial institutions and international financial institutions, as well as companies and potential foreign investors with the coordination of directions and projects of cooperation providing communications; providing ongoing feedback with investors, the promotion of territories and of domestic legal entities, attraction of investments, development of investment proposals; Ensuring constant bilateral contacts with investors, assistance in attraction of investments to regions and local legal entities, organization of investment proposals development;

representation of the Republic of Uzbekistan and participation in the international investment communities;

development and submission of proposals for further improving the normative-legal base in the sphere of attracting investments, development of investment climate and investment activity on the territory of the Republic of Uzbekistan.

Article 27. Powers of local government bodies on regulation of investments and investment activity

Local government bodies within their powers and together with the territorial branch of the authorized state body which is due on investments and investment activity carry out:

the investment policy at the local level, including attracting investment, to encourage expansion in the volume of investment in the territory of the country, further improvement of the investment climate in the territory, support the development of enterprises in the respective territory;

the study and identification of prospective projects requiring investment, as well as vacant state-owned objects and land plots based on the needs and capacities (resource, climatic, labor, etc.) areas;

consideration of issues directly related to the activities of investors, as well as proposals for the implementation of promising business initiatives and project offers through the attraction of direct investments;

identification of factors impeding the timely and effective implementation of investment projects in the relevant territory, including foreign investment projects, and the adoption of urgent measures to solve them;

the increase of efficiency of use of involved in the economy of the territory concerned investments on the basis of the analysis of activity of enterprises with foreign investments, and investors fulfill investment obligations;

development of proposals for the development and diversification of the directions of investment cooperation of the respective territory with foreign banks, funds, agencies and companies on a mutually beneficial basis;

the implementation of the main directions of attracting investments in the relevant area, and measures in attracting foreign investment to create the most favorable conditions.

Article 28. The functions of state bodies engaged in attraction of investments

In order to attract, realize and protect the investments, the authorized state body in the field of state regulation of investments and investment activity, other State bodies and local government bodies:

prepare and distribute information about opportunities and conditions of investment activity in the Republic of Uzbekistan;

consult to potential investors on legal, economic and other activities and provide them with necessary support and assistance in addressing emerging issues;

represent the Republic of Uzbekistan within its competence in international relations on foreign investments.

Article 29. The powers of state bodies to control the activities of investors

Monitoring compliance by investors and enterprises with investments with the requirements of the legislation on investments and investment activity is carried out by state bodies authorized by the Government of the Republic of Uzbekistan within their powers.

When exercising control functions, the state body is obliged to ensure the protection of trade secrets.

Chapter 5. State support of investments and investment activity

Article 30. Goals and methods of state support of investments and investment activity

State support of investments and investment activity, is carried out in order to create a favorable investment climate, stimulation of investments into the creation of new competitive and innovative, export-oriented and (or) import-substituting industries, expanding and updating exiting industries using modern technologies and introducing modern managerial experience.

State support of investments and investment activity is carried out in the following ways:

using of privileges and preferences;

allocation of centralized investments for co-financing of the investment project;

financial, advisory and information support.

Article 31. Assistance to investors and enterprises with investments in cooperation with State bodies

The authorized state body in the field of state regulation of investment activity to facilitate investors in cooperation with other state bodies, organizes work on the principle of "one window".

In order to organize work on the principle of "one window" authorized state body in the field of state regulation of investment activities and its territorial departments provide public services, including through the relevant government service Centers.

The organization works on the principle of "one window" also includes:

receiving and advising on available public services;

assistance in the preparation and execution of documents necessary to obtain government services;

assistance in obtaining digital signature, electronic statements and other documents;

Accompany to investors in state bodies and public authorities in receiving state services.

The authorized state body in the field of state regulation of investment activity assists adoptive Prime Minister of the Republic of Uzbekistan for consideration of applications of entrepreneurs in solving problems related to attracting foreign and domestic investments and implementation of projects with their participation.

Article 32. Advisory and information support

State bodies and local government bodies in the field, including diplomatic missions and consular offices of the Republic of Uzbekistan in abroad, representative offices of the Republic of Uzbekistan with international financial institutions provide to investors with advice and information on matters within their competence in order to solve their problems and issues.

Article 33. The powers of the Commissioner under the President of the Republic of Uzbekistan to protect the rights and legitimate interests of business entities in the field of investment activity

The Commissioner under the President of the Republic of Uzbekistan for the protection of the rights and legitimate interests of business entities (hereinafter — the Commissioner for the Protection of Entrepreneurs' Rights) in the field of investment activity:

considers the appeals of investors and enterprises with investments on issues arising in the course of carrying out investment activities in the Republic of Uzbekistan, and makes recommendations for their resolution, including interacting with state and local government bodies; assists investors to solve emerging issues in court and pre-trial procedures;

formulates and submits to the President of the Republic of Uzbekistan proposals on improvement of legislation on investment and investment activity;

clarifies investor questions concerning his rights and legitimate interests, including forms and methods of their protection;

analyzes the results of investors' appeals and hearings of State bodies and local government bodies;

conducts analysis of legislation and identifies rules that violate the rights of investors or hinder business activity, and according to the results provide recommendations for restoration of violated rights, freedoms and legitimate interests of investors;

contributes to the relevant body of state management recommendations aimed at restoring the violated rights, freedoms and legitimate interests of investors.

The State bodies and local government bodies after receiving the recommendations, provide a written response to the Commissioner for entrepreneurs ' rights on results of their consideration.

If necessary, the Commissioner for the protection of entrepreneurs ' rights request from state bodies and local government bodies, enterprises, institutions and organizations irrespective of form of ownership, necessary for the consideration of appeals of investors and enterprises with investments information, with the exception of information constituting state secrets or other secrets protected by the law.

Chapter 6. Benefits and preferences for state support of investments and investment activity

Article 34. The provision of benefits and preferences for state support of investment activity

Privileges and preferences used for government support of investments and investment activity may include:

give value or property rights of state-owned objects to the investor with preferential or zero redemption;

tax and payments incentives;
 subsidizing interest rates on loans received by the investor for implementation of the investment project.

Privileges and preferences are given according to:
 the amount of investments;
 conditions of the place of realization of the investment project;
 expected social-economic effect and creating new workplaces;
 sectors and spheres of the investment project realization.

Taxes and payment discounts are provided in the manner prescribed by law.

Privileges, provided by the first part of the present article for state support of investments and investment activity, are accordingly provided by decisions of Council of Ministers of the Republic of Karakalpakstan, governors of regions and Tashkent city, including at the expense of budget of the Republic of Karakalpakstan, is possible to give from local budgets of provinces and Tashkent city. Privileges and preferences are given to investors considering investments in the respective territory, depending on the level of infrastructure development in the area.

Enterprises created with foreign direct investment and specializing in the production of goods (rendering of services) in the sectors of the economy according to the list approved by law, provide for the specifics of applying certain tax benefits in the manner established by the Tax Code of the Republic of Uzbekistan.

Article 35. Investment Tax Credit

In order to support investors, they can be granted an investment tax credit, which is a form of changing the deadline for fulfilling a tax obligation, in which the taxpayer — investor is given the opportunity to reduce the tax payments due from him with a subsequent phased payment of the loan amount and accrued interest in accordance with the Tax Code of the Republic of Uzbekistan.

Article 36. Investment subsidy

The Government of the Republic of Uzbekistan may provide an investment subsidy in the form of financial assistance provided in the form of investment preferences for the implementation of an investment project to ensure the necessary engineering and communication conditions, as well as the provision of benefits.

The investment subsidy to the investor in the form of the necessary engineering and communication conditions is ensured through the construction by the Republic of Uzbekistan of external engineering and communications networks leading to the object of investment activity.

An investment subsidy may also be provided as tax and customs benefits.

The authorized state body in the field of state regulation of investments and investment activity, together with the Ministry of Finance of the Republic of Uzbekistan, considers the investor's application for the provision of investment subsidies in the manner and terms established by the Law of the Republic of Uzbekistan “On Appeals of Individuals and Legal Entities” and makes a proposal to the Government of the Republic of Uzbekistan.

Chapter 7. Decentralized Investments

Article 37. Sources of decentralized investments

Sources of decentralized investments are:

own funds of the investor;
 bank loans received without a guarantee of the Republic of Uzbekistan, including from foreign banks;
 direct foreign investments.

Non-centralized investments can be made from other sources that are not contrary to the legislation.

An investor carries out management of decentralized investments independently.

Article 38. Decision-making on the implementation of decentralized investments

An investor, a commercial bank, including a foreign bank, makes the decision on the implementation of decentralized investments.

Article 39. Examination of investment projects

Investment projects financed by decentralized investments are subject to state expertise in the implementation of sanitary-hygienic, radiation, environmental, architectural, and urban and other requirements.

Investment projects of small businesses financed by credit resources of banks are subject to expert review by commercial banks on the appropriateness of implementing these investment projects.

Chapter 8. Investment agreement with the Government of the Republic of Uzbekistan**Article 40. Procedure for concluding an investment agreement with the Government of the Republic of Uzbekistan**

The Government of the Republic of Uzbekistan may conclude an investment agreement in order to ensure the fulfillment of obligations by foreign investors, who are provided by mutual agreement with additional guarantees and support measures (benefits and preferences).

An investment agreement with the Government of the Republic of Uzbekistan without fail is concluded if the Government of the Republic of Uzbekistan provides a foreign investor with additional guarantees and support measures (benefits and preferences) in the framework of state support for investments and investment activity.

Additional guarantees and support measures (benefits and preferences) are provided to foreign investors in each specific case when investing:

in priority sectors ensuring sustainable economic growth, progressive technological changes in the country's economy;

in priority projects that ensure the strengthening and expansion of the export potential of the Republic of Uzbekistan, its integration into world economic relations.

Moreover, additional tax and payment benefits are provided to enterprises with foreign investments created by foreign investors only for a specific period and cannot be perpetual unlimited.

This article does not in any way limit the validity of investment agreements between an investor on the one hand and other subjects of investment activity on the other, including state and local government bodies concluded in order to ensure fulfillment of obligations on investment projects that do not require the Government of the Republic of Uzbekistan to provide an investor additional guarantees and support measures (benefits and preferences) in the framework of state support for investments and educational activity.

Article 41. Parties to the investment agreement with the Government of the Republic of Uzbekistan

The parties to the investment agreement with the Government of the Republic of Uzbekistan are the foreign investor and the Government of the Republic of Uzbekistan represented by the authorized state body in the field of state regulation of investments and investment activity.

Article 42. Terms of the investment agreement with the Government of the Republic of Uzbekistan

An investment agreement with the Government of the Republic of Uzbekistan should include:

object and volume of investments, terms of the beginning and completion of the project;
term and conditions of the investment agreement;
anti-corruption and antitrust clause;

rights and obligations of a foreign investor, including the volume of investment, production of products, localization, quality of products, volume of export of goods and services, as well as compliance with the norms, rules and standards established by legislation, including the requirements of competition law, on counteraction corruption, on investments and investment activities, on labor, on urban planning and on environmental protection;

obligations of a foreign investor to supply modern equipment and technologies that meet international standards, as well as modern requirements for energy efficiency and environmental standards;

rights and obligations of the Government of the Republic of Uzbekistan, including the provision of guarantees and support measures (benefits and preferences) additional to those established by legislation on investments and investment activity;

information on sources of financing, project implementation schedules, the procedure for technical supervision of the implementation of the investment project;

the procedure and deadlines for the submission by the foreign investor of reports on the progress in fulfilling his obligations;

responsibility of the parties for non-compliance with the terms of the investment agreement, including compensation to the foreign investor for damage caused as a result of unlawful actions (inaction) of government officials, as well as the right to unilateral refusal of the Republic of Uzbekistan to fulfill its obligations under the investment agreement, in case of non-compliance or improper compliance a foreign investor of his obligations;

procedure for making changes;

termination procedure;

order of resolution, place and body for the settlement of disputes between the parties to the investment agreement related to the provisions of the investment agreement.

The investment agreement with the Government of the Republic of Uzbekistan may contain other conditions depending on the specifics of the investment project, including:

mutual obligations of the parties to develop the production and social infrastructure of the territory;

the right of a foreign investor to export from the Republic of Uzbekistan produced as a result of fulfilling the terms of the contract its products and profit (income);

obligations of a foreign investor to hire and train workers from among citizens of the Republic of Uzbekistan, conditions for the use of technologies, as well as for training employees of established organization after the completion of the investment project.

The investment agreement with the Government of the Republic of Uzbekistan prohibits the provision to the foreign investor of exclusive provisions and rights that put him in a dominant position in the market.

Article 43. Initiation of proposals for concluding an investment agreement with the Government of the Republic of Uzbekistan

A foreign investor carries out initiation of a proposal to conclude an investment agreement with the Government of the Republic of Uzbekistan independently or jointly with state and economic management bodies, local executive bodies or business entities.

To conclude an investment agreement with the Government of the Republic of Uzbekistan, a foreign investor, independently or jointly with the relevant project initiators, represents to the authorized state body in the field of state regulation of investments and investment activities or its subordinate organization in the field of attracting foreign investment:

a statement indicating information about the intention to conclude an investment contract and make investments in the investment activity object, as well as on the experience (if any) of implementing investment projects;

draft investment agreement;

the business plan of the project, executed on the basis of a feasibility study (feasibility study), which, in cases established by law, was examined by authorized bodies.

An authorized state body in the field of state regulation of investments and investment activities or its subordinate organization in the field of attracting foreign investment receives the conclusions of state authorities regarding legal expertise of the draft investment agreement, financial and economic evaluation of the investment project, provision of foreign investors and (or) the new enterprise with investments of guarantees and measures additional to those established by legislation (privileges and preferences) for subsequent submission to the Government of the Republic of Uzbekistan.

According to the results of a positive conclusion of the Government of the Republic of Uzbekistan, an investment agreement is concluded in writing between a foreign investor and the Government of the Republic of Uzbekistan represented by an authorized state body in the field of state regulation of investments and investment activity.

A signed investment agreement with the Government of the Republic of Uzbekistan shall enter into force on the date of the decision by the President of the Republic of Uzbekistan or the Government of the Republic of Uzbekistan on its approval, unless otherwise provided by this decision.

Monitoring and control of the implementation of investment agreements with the Government of the Republic of Uzbekistan is carried out by an authorized state body in the field of state regulation of investments and investment activity.

Article 44. Terms of termination of the investment agreement with the Government of the Republic of Uzbekistan

Additional guarantees and support measures (benefits and preferences) within the framework of state support for investments and investment activities are terminated upon expiration of the investment contract with the Government of the Republic of Uzbekistan or may be terminated before the expiration of such a period in the manner established by this article.

The effect of the investment agreement with the Government of the Republic of Uzbekistan may be prematurely terminated:

- by mutual agreement of the parties;
- unilaterally.

If a foreign investor fails to fulfill or improperly fulfills obligations under an investment agreement with the Government of the Republic of Uzbekistan, the authorized state body in the field of state regulation of investments and investment activity sends a written notification to the foreign investor on the need to submit documents justifying the suspension and (or) the possibility of further implementation of the investment project, for possible amending the investment agreement with the Board The Government of the Republic of Uzbekistan.

In the event that within three months from the receipt of a written notification by a foreign investor documents have not been submitted justifying the suspension and (or) the possibility of further implementation of the investment project, the authorized state body in the field of state regulation of investments and investment activity submits to the Government of the Republic of Uzbekistan of early termination of the investment agreement with the Government of the Republic of Uzbekistan and after receiving an opinion The Government of the Republic of Uzbekistan sends a written notice to the foreign investor on the early termination of the investment agreement with the Government of the Republic of Uzbekistan unilaterally.

In case of termination of the investment agreement with the Government of the Republic of Uzbekistan, the foreign investor pays the amount of taxes and payments not paid to the budget due to the additional guarantees and support measures (benefits and preferences) provided under the investment agreement with the Government of the Republic of Uzbekistan within the framework of state support for investments and investment activity.

In case of early termination of the investment agreement with the Government of the Republic of Uzbekistan at the initiative of a foreign investor who has entered into an investment agreement with the Government of the Republic of Uzbekistan, the said foreign investor unilaterally pays taxes and payments not paid to the budget due to additional guarantees provided under the investment agreement with the Government of the Republic of Uzbekistan and support

measures (benefits and preferences) in the framework of state support for investments and investment activity.

In case of early termination of the investment agreement with the Government of the Republic of Uzbekistan by agreement of the parties, the fulfillment of further obligations is determined by their mutual agreement.

Article 45. Obligations of the state on foreign investment

The state is liable only for obligations undertaken in the relevant agreements with foreign investors, signed by persons whose authority has been confirmed in the manner prescribed by law.

The state is not liable for the obligations of residents of the Republic of Uzbekistan attracting foreign investment, unless these obligations are guaranteed by the state.

The establishment of additional requirements and restrictions related to the activities of foreign investors and enterprises with foreign investments by government bodies, local government bodies, law enforcement and regulatory bodies, banks, is prohibited.

Chapter 9. Legal regime of foreign investment

Article 46. Legal regime for foreign investors and their investments in the territory of the Republic of Uzbekistan

Foreign investors and foreign investments are provided with a fair and equal treatment, their full and constant protection and safety. Such a regime cannot be less favorable than the regime defined in international treaties of the Republic of Uzbekistan.

The legal regime for foreign investment cannot be less favorable than the corresponding regime for investments made by legal entities and individuals of the Republic of Uzbekistan.

The legislation of the Republic of Uzbekistan may contain, in accordance with international treaties of the Republic of Uzbekistan, generally recognized principles and norms of international law, restrictions or a ban on foreign investment in certain areas of the economy and the protection of public health, flora and fauna, the environment, as well as ensuring the protection of national security interests of the Republic of Uzbekistan.

The restoration of the violated rights and interests of foreign investors guaranteed by the laws of the Republic of Uzbekistan is regulated by law and international treaties of the Republic of Uzbekistan.

Article 47. Rights of foreign investors

Along with the rights provided for in Article 10 of this Law, a foreign investor has the right to independently decide on patenting abroad his inventions, utility models and industrial designs obtained as a result of investment activity in the Republic of Uzbekistan.

Foreign investors — citizens of foreign countries, including founders (participants) of enterprises with foreign investments who have made investments in organizing enterprises for the production of goods and services in the Republic of Uzbekistan, are issued a residence permit in the simplified procedure under the conditions provided for by decisions of the President of the Republic of Uzbekistan.

Foreign investors — founders (participants) of enterprises with foreign investments having the right to receive an “investment visa”, and their family members (spouse, parents and children) receive a guest visa for the duration of the “investment visa” on the conditions provided for by decisions of the President of the Republic of Uzbekistan, with the possibility of extending its term without leaving the Republic of Uzbekistan.

The Ministry of Foreign Affairs of the Republic of Uzbekistan issues foreign investors located outside the Republic of Uzbekistan a visa of the type “investment visa”, and those located in the Republic of Uzbekistan by the Ministry of Internal Affairs of the Republic of Uzbekistan.

The procedure for issuing foreign investors a visa of the type “investment visa” and a residence permit in the Republic of Uzbekistan is established by the Cabinet of Ministers of the Republic of Uzbekistan.

Foreign investors holding a residence permit in the Republic of Uzbekistan or an “investment visa”, as well as members of their families (spouse, parents and children) have the right:

- employment in the territory of the Republic of Uzbekistan;
- use medical and educational services on an equal footing provided for citizens of the Republic of Uzbekistan;
- secondary and higher education in educational institutions of the Republic of Uzbekistan.

Article 48. Attraction of foreign workers

Investors and enterprises with foreign investments with the aim of carrying out investment activity have the right to freely conclude labor contracts with citizens of any foreign state and stateless persons permanently residing outside the Republic of Uzbekistan. Such persons have the right to enter and remain on the territory of the Republic of Uzbekistan for the entire period of the employment contract with the receipt of the corresponding multiple-entry visas.

Issues of remuneration of labor, the provision of holidays, and the provision of pensions to foreign workers should be addressed in labor contracts with each of them. They can transfer the wages of these employees and other income obtained by legal means to other states without any restrictions after payment of tax and payment established by law.

An investor, a company with foreign investments can transfer pension payments for a foreign employee to the appropriate funds in the country of his permanent residence.

Article 49. Freedom of Movement

Foreign investors, their representatives and workers who are in the Republic of Uzbekistan in connection with investment activity, are entitled to free movement throughout the territory of the Republic of Uzbekistan.

Certain restrictions can be applied solely to ensure the national security of the Republic of Uzbekistan, if law determines such restrictions on free movement.

Article 50. Investments Insurance

Investors enjoy the right to insurance coverage in any insurance company legally operating in the Republic of Uzbekistan. International organizations, foreign agencies, and other insurance companies can also provide investment insurance against political and other risks.

Insurance organizations providing investment insurance are not liable for the obligations of the Republic of Uzbekistan. The state is not liable for the obligations of insurance organizations, except as otherwise provided in the agreement of the parties.

Investments insurance provides insurance coverage and guarantees against political and other risks, including:

- requisition (expropriation) of property, as well as any legislative or administrative measures leading to the seizure of property or alienation from it, loss of control over it or income derived from it;
- introduction of restrictions on the transfer of foreign currency outside the country;
- interference of government bodies, local government bodies and their officials in the contractual relations of investors;
- wars, civil unrest or other similar events;
- other types of political and other risks associated with investors and foreign investments.

Chapter 10. Enterprises with foreign investments

Article 51. Activities of enterprises with foreign investments

Foreign investors can create enterprises with foreign investments in the territory of the Republic of Uzbekistan and use all the rights, guarantees and benefits provided to them by the legislation and international treaties of the Republic of Uzbekistan.

Enterprises with foreign investments have the right:

open, use and manage accounts in any currency, in any bank on the territory of the Republic of Uzbekistan, as well as abroad;
receive and repay loans in foreign currency.

Article 52. Subsidiaries, branches, representative offices and other separate subdivisions of enterprises with foreign investments

An enterprise with foreign investments may create subsidiaries, branches with the rights of a legal entity in the Republic of Uzbekistan, as well as representative offices and other separate divisions that are not legal entities.

Article 53. Business Associations of Enterprises with Foreign Investments

Enterprises with foreign investments may voluntarily create associations and other business associations in the Republic of Uzbekistan, as well as be members of existing business associations as a full member.

Article 54. Economic Activities of Foreign Investors

The economic activities of foreign investors, including the creation, sale, reorganization or liquidation of enterprises with foreign investments, their subsidiaries, branches and other structures, as well as business associations and associations, the formation of funds of enterprises with foreign investments, the conclusion of leases and other agreements, regulated by legislation and international treaties of the Republic of Uzbekistan.

Enterprises with foreign investments pay taxes and fees.

All expenses of enterprises with foreign investment in foreign currency should be provided at the expense of their own foreign exchange earnings, as well as other sources of foreign exchange permitted by law. Their currency self-sufficiency can also be ensured in the framework of the activities of created associations and other organizational structures.

Enterprises with foreign investments independently carry out export-import operations in compliance with legal requirements. Export of products of own production is not subject to licensing and quotas.

Enterprises with foreign investments have the right to import products without a license for their own production needs in accordance with the legislation of the Republic of Uzbekistan. The procedure for determining own-produced products exported and products imported by enterprises for their own needs is established by the Cabinet of Ministers of the Republic of Uzbekistan.

Property imported into the Republic of Uzbekistan by enterprises with foreign investments for their own production needs is exempted from customs duty for two years from the moment of their state registration in the manner established by the legislation of the Republic of Uzbekistan. Property imported for personal needs of foreign investors, citizens of foreign states and stateless persons permanently residing outside the Republic of Uzbekistan, located in the Republic of Uzbekistan in accordance with labor contracts concluded with foreign investors, is not subject to customs duty.

Patenting of inventions and the introduction of industrial designs owned by foreign investors who invest them as investments and enterprises with foreign investments are carried out in the manner prescribed by legislation.

Enterprises with foreign investments independently establish the list, the procedure for the formation and use of the funds of the enterprise.

Enterprises with foreign investments are entitled to long-term leases of non-agricultural land for up to fifty years, but not less than the period specified in the application, for the implementation of investment projects.

Enterprises with foreign investments can acquire land in cases and on conditions stipulated by legislation.

Upon the transfer of ownership of buildings and structures, along with these objects, the right to use land plots shall be transferred in the manner and on the conditions established by legislation.

The lessor based on relevant agreements carries out rental property to foreign investors.

The Labor Code of the Republic of Uzbekistan regulates labor relations of employees of enterprises with foreign investments.

Legislation regulates pension provision for employees of enterprises with foreign investments.

Article 55. Securing Obligations

The property and property rights of an enterprise with foreign investments can be used by it as security for all types of its obligations, including borrowing. As security for obligations, his property right to trade objects and service sectors, as well as residential premises with the land plots on which they are located, property rights to buildings, constructions, equipment, as well as other property rights, may act.

He can use all property and property rights owned by a foreign investor as property, regardless of their location, as security for his obligations.

Article 56. Reorganization or liquidation of an enterprise with foreign investment

An enterprise with foreign investment may be reorganized or liquidated in the manner prescribed by legislation.

An enterprise with foreign investment that has not formed its authorized capital (authorized capital) within the prescribed period in the amounts provided for by the constituent documents may reduce it to the minimum size actually established, but no less than established by law, or be transformed into another legal form.

The assets of an enterprise with foreign investments during its liquidation are taxable. The remaining part is distributed among the participants of the enterprise with foreign investments in proportion to their share in the property of the enterprise, unless otherwise provided by the constituent documents.

A foreign investor in the event of withdrawal from the enterprise with foreign investments or liquidation of this enterprise receives the right to return its share in the property of the enterprise in cash or in kind in accordance with the market value.

Upon the reorganization or liquidation of an enterprise with foreign investment, employees whose employment contracts have been terminated guarantee their rights and interests are respected.

Chapter 11. Investment activity outside the Republic of Uzbekistan

Article 57. Investment activity of legal entities and individuals outside the Republic of Uzbekistan

Individuals and legal entities — residents of the Republic of Uzbekistan have the right to carry out investment activity outside the Republic of Uzbekistan.

The direction of investments into the territory of foreign countries is regulated in accordance with this Law, the legislation of the state in whose territory the investment activity is carried out, as well as international treaties of the Republic of Uzbekistan.

Article 58. Investment activity outside the Republic of Uzbekistan

State bodies of the Republic of Uzbekistan have the right to carry out investment activities outside the Republic of Uzbekistan. The investment of property of the Republic of Uzbekistan in the authorized capital (authorized capital) of legal entities on the territory of foreign states is carried out with the consent of the owner or state bodies authorized by him.

Article 59. Forms of investment activity when directing investments outside the Republic of Uzbekistan

Investment activity of individuals and legal entities — residents of the Republic of Uzbekistan outside the Republic of Uzbekistan can be carried out in the following forms:

creating of legal entities with the participation of investments of individuals and legal entities — residents of the Republic of Uzbekistan, as well as subsidiaries, branches, representative offices and other separate divisions in compliance with the requirements of the legislation of a foreign state;

acquisition of property or property rights;

in any other forms that do not contradict the legislation of foreign states and the relevant international treaties of the Republic of Uzbekistan.

Chapter 12. Final Provisions

Article 60. Restriction, suspension or termination of investment activities

The restriction, suspension or termination of investment activity may be carried out by decision of the investor, by decision of an authorized state body or by decision of a court.

A decision to limit, suspend or terminate investment activity may be made in the following cases:

declaring or declaring an investor bankrupt in the manner prescribed by the Law;

emergencies, epidemics and other real threats to the life and health of the population;

failure to fulfill and (or) gross violation of obligations established in the investment agreement, including that concluded with the Government of the Republic of Uzbekistan;

identifying during investment activity circumstances that may lead to a violation of the sanitary-hygienic, radiation, environmental, architectural, urban planning and other requirements established by law, the rights and interests of legal entities and individuals protected by law.

Restriction, suspension (with the exception of cases of limitation, suspension of investment activity for a period of not more than ten working days in connection with the prevention of emergencies, epidemics and other real threats to the life and health of the population) or the termination of investment activity, entailing the suspension or termination of the entity entrepreneurship is carried out in a judicial proceeding.

Article 61. Appealing against decisions of state bodies, actions (inaction) of their officials

Decisions of state bodies, actions (inaction) of their officials that violate or limit the rights, freedom and legitimate interests of subjects of investment activity, may be appealed to a higher authority or court.

Article 62. Compensation for losses incurred by subjects of investment activity

Law determines compensation for losses incurred by the subject of investment activity in connection with the restriction, suspension or termination of investment activity.

In the event decisions are made by state or local government bodies that infringe upon the rights of investment entities, as well as in cases of unlawful interference with the economic activities of investment entities, the losses incurred are compensated in accordance with the law.

Losses incurred by the subjects of investment activity as a result of an illegal administrative act of a state body (official) are compensated or compensated by the state on the basis of a court decision, primarily at the expense of extra budgetary funds of the relevant authorities, followed by recovery from the guilty person on a recourse basis.

Article 63. Settlement of Disputes

A dispute related to foreign investment and arising from the investment activity of a foreign investor (investment dispute) in the Republic of Uzbekistan is resolved through

negotiations. If the parties to the investment dispute are unable to reach an agreed settlement of the dispute through negotiations, such a dispute should be resolved through mediation.

An investment dispute that is not settled through negotiations and mediation must be resolved by the appropriate court of the Republic of Uzbekistan.

If it is not possible to resolve investment disputes in the manner prescribed by parts one and two of this article, such a dispute may be resolved through international arbitration, if an international agreement of the Republic of Uzbekistan and / or an agreement concluded between the investor and the Republic of Uzbekistan provide for an appropriate and valid arbitration clause.

The consent of the Republic of Uzbekistan to arbitration resolution of an investment dispute can only be written consent within the framework of signed and current international treaties of the Republic of Uzbekistan and (or) the agreement concluded between the investor and the Republic of Uzbekistan at the time of appeal to international arbitration.

Article 64. Application of the provisions of this Law to previously made investments

This Law applies to existing investments previously made in the Republic of Uzbekistan before the entry into force of this Law, only in terms of the most favorable conditions for the investor.

Article 65. Responsibility for violation of legislation on investments and investment activities

Persons guilty of violation of the legislation on investments and investment activity are liable in the prescribed manner.

Article 66. Recognition as invalid of some legislative acts of the Republic of Uzbekistan

Recognize as invalid:

1) The Law of the Republic of Uzbekistan dated April 30, 1998 No. 609-I “On Foreign Investments” (Statement of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Article 91);

2) The Law of the Republic of Uzbekistan dated April 30, 1998 No. 611-I “On guarantees and measures to protect the rights of foreign investors” (Statement of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Article 93);

3) The Law of the Republic of Uzbekistan dated December 24, 1998 No. 719-I “On Investment Activities” (As amended by act of the Law of the Republic of Uzbekistan dated December 9, 2014 № LRU -380) (Statement of the Oliy Majlis of the Republic of Uzbekistan, 2014, No. 12, Article 342);

4) Section XXIII of the Law of the Republic of Uzbekistan dated August 20, 1999 No. 832-I “On Amending and Adding to Some Legislative Acts of the Republic of Uzbekistan” (Statement of the Oliy Majlis of the Republic of Uzbekistan, 1999, No. 9, Article 229);

5) Sections XXII and XXIV of the Law of the Republic of Uzbekistan dated December 12, 2003 No. 568-II “On Amendments and Additions to Some Legislative Acts of the Republic of Uzbekistan” (Statement of the Oliy Majlis of the Republic of Uzbekistan, 2004, No. 1-2, Article 18);

6) The Law of the Republic of Uzbekistan dated September 16, 2005 LRU № -6 “On Amendments and Additions to the Tax Code of the Republic of Uzbekistan and the Law of the Republic of Uzbekistan “On Guarantees and Measures to Protect the Rights of Foreign Investors” (Statement of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2005, No. 9, Article 310);

7) Articles 23, 24 and 27 of the Law of the Republic of Uzbekistan dated December 31, 2008 LRU № -197 “On Amendments and Additions to Some Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of Tax Legislation” (Statement of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2008, No. 12, Article 640);

8) Article 3 of the Law of the Republic of Uzbekistan dated December 25, 2012 LRU № -343 “On Amendments and Additions to Some Legislative Acts of the Republic of Uzbekistan in connection with the adoption of the main directions of tax and budget policy for 2013, as well as reducing the frequency of tax reporting” (Statement of the Oliy Majlis of the Republic of Uzbekistan, 2012, No. 12, Article 334);

9) Articles 16 and 17 of the Law of the Republic of Uzbekistan dated January 20, 2014 LRU № -365 “On Amendments and Additions to Some Legislative Acts of the Republic of Uzbekistan” (Statement of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2014, No. 1, Article 2);

10) Article 7 of the Law of the Republic of Uzbekistan dated April 18, 2017 LRU № -429 “On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan” (Statement of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2017, No. 4, Article 137);

11) Article 40 of the Law of the Republic of Uzbekistan dated September 14, 2017 LRU № -446 “On Amendments and Additions, as well as Recognizing Certain Legislative Acts of the Republic of Uzbekistan” as Void (Statement Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2017, No. 9, Art. 510);

12) Article 2 of the Law of the Republic of Uzbekistan dated July 26, 2018 LRU № -488 “On Amendments and Additions to Some Legislative Acts of the Republic of Uzbekistan in Connection with Taking Additional Measures to Ensure Accelerated Economic Development” (Statement of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2018. No. 7, Article 433).

Article 67. Ensuring the execution, communication, clarification of the essence and significance of this Law

The Ministry of Investments and Foreign Trade of the Republic of Uzbekistan, the Ministry of Justice of the Republic of Uzbekistan and other interested organizations shall ensure execution, communication to performers and clarification among the population, especially among subjects of investment activity, the essence and significance of this Law.

Article 68. Bringing legislation into line with this Law

The Cabinet of Ministers of the Republic of Uzbekistan:

bring government decisions in line with this Law;

to ensure the review and cancellation by government bodies of their normative legal acts that contradict this Law.

Article 69. Entry into Force of this Law

This Law shall enter into force one month after the date of its official publication.

President of the Republic of Uzbekistan SH. MIRZIYOYEV

Tashkent city,
December 25, 2019,
No. LRU-598

5. PPP 에 관한 법률 제 ZRU-537 호 (제정 2019. 5. 10)

**LAW OF THE REPUBLIC OF UZBEKISTAN
ON PUBLIC-PRIVATE PARTNERSHIP**

Adopted by the Legislative Chamber on 26 April 2019
Approved by the Senate on 3 May 2019

Chapter 1. General provisions

Article 1. The purpose and scope of this Law

The purpose of this Law is to regulate relations in the field of public-private partnerships, including concessions.

This Law does not apply to production sharing agreements and public procurement.

The implementation of concession projects, as well as the conclusion of concession agreements are carried out in the manner prescribed by this Law for public-private partnership projects.

Article 2. Legislation on public private partnership

Legislation on public private partnership consists of this Law and other legislative acts.

If under an international agreement the Republic of Uzbekistan establishes other rules than those stipulated by the legislation of the Republic of Uzbekistan on public private partnership, the rules of the international agreement shall apply.

Article 3. Main definitions

The following main definitions are used in this Law:

public private partnership — a legally arranged cooperation for a definite period of time between a public partner and a private partner, founded on pooling of their resources for implementation of public-private partnership project;

public private partnership project — combination of activities, implemented based on attraction of private investments and (or) introduction of best management practices, addressing economic, social and infrastructural issues;

concept of public-private partnership project — prepared by a public partner and (or) private initiator, which justifies the choice to implement the public-private partnership project, determines the cost of the project, source and profitability of the project, efficiency and relevance of its implementation a document containing the grounds;

object of public-private partnership — property, property complexes, public infrastructure, design, construction, creation, supply, financing, reconstruction, modernization, operation and maintenance of which are carried out as part of a public-private partnership project, land plots, as well as works (services) and innovations to be introduced during the implementation of the public-private partnership project;

availability payment for object of public private partnership — payments by the public partner to the private partner, effected in accordance with the public private partnership agreement during the period of use (operation) and (or) maintenance of the object of public private partnership for ensuring its availability;

public partner — the Republic of Uzbekistan and (or) government bodies, local executive authorities, as well as other legal entities or their associations authorized by the Cabinet of Ministers of the Republic of Uzbekistan;

concession — one of the forms of public-private partnership, in which the state provides the private partner with property and land plots with the issuance of a permit to carry out a certain type of economic activity provided for by the concession agreement;

special project company — a legal entity created by the winner of the tender, reserve winner, private initiator or participant in direct negotiations solely for the implementation of a

public-private partnership project and registered in accordance with the legislation of the Republic of Uzbekistan;

applicant — an individual entrepreneur, legal entity or association of legal entities interested in implementing a public-private partnership project and participating in a tender, registered in accordance with the legislation of the Republic of Uzbekistan or a foreign state;

payment for use — payments, collected by the private partner in accordance with the public-private partnership agreement in the framework of implementation of the public-private partnership project from consumers of goods (works, services);

private partner — an individual entrepreneur, a legal entity or an association of legal entities registered in accordance with the legislation of the Republic of Uzbekistan or a foreign state, who have entered into an agreement on public-private partnership with the public partner.

Article 4. Fundamental principles of public-private partnership

Fundamental principles of public-private partnership include:

equality of public partner and private partner before the law;

transparency of rules and procedures for public-private partnership implementation;

competitiveness and neutrality when selecting a private partner;

inadmissibility of discrimination;

inadmissibility of corruption.

Article 5. Principle of a public partner and a private partner equality before the law

Public partner and private partner are equal parties.

Article 6. Principle of rules and procedures transparency in implementation of public-private partnership

Rules and procedures of public-private partnership must be open, transparent and understandable by relevant parties.

The public partner must provide unrestricted access to information about public-private partnership rules and procedures, established by the legislation on public private partnership.

Article 7. Principle of competitiveness and neutrality when selecting a private partner

Competitiveness and neutrality when selecting a private partner is ensured by using competitive bidding, fairness and transparency mechanisms when applying public-private partnership rules and procedures and when taking a decision in favor of the optimal option, based on objective and justified criteria.

Article 8. Inadmissibility of discrimination principle

Inadmissibility of discrimination is guaranteed by ensuring:

equal rights to participants of tender procedures;

objectivity when selecting a private partner;

openness when selecting a private partner.

Private initiators, applicants, private partners, including foreign ones are guaranteed equal rights, provided by the legislation of the Republic of Uzbekistan, legal regime of activity, which eliminates application of measures of discriminatory nature.

Article 9. Inadmissibility of corruption principle

Requirements imposed on the rules and procedures of public private partnership must prevent corruption offenses and bring measures to prevent corruption and corruption factors.

Chapter 2. State regulation in the area of public-private partnership

Article 10. Main goals of government policy in the area of public-private partnership

Main goals of government policy in the area of public-private partnership include:

- stimulation of economic growth and ensuring sustainable development of the Republic of Uzbekistan;
- development, approval and implementation of national programs in the area of public private partnership;
- facilitation in formation, rehabilitation, operation, maintenance of existing public infrastructure;
- improvement of public infrastructure operation and maintenance quality;
- improvement of state services quality and access to them;
- creation of conditions, ensuring attraction of financing form the private sector, including foreign investments;
- state support in scientific research, introduction of modern practices and technologies for development and improvement of institutional and legal framework of public-private partnership.

Article 11. Powers of the Cabinet of Ministers of the Republic of Uzbekistan in the area of public private partnership

The Cabinet of Ministers of the Republic of Uzbekistan:

- ensures implementation of single state policy in the area of public private partnership;
- in cases of uncertainty with the appointment of a public partner for public-private partnership projects, on the proposal of the authorized body in the field of public-private partnership, determines the public partner by the minutes of the meeting of the Cabinet of Ministers of the Republic of Uzbekistan;
- adopts regulatory legal acts in the area of public private partnership;
- approves the concept of public private partnership project with total value exceeding the equivalent of ten million USD;
- establishes the procedure for maintenance of public-private partnership projects register.
- sets the amount of a one-time payment collected from the winner of the tender or the participant in direct negotiations for the successful execution of the agreement on public-private partnership.

Article 12. Authorized government body in the area of public-private partnership

Authorized government body in the area of public-private partnership is the Agency for development of public-private partnership under the Ministry of Finance of the Republic of Uzbekistan (hereinafter — the authorized government body).

Authorized government body:

- implements state policy in the area of public-private partnership;
- participates in development and implementation of state programs in the area of public-private partnership;
- ensures interdepartmental coordination during preparation and implementation of public private partnership projects;
- supports ministries, state committees, departments, local authorities in implementation of state programs in the area of public-private partnership, as well as in the development of concepts for public-private partnership projects;
- organizes interaction with investors, international financial and donor organizations, scientific and expert community, as well as other participants of public-private partnership;
- prepares methodological documents, guidelines and instructions in the area of public private partnership;
- considers and provides comments on technical and economic parameters of public private partnership projects;
- develops draft model agreements on public private partnership;
- maintains the register of public-private partnership projects;
- provides assistance in preparation and implementation of public-private partnership projects;

approves, rejects or returns for improvement of the concept of public-private partnership project with total value exceeding the equivalent of ten million USD;

submits the concept of public-private partnership project with total value exceeding the equivalent of ten million USD to the Cabinet of Ministers of the Republic of Uzbekistan for approval;

approves tender documents for public-private partnership projects and draft public-private partnership agreements with a total value equivalent to over one million USD;

organizes training, retraining, advanced training of human resources in the area of public-private partnership;

provides explanations on issues concerning public-private partnership;

monitors implementation progress of public-private partnership projects;

engages consultants for preparing public-private partnership projects.

negotiates with international financial institutions, international and local consulting and design organizations on the provision of consulting and audit services in the framework of the implementation of public-private partnership projects, and also concludes contracts in accordance with the established procedure;

concludes an agreement on the collection of a one-time payment from the winner of the tender or a participant in direct negotiations for the successful execution of an agreement on public-private partnership in the amount established by the Cabinet of Ministers of the Republic of Uzbekistan.

Article 12¹. Powers of local executive authorities in the field of public-private partnership

Local executive authorities:

determine the objects at their disposal, in respect of which an agreement on public-private partnership can be concluded;

study and determine, taking into account the needs and potential of the relevant territory, promising projects, land plots that are supposed to be implemented on the basis of an agreement on public-private partnership;

identify factors that impede the timely and effective implementation of public-private partnership projects in the relevant territory, take measures to eliminate them;

allocate land plots without an auction for a period specified in the public-private partnership agreement in order to implement public-private partnership projects.

Chapter 3. Parties to public-private partnership agreements, their rights and responsibilities

Article 13. Parties to public-private partnership agreement

Parties to public-private partnership agreement are the public partner and the private partner.

Legal entities or associations of legal entities authorized by the public partner can act on the part of the public partner, assuming the obligations of the public partner in accordance with the public-private partnership agreement. At the same time, the public partner bears full responsibility for the fulfillment of obligations under the public-private partnership agreement.

The private partner may delegate its rights and obligations under the public-private partnership agreement to one or several organizations. In such cases, the private partner shall be fully responsible for fulfillment of obligations under the public-private partnership agreement.

Article 14. Rights and obligations of the parties to public private partnership

The public partner has the right to:

request and receive progress report from the private partner concerning fulfillment of terms and conditions under the public-private partnership agreement;

control fulfillment of terms and conditions under the public-private partnership agreement and assess public-private partnership project implementation results;

demand elimination of violations, identified during monitoring activities for compliance with the law and terms under the public-private partnership agreement;

claim compensation for losses under a public-private partnership project that arose through the fault of a private partner under a public-private partnership agreement;

engage consultants to prepare public-private partnership projects.

The public partner shall:

comply with the requirements of the public-private partnership law and the agreement;

provide tender documentation to tender participants, clarify the provisions of the tender documentation to them;

provide necessary conditions to tender participants for inspection of the location and facility, where it is planned to implement the public-private partnership project;

provide property, intended for implementation of activities to the private partner under the right of ownership and (or) use;

support private partner in receiving licenses and permits, necessary for implementation of the public-private partnership agreement;

submit copies of concluded public-private partnership agreements by it to authorized government body, including appendixes, amendments or supplements thereto, within twenty calendar days as from public-private partnership agreement or a corresponding amendment or supplement signature date;

not restrict the private partner in freely administering and managing its investments and income, or managing and controlling assets and activities without restricting his rights, set forth in the public-private partnership agreement;

refrain from interfering into the activities, carried out by the private partner or third parties, engaged by the private partner;

bear responsibility as provided for in the legislation and public-private partnership agreement.

The private partner has the right to:

receive the required and available information for implementation of the public-private partnership project from the public partner;

submit proposals on amendment of the terms and conditions under the public private partnership agreement;

claim compensation for losses under a public-private partnership project that have arisen through the fault of the public partner under the public-private partnership agreement.

Private partner must:

comply with the requirements of the legislation and public-private partnership agreement;

bear responsibility as provided for in the legislation and public-private partnership agreement.

Private partner does not have the right to transfer the right to use the land plot provided to him under public private partnership terms, to other legal entities and individuals, except for the cases provided for in Article 35 of this Law.

Chapter 4. Initiation and preparation of the public-private partnership project

Article 15. Initiation of the public-private partnership project

The public private partnership project may be initiated by a government body (organization) (hereinafter - the state initiator) and (or) by a private entrepreneur or legal entity (hereinafter - the private initiator).

Initiation of the public-private partnership project consists of:

development of the concept of public-private partnership project;

submission of the concept of public-private partnership project for assessment, coordination and approval to the appropriate government body;

consideration of the concept of public-private partnership project by the authorized government body;

approval, rejection or returning for improvement of the concept of public private partnership project by authorized government body;

approval of the agreed concept of public-private partnership project by the public partner or the Cabinet of Ministers of the Republic of Uzbekistan;

inclusion of the concept of public-private partnership project into the registry of public-private partnership projects by the authorized government body.

Article 16. Preparation of the public-private partnership project by public initiator

Public initiator develops the public-private partnership project, as a rule, in line with priority economic and social sectors, within its area of competence.

Preparation of public-private partnership project is carried out based on preliminary financial estimates, ensuring assessment of rationality and efficiency of public-private partnership project and optimal form of its implementation, particularly in line with:

- financial and economic efficiency indicators of the public-private partnership project;
- structure and parameters of designed, established, financed, reconstructed, operated or maintained object of public private partnership by the private partner in accordance with the public-private partnership agreement;
- expected scope of investments by the private partner and envisaged scope of financing from the budgets of the budgetary system of the Republic of Uzbekistan;
- obligations of the public partner and the private partner;
- types of state support provided to the private partner;
- time periods for holding negotiations;
- conditions of access to goods (work, services), provided using the object of public-private partnership.

Preparation of the public-private partnership project must be accompanied by public discussions in order to take into account the interests of the population, consumers, users of goods (works, services).

Article 17. Preparation of the public private partnership project by a private initiator

Private initiator has the right to develop and submit the concept of public-private partnership project to a potential public partner. The concept of public private partnership project must contain an innovative approach to solving existing problems and provide a balanced benefit acceptable to the parties.

Prior to submission of the concept of public-private partnership project, private initiator may hold preliminary discussions, as well as exchange information about public-private partnership with the potential public partner.

If a private initiator passes prequalification in accordance with Article 23 of this Law, a potential public partner who has received the concept of a public-private partnership project, within thirty calendar days, makes a decision on the approval or refusal to implement it.

In case of acceptance of the concept of public-private partnership project submitted by the private initiator with total value exceeding the equivalent of one million USD, the potential public partner submits this concept for agreement to the authorized government body.

Reasons for refusing implementation of public-private partnership project can be the following:

- non-compliance of the private initiator with the requirements established by this Law;
- absence of the right at the disposal of potential public partner to exercise economic jurisdiction or operational management over the object of public-private partnership;
- absence of necessity for engineering, construction, establishment, financing, reconstruction, operation and maintenance of the object of public private partnership;
- absence of economic feasibility and (or) public demand in implementation of the project.

In case of approval of the concept of a public-private partnership project, a potential public partner within five calendar days publishes on its official website, on the official website of

the authorized state body and other specialized websites, the concept of the public-private partnership project and an offer to other applicants to declare on their interest in the implementation of a public-private partnership project, as well as a request for the provision of a package of pre-qualification documents in accordance with Article 23 of this Law.

If within forty-five calendar days, starting from the publication date of public-private partnership project concept, no sole entrepreneur or legal entity declares its interest to the potential public partner on implementation of the public-private partnership project, the potential public partner takes a decision on implementation of the public-private partnership project with a private initiator and proceeds to conduct direct negotiations with a private initiator, coordinates a draft public-private partnership agreement with an authorized state body and concludes a public-private partnership agreement with a private initiator or a special project company without a tender within sixty days from the date of approval the authorized state body of the draft agreement on public-private partnership.

If any private entrepreneur or a legal entity has declared its interest in implementation of the public-private partnership project, then the selection of private partner for implementation of the public private partnership project shall be made through tendering processes.

At the same time, regardless of the cost of the public-private partnership project, a one-stage tender is held, and without re-posting the tender announcement in the media and on the official websites of the public partner and the authorized state body for applicants who meet the tender criteria provided for in Article 23 of this Law, a package with tender documents is submitted by the state partner within thirty days. The deadline for the submission of bids by bidders is indicated in the request for tender proposals, and it must not be less than forty-five days from the date of sending this request to bidders. The tender commission determines the winner of the tender and the reserve winner of the tender by evaluating their bids.

In the event that none of the interested bidders submits qualification documents upon the request for the provision of a package of prequalification documents within the prescribed period (except for the private initiator), the tender cannot be repeated, and the potential public partner begins direct negotiations with the private initiator.

If the private initiator does not become the winner of the tender, the actual costs associated with the preparation of the public-private partnership project are covered by the private initiator at the expense of the winner or the reserve winner of the tender in an amount not exceeding one percent of the total cost of the public-private partnership project.

Article 18. Approval of the concept of a public-private partnership project, making amendments and (or) additions to it

Approval of the concept of a public-private partnership project with a total cost equivalent of up to one million USD, inclusive, amendments and (or) additions to it are carried out by the relevant state body (organization) independently.

Approval of the concept of a public-private partnership project with a total cost equivalent of over one million dollars and up to ten million USD inclusive, amendments and (or) additions to it are carried out by the relevant state body (organization) in agreement with the authorized state body.

Approval of the concept of a public-private partnership project with a total cost equivalent to over ten million USD, amendments and (or) additions to it are carried out by the Cabinet of Ministers of the Republic of Uzbekistan.

After the concept of the public-private partnership project has been approved, the public partner proceeds to the next stages of the public-private partnership project.

The concept of a public-private partnership project may be amended and (or) supplemented in the prescribed manner at the suggestion of a private initiator, a participant in direct negotiations, a public partner, an authorized government body or the Cabinet of Ministers of the Republic of Uzbekistan.

Article 19. Registry of public private partnership projects

Registry of public private partnership projects is a unified information system, containing data and information about public-private partnership projects under implementation.

Registry of public-private partnership Projects is a publicly available information resource published on the Internet.

Registry of public private partnership projects is maintained by the authorized government body.

The procedure for maintenance of the registry of public private partnership projects is established by the Cabinet of Ministers of the Republic of Uzbekistan.

Article 20. Information on public-private partnership projects

The following information on public-private partnership projects is posted on the official websites of the public partner and the authorized government body, except for cases related to state secrets:

- the names of the parties to the project;
- direction of the project;
- location of the project;
- the term of the project;
- tariffs for goods (works, services) sold to consumers (if any);
- The total cost of the project; volume and types of state support (if any).

Chapter 5. Selection of a private partner

Article 21. Tender for the right to conclude public-private partnership agreement

The public partner enters into a public-private partnership agreement with a private partner, determined by the results of a tender or direct negotiations.

Tenders can be one-stage or two-stage.

A one-stage tender is being held for a public-private partnership project in the equivalent of up to one million USD.

When conducting a one-stage tender, detailed technical and commercial (financial) proposals of the tenderers, developed on the basis of the conceptual solution and conditions specified in the tender documents, are considered and evaluated. In the process of organizing a tender, it is allowed to conduct negotiations with bidders on the parameters of the subject of the tender.

The one-stage tender procedure includes:

- publication of a tender announcement in the media and on the official websites of the state partner and the authorized state body;
- receiving bids from applicants for participation in the tender;
- submitting a request for submission of preliminary qualification documents and a package of tender documents to applicants who have declared their desire to take part in the tender;
- opening of envelopes with tender proposals of applicants;
- evaluation of bids;
- determination of the winner and the reserve winner of the tender;
- negotiations with the winner of the tender or a special project company;
- conclusion of a public-private partnership agreement with the winner of the tender.

Deadline for submitting bids for participation in the tender cannot be less than thirty calendar days from the date of publication of the announcement of the tender.

A two-stage tender is held for a public-private partnership project with a total cost equivalent to over one million USD, except for the cases provided for in Article 17 of this Law.

The two-stage tender includes the stages of pre-qualification and selection of the winner of the tender.

Two-stage tender is conducted in the following order:

on the first stage, the qualification documents of the applicants are considered and their compliance with the qualification criteria specified in the tender documents is assessed. It is allowed to conduct negotiations with bidders on the parameters of the subject of the tender;

on the second stage, the submitted technical and commercial (financial) proposals are considered and evaluated, taking into account the specified parameters of the subject of the tender, with the obligatory indication of the price (tariff).

The two-stage tender procedure includes:

publication of a tender announcement and a request for submission of prequalification documents in the media and on the official websites of the public partner and the authorized government body;

collection and evaluation of preliminary qualification applications confirming the qualifications of applicants;

formation of a list of prequalified applicants;

sending by the public partner of a package of tender documents to prequalified applicants;

submission of bids by prequalified bidders;

opening of envelopes with tender proposals of prequalified bidders;

evaluation of bids;

determination of the winner and the reserve winner of the tender;

negotiations with the winner of the tender;

conclusion of a public-private partnership agreement with the winner of the tender or a special project company.

Deadline for collecting prequalification bids for participation in prequalification cannot be less than thirty calendar days from the date of publication of the tender announcement.

As a result of prequalification, at least two applicants must meet the qualification requirements.

At the stage of selecting the winner of the tender, the public partner sends to the prequalified applicants a request for tender proposals and a draft public-private partnership agreement.

Deadline for the submission of bids is indicated in the request for submission of bids and cannot be less than forty-five calendar days from the date the request is sent to the prequalified bidders.

None of the bidders may submit more than one tender proposal. The Bidder may change or withdraw the tender proposal at any time before the expiry of the deadline for submitting tender proposals to the tender commission.

Evaluation of tender proposals is carried out within the period established by the tender commission. Evaluation of tender proposals is carried out according to tender criteria established by the tender commission in the tender documents.

Bidders or their representatives are not entitled to be present during the evaluation of bids. During the assessment, the tender commission has the right to summon applicants to provide explanations, request additional information from them and confirm the accuracy of the submitted documents. When summarizing the results of the tender, participants in the tender and (or) their authorized representatives may be present.

If the tender commission recognizes the tender proposals of all bidders as not complying with the requirements of the request for tender proposals, it recognizes the tender void and has the right to declare a re-tender. The re-tender is carried out in the order determined by the procedure for holding the tender.

If the tender commission recognizes the bids of all applicants as not meeting the requested requirements, and also if the number of prequalified applicants is less than two, the tender is declared invalid and the tender commission has the right to announce a re-tender. The repeated tender is held in the order established by the procedure for its holding.

Acceptance of qualification bids and tenders can be carried out electronically in the manner and in the cases specified in the tender documents.

Expenses incurred by applicants in connection with participation in the tender are not subject to reimbursement, except for the cases provided for in Article 17 of this Law.

Article 22. Tender documentation

Public partner prepares and approves tender documents regulating the holding of a tender for the right to conclude a public-private partnership agreement, as well as a draft public-private partnership agreement.

For a public-private partnership project with a total cost equivalent of over one million USD, tender documents and a draft public-private partnership agreement are coordinated with the authorized government body.

The tender documentation must contain:

requirements to documents confirming that applicants meet qualification requirements;

location of the object of public-private partnership;

general parameters and requirements for the effectiveness of technical and economic indicators;

deadlines (time periods) for engineering, construction, financing, reconstruction, operation and maintenance of the object of public-private partnership;

indicators or minimum requirements to the quality of the object of public-private partnership or services, provided by the private partner;

scope of financing, list of property or property rights to be provided by the public partner to the private partner with the purpose to fulfill the public-private partnership agreement;

risks assumed by the parties to the public-private partnership agreement;

currency, in which the parameters of the public-private partnership project must be reflected in, and the exchange rate, which will be used during calculations to bring it into a single currency for the purpose of their comparison and evaluation;

description of the tender evaluation criteria;

requirements for the language of submission of the tender proposal;

content of the tender proposal, method, place, terms of submission and validity of tender proposals;

conditions for the provision of security for the tender proposal;

procedures, place, date and time of opening of envelopes with tender proposals.

Draft public-private partnership agreement shall be an integral part of the tender documentation.

The state partner, in agreement with the authorized state body, has the right to make changes and additions to the tender documentation. The public partner, no later than five calendar days from the date of the decision to amend and (or) amend the tender documentation, is obliged to inform all applicants about the amendments and (or) amendments to the tender documentation. In this case, the deadline for the submission of bids is extended by the state partner for a period of at least fifteen calendar days for the bidders to take into account these changes and (or) additions to the bids.

Article 23. Tender criteria

Bidding criteria must be clear and apply to all bidders without discrimination.

To participate in the tender, to declare interest in implementation of the public-private partnership project, the applicant must meet the following criteria:

possess legal capacity;

possess financial and (or) material, technical and (or) qualified human resources, required for fulfillment of obligations under the public-private partnership agreement;

do not have grounds for existence of conflict of interests.

Applicants at the stage of reorganization, liquidation and (or) bankruptcy are not permitted to participate in the tender.

Criteria used at the stage of winner selection, provides for:

amount of payments, effected by the public partner and private partner;

maximum prices and tariffs;
 amount of funds available with the private partner, raised for implementation of the public-private partnership agreement;
 scope and types of state support, provided to the private partner;
 deadlines (time periods) for engineering and (or) construction, establishment, reconstruction, modernization, operation and maintenance of the object of public-private partnership;
 term of implementation of the public-private partnership project;
 technical and technological advantages, functional and innovative characteristics of the public-private partnership project.

Article 24. Tender commission

Public partner in agreement with the Cabinet of Ministers of the Republic of Uzbekistan shall establish a tender commission for determination of the winner, for the right to conclude public-private agreement.

The structure of the tender commission must include representatives of the public partner, the Ministry of Finance, the Antimonopoly Committee of the Republic of Uzbekistan and authorized government body.

The representative of the public partner shall be a chairman of the tender commission. Representative of the authorized government body included in the structure of the tender commission shall have a consultative vote.

Tender commission shall consist of an odd number of members.

Tender commission is competent to take decisions, if minimum seventy-five percent from total members are present at the meeting and one member of the tender commission shall have one vote.

Decisions of the tender commission are taken by a simple majority of votes from total number of voting members of the tender commission. If votes are equal, a chairman of the tender commission has a decisive vote.

Tender commission maintains minutes of its meetings, which shall be signed by all its members present at the meetings.

If a member of the tender commission has a conflict of interest with respect to the issues raised during the meeting, he must declare his refusal and withdraw from voting on this issue, which shall be reflected in the minutes of meeting.

Article 25. Direct negotiations

Parties may conclude public-private partnership agreement without tendering, based on direct negotiations in accordance with the decision of the public partner in the cases of:

ensuring defense and security capacity of the state;
 ownership by a certain person of exclusive rights to intellectual property, other exclusive rights, land plot, other items of immovable property and other property, which is a pre-requisite for implementation of the public-private partnership project;
 determined by decrees and resolutions of the President of the Republic of Uzbekistan, as well as resolutions of the Cabinet of Ministers of the Republic of Uzbekistan.

Chapter 6. Public-private partnership agreement

Article 26. Conclusion of an agreement on public-private partnership

The public partner, in accordance with Articles 17, 21 and 25 of this Law, concludes a public-private partnership agreement with the winner of the tender, a direct negotiator or a special project company.

If, after the expiration of the period stipulated in the tender documentation, the winner of the tender does not sign a public-private partnership agreement or, if the tender commission reveals that the information provided by the winner of the tender does not correspond to the reality, the

tender commission decides on his disqualification and recognizes the winner of the tender as a reserve winner and invites him to conclude an agreement on public-private partnership on the terms of the winner within ten calendar days from the date of the decision to disqualify the winner of the tender.

The reserve winner, in accordance with the decision of the tender commission, is considered the recognized bidder who has submitted the best tender proposal after the tender proposal of the winner of the tender.

If the tender commission does not receive a positive response from the reserve winner of the tender within thirty calendar days from the date of sending him a proposal to conclude an agreement on public-private partnership, the tender commission shall declare the tender invalid and announce a re-tender.

Article 27. Main terms and conditions of public-private partnership agreement

Public-private partnership agreement is a document between the public partner and the private partner, executed in accordance with the procedure and subject to terms and conditions stipulated under this Law.

Public-private partnership agreement shall contain information on:

the parties to the public-private partnership agreement;

the subject of public-private partnership;

obligations and responsibilities of the parties;

distribution of risks between the public partner and the private partner;

on the general parameters and performance requirements for the technical and economic indicators of the public-private partnership object, including a description of other transferred or subject to design, construction, creation, financing, reconstruction, operation and (or) maintenance of public-private partnership objects in accordance with the agreement on public-private partnership, purposes and terms of their use;

deadlines and procedure for performance of works (services) related to the public-private partnership project;

distribution of rights of the parties, in relation to relevant infrastructure and according to the public-private partnership project, as well as about the procedure for their handover;

the order and the procedure for allocation of land plots, required for the implementation of public-private partnership project, other conditions relating to land plots;

conditions for regulating and changing prices, tariffs for goods, works, services provided by the private partner;

methods, amounts and deadlines ensuring fulfillment of obligations by the parties;

term of the public-private partnership agreement, procedure of its determination;

on the forms, amounts, terms, conditions, procedure for payment of remuneration, payment for availability, payment for use, payment of a private partner to a public partner and (or) other payments, including the distribution of income (profit) in connection with the implementation of a public-private partnership project;

the procedure for introducing amendments and additions to the public-private partnership agreement;

basis, procedure and conditions for termination of the public-private partnership agreement, amount and procedure of payment for early termination;

the procedure for monitoring and control over implementation of public-private partnership project;

insurance obligations;

obligations on development of design documentation;

responsibilities of the parties for breach of obligations under the public-private partnership agreement;

the procedure for settlement of disputes;

conditions applicable to personnel recruitment and labor service in the Republic of Uzbekistan;

warranties and guarantees;
 requirements in relation to shareholding by private partner and other property rights related to the property of the private partner and its affiliates;
 on confidentiality;
 on definitions and their explanations.

In the agreement on public-private partnership, in accordance with the established procedure, additional information can be entered.

In the agreement on public-private partnership, in accordance with the established procedure, additional information can be entered.

Article 28. Term of the public-private partnership agreement

Term of the public-private partnership agreement may not be less than three years and must not exceed forty-nine years.

Parties to the public-private partnership agreement may agree to extend or shorten its term within the time period, set forth in the first paragraph of this article, in cases and subject to conditions, specified in the public private partnership agreement.

Article 29. Modification, addition or termination of the public-private partnership agreement

The public-private partnership agreement may be amended, supplemented or terminated by agreement of the parties or by a court decision, unless otherwise provided by legislation or a public-private partnership agreement.

Amendment, addition or termination of a public-private partnership agreement for a public-private partnership project with a total value equivalent to one million US dollars inclusive is carried out by the public partner and the private partner independently in the manner prescribed by the public-private partnership agreement.

Amendment, addition or termination of a public-private partnership agreement for a public-private partnership project with a total value equivalent to over one million dollars is carried out in agreement with the authorized state body.

Amendment, addition or termination of a public-private partnership agreement for a public-private partnership project with a total value in the equivalent of over ten million US dollars is carried out in agreement with the Cabinet of Ministers of the Republic of Uzbekistan.

Article 30. Property involved in implementation of the public-private partnership project

A public-private partnership agreement may provide for the obligation of the public partner to transfer to the private partner the property that constitutes the object of the public-private partnership and (or) other property necessary for the implementation of the public-private partnership project, into possession and use. At the same time, the provision or organization of the transfer of property is carried out on the basis of an agreement on public-private partnership and the legislation of the Republic of Uzbekistan, and the conclusion of additional contracts or agreements is not required.

Parties to a public-private partnership agreement that have ownership rights may grant each other such rights, including the right to lease, possession, use of land plots, other immovable, as well as movable property and intangible assets, along with other property rights within the limits necessary for the implementation of a public-private partnership project.

Article 31. Allocation of land plots

Land plots or their part on which the object of the public-private partnership is located, and (or) which are necessary for the implementation of the activities provided for by the public-private partnership agreement, which are at the disposal of the public partner or local executive authorities, are provided in accordance with their owned by a public partner or local executive authorities to a private partner for the period specified in the public-private partnership agreement.

The land plot is provided to a private partner without an auction to fulfill its obligations under a public-private partnership agreement.

Public partner's non-performance of obligations on allocation of the land plot or rights thereto, may serve as the ground for unilateral termination of the public-private partnership agreement by the private partner.

Termination of the public-private partnership agreement constitutes grounds for termination of contractual relationship in relation to the land plot, provided for implementation of the public-private partnership project.

Article 32. Property liability of the parties to the public-private partnership agreement

Parties to a public-private partnership agreement shall bear property liability for non-fulfillment or improper fulfillment of their obligations in accordance with the public-private partnership agreement.

In case of non-fulfillment or improper fulfillment by one of the parties of its obligations stipulated in the public-private partnership agreement, the other party has the right to compensation for damage caused in accordance with the public-private partnership agreement.

Article 33. Procedure for transfer of ownership rights to the object of public-private partnership

Public-private partnership agreement establishes the procedure for transferring ownership rights for the designed, established, financed, reconstructed, operated and maintained in the framework of the public-private partnership project object of public-private partnership project to the public partner or to the state assets management body of the Republic of Uzbekistan, as well as to the private partner in accordance with the resolutions of the President of the Republic of Uzbekistan.

The public-private partnership agreement must stipulate the moment of transfer of ownership rights to the object of public-private partnership agreement, which may be:

- date of commissioning of the object of public-private partnership;
- date of expiration of the public-private partnership agreement;
- other date, set forth in the public-private partnership agreement.

Chapter 7. Protection of Private Partner and creditor interests

Article 34. Guarantee of private partner rights

If the change in the legislation of the Republic of Uzbekistan in force on the date of the conclusion of the public-private partnership agreement directly entails an increase in the costs of the private partner or a decrease in his income within the framework of the public-private partnership project, the private partner, based on the project being implemented, has the right to demand a compensatory increase in the accessibility fee. object of public-private partnership and (or) payment for use, and also require a one-time compensation payment from the public partner and (or) the introduction of appropriate changes and (or) additions to the public-private partnership agreement, if this is provided for by the public-private partnership agreement.

The procedure, conditions, limitations and exceptions for the application of guarantees provided for in the first part of this article are determined in the agreement on public-private partnership.

The provisions of the first part of this article shall not apply in the event of changes in the legislation of the Republic of Uzbekistan providing for changes in taxes and fees after the conclusion of a public-private partnership agreement, except for discriminatory changes to a particular public-private partnership project.

Article 35. Protection of creditor interests

Public-private partnership agreement may include provisions that provide for guarantees of creditor rights, including the amount of compensation payable to creditors in case of early termination of the public-private partnership agreement.

In public-private partnership projects involving lenders, lenders may enter into direct agreements with the public partner or private partner, which should take into account the following:

the rights and obligations of creditors in connection with the replacement or removal of a private partner (management of a private partner);

the obligation to pay creditors payments payable by the public partner to the private partner in accordance with the public-private partnership agreement in cases of replacement or removal of the private partner;

conditions to reduce the risk of termination of the public-private partnership agreement;

payments in case of early termination of a public-private partnership agreement;

the procedure for exchanging information on the implementation of a public-private partnership project, on ensuring the rights and obligations of the parties.

Private partner can provide its creditors with any types or forms of security, including its rights under a public-private partnership agreement and agreements concluded pursuant to this agreement, rights, assets, the right to use a land plot, pledge of shares, pledge or assignment of rights, profits and amounts due under this agreement, which are part of a public-private partnership project.

Creditor and the public partner shall be entitled to suspend the private partner or its management from implementation of the public-private partnership project under the conditions set forth in the public private partnership agreement and replace him by new private partner or replace its management, in accordance with the conditions, set forth in the public-private partnership agreement.

The new private partner must satisfy requirements, necessary for completion of works and (or) rendering services in line with the public-private partnership agreement. In case if private partner is replaced by new private partner, the tendering process shall not be held.

Chapter 8. Monitoring and reporting in the area of implementation of public-private partnership projects

Article 36. Monitoring over implementation of public-private partnership projects

Public-private partnership agreement lays obligations on the parties to the agreement concerning information exchange about implementation of the public-private partnership project.

Authorized government body monitors over implementation of public-private partnership projects for compliance with the conditions of the public-private partnership agreement. Private partner must provide access to objects of public-private partnership and relevant documents for the purposes of monitoring.

Article 37. Reporting over implementation of public private partnership project

Every six months, the public partner submits report about implementation of the public private partnership project to the authorized government body, signed by the parties to the public private partnership agreement.

The procedure for submission and the form of report about implementation of the public-private partnership project are approved by the Cabinet of Ministers of the Republic of Uzbekistan.

Chapter 9. Mechanisms for supporting public-private partnerships

Article 38. Types of support for public-private partnership

The Republic of Uzbekistan, in order to protect the interests of a private partner and (or) a creditor (creditors) within the framework of a public-private partnership agreement, may provide the following types of support:

subsidies, including those aimed at ensuring a guaranteed minimum income of a private partner from the implementation of a public-private partnership project;

contributions in the form of assets and property necessary for the implementation of a public-private partnership project;

funds from the budgets of the budgetary system of the Republic of Uzbekistan, allocated to pay for the consumption or use of a certain amount or part of goods (works, services) produced or supplied in the process of implementing a public-private partnership project;

provision of budget loans, loans, grants, credit lines and other types of financing;

additional guarantees by mutual agreement in order to ensure the fulfillment of obligations by investors;

tax incentives and preferences, as well as other benefits;

other guarantees and / or compensation.

The provision of additional guarantees and (or) support is carried out by concluding an agreement on state support with the Republic of Uzbekistan or in the manner provided for in an agreement on public-private partnership.

An agreement on state support is a written agreement concluded between the Republic of Uzbekistan and a private partner, which provides for the provision of additional guarantees and support (benefits and preferences) to the private partner and (or) creditors.

The agreement on state support for the implementation of public-private partnership projects is signed on behalf of the Republic of Uzbekistan by the Ministry of Finance of the Republic of Uzbekistan.

The agreement on state support comes into force from the date of the adoption of the resolution of the President of the Republic of Uzbekistan or the resolution of the Cabinet of Ministers of the Republic of Uzbekistan on the approval of the agreement on state support, unless otherwise provided by the resolution of the President of the Republic of Uzbekistan or the resolution of the Cabinet of Ministers of the Republic of Uzbekistan.

Any types of additional guarantees and (or) support, directly or indirectly affecting the State budget of the Republic of Uzbekistan, must be agreed with the Ministry of Finance of the Republic of Uzbekistan before approving the concept of a public-private partnership project.

Tax benefits and preferences are established in the manner prescribed by the Tax Code of the Republic of Uzbekistan.

In exceptional cases, for public-private partnership projects carried out with the participation of foreign investments attracted within the framework of public-private partnership agreements, on the basis of decisions of the President of the Republic of Uzbekistan, it is allowed to link prices for goods (works, services) sold in the territory of the Republic of Uzbekistan to foreign currencies and conventional units.

Private partner who is a resident of the Republic of Uzbekistan has the right to open bank accounts abroad for the purposes stipulated by an agreement on public-private partnership and (or) an agreement on state support.

Article 39. Payments under the public-private partnership agreement

Public-private partnership agreement may provide for the conditions for making payments, including wages, accessibility fees, user fees, private partner's fees to the public partner and / or other payments, including the conditions for the distribution of income (profit) in connection with the implementation of the project public-private partnership.

Budgetary funds, allocated for availability payment, other payments shall be provided for on annual basis in the expenditure side of the corresponding budget during the entire validity period of the public-private partnership agreement.

Under the public-private partnership agreement, private partner may effect payments to the public partner in the form of:

fixed amounts, subject to payment on a periodic basis;

single payment;

certain part of any income, payable to the private partner from its activities.

The public-private partnership agreement may include combinations of different types of payments.

Chapter 10. Final provisions

Article 40. Settlement of disputes

Disputes arising in the area of public private partnership shall be settled in accordance with the procedure established by the legislation.

Article 41. Responsibility for violation of the public-private partnership law

Persons found guilty violating the public-private partnership law should bear responsibility in accordance with the procedure prescribed by law.

Article 42. Enforcement, notification, explanation of the essence and meaning of this Law

Authorized government body and other concerned organizations must ensure enforcement, notification of principals and explanation of the essence and meaning of this law among the population.

Article 43. Alignment of the legislation in conformity with this Law

Cabinet of Ministers of the Republic of Uzbekistan must:
bring government decisions in conformity with this Law;
ensure revision and abolition by public authorities of their regulatory and legal acts that are inconsistent with this Law.

Article 44. Entry of this law into legal force

This Law enters into force one month after the date of its official publication.

President of the Republic of Uzbekistan SH. MIRZIYOYEV

Tashkent City,
May 10, 2019,
No. LRU-537