



# General Assembly

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## Ad Hoc Committee for the Negotiation of a Convention against Corruption

Third session

Vienna, 30 September-11 October 2002

Agenda item 3

### Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 1-39

## Proposals and contributions received from Governments

### European Commission:<sup>\*</sup> amendments to article 8

#### Article 8: Public procurement and public financial management

##### *Paragraphs 1 and 1 bis*

It is proposed to amend paragraphs 1 and 1 bis to read as follows:<sup>1</sup>

“1. Each State Party shall take the necessary steps to establish procurement rules with appropriate threshold values based on transparency, openness and competition. Such rules shall include, inter alia:

“(a) Wide public distribution of information on both invitations to tender and the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

“(b) Use of predetermined and objective selection and award criteria and tendering rules that are transparent and made known in advance to potential tenderers;

“(c) The requirement to base public procurement decisions on objective and transparent reasons in order to facilitate the subsequent verification of the correct application of the rules;

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<sup>\*</sup> On behalf of the States Members of the United Nations that are members of the European Union.

<sup>1</sup> This proposal is intended to replace the proposals on paragraph 1 submitted earlier by Austria and the Netherlands (A/AC.261/IPM/4) and France (A/AC.261/IPM/10).



“(d) The availability in each State Party of an effective independent system of appeal to ensure legal recourse and remedies in the event that the rules established pursuant to this paragraph are not followed.

“1 bis. States Parties shall endeavour to adopt the necessary legislative measures to introduce uniform legislation, rules and manuals for all the procurement agencies in their respective jurisdictions. Those legislative measures shall be prepared with due regard to recognized international texts in the area and published.”

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