

**ACCESSION OF TAJIKISTAN**

Factual Summary of Points Raised

The attached Factual Summary of Points Raised on the Accession of the Republic of Tajikistan to the WTO has been prepared by the Secretariat, based on documentation being examined in the Working Party.

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of temporary storage, customs warehouses, duty-free shops and customs brokers (representatives). No fees were charged for the registration. However, as set out in Article 384.1 of the new Customs Code, if necessary, activities could only be undertaken upon payment of a security deposit or a guarantee.

#### **Government-mandated barter and counter-trade**

139. The representative of Tajikistan said that all mandatory counter-trade or barter operations were forbidden in Tajikistan except for primary aluminium sales by the Tajik Aluminium Plant, bartered for the purchase of raw materials and production equipment. The volume of this barter trade was determined and set by the Ministry of Economy and Trade and the Government. He confirmed that the Tajik Aluminium Plant was not subject to any import substitution or export performance requirements.

#### **Government procurement**

140. The representative of Tajikistan said that the Law "On government procurement of goods, works and services" of 12 December 1997 regulated government procurement procedures and practices in Tajikistan. Enhancing participation and competition among domestic and foreign suppliers was one of the main objectives of the existing government procurement legislation. Government procurement had increasingly been effected through tenders, as evidenced in Table 6.

Table 6: Government Procurement Tenders

Indicator	1999	2000	2001
Quantity of tenders conducted	32	1,476	3,217
Total government procurement agreements concluded (thousands of Somoni)	8,461	10,727	19,074

141. Tajikistan had established a State procurement body. The Agency of Procurement of Goods, Works and Services had been replaced by a similar Agency under the Ministry of Economy and Trade was responsible for government procurement since 2001. The new State procurement agency formed its activities in accordance with domestic law, and the recommendations, norms, legal instruments or standards of UNCITRAL (UN Commission on International Trade Law), the World Bank and the International Development Association (IDA).

142. The procedures for government procurement were initiated by a government body or entity submitting a request including the nomenclature and procurement conditions to the authorized State procurement agency. The authorized agency, jointly with the concerned government Ministries

would then set up a tender commission, and invite the participation of interested parties in a tender through the mass media. Open competitive bidding was the main method used for tenders, with a minimum of three participants required for a quorum. The same quorum was envisaged for procurement in a two-stage bidding method. The authorized State procurement body also used alternative procurement methods such as requests for proposals, requests for quotations, and single source procurement. The procurement method chosen depended on factors and criteria such as the size and volume of the procurement contract, its duration, the type of product or service involved, and the characteristics of the market concerned. Envelopes containing the submitted bids were opened at the end of the period stated in the tender invitation. The Tender Commission would then announce the preliminary results and a winning bid. The State procurement agency, jointly with the concerned government ministries would examine the qualifications of the declared winner and a decision to award the tender would be taken. An agreement and a Tender Commission protocol on public procurement would then be prepared for signature. One copy each of the Tender Commission protocol and agreement on public procurement was sent to the State procurement body for safe-keeping; the Ministry of Finance for the payment of dues; and the concerned government entities and winning bidder for the implementation of the procurement order.

143. The representative of Tajikistan confirmed Tajikistan's intention to accede to the Agreement on Government Procurement after its accession to the WTO.