



Procurement negotiation back in hands of state-owned pharmacies

On 7 June 2017, the President of Russia signed Draft Law No. 54490-7, introducing amendments to Articles 1 and 8 of Federal Law "On procurement of goods, works, and services by certain categories of legal entities" and Articles 15 and 112 of Federal Law "On contracts for federal and municipal procurement of goods, works, and services". The draft will enter into force on the day of its official publication (which is due within seven days of signing).

In accordance with the amendments, the federal and municipal unitary pharmacies will be able to apply the procurement procedures envisaged by Federal Law No. 223-FZ "On procurement of goods, works, and services by certain categories of legal entities" of 18 July 2011 ("223-FZ").

According to the earlier regulations, as of 1 January 2017, all procurements of the federal and municipal unitary enterprises were to be performed in accordance with Federal Law No. 44-FZ "On contracts for federal and municipal procurement of goods, works, and services" ("44-FZ") which put them in a disadvantaged position compared to private pharmacies. The amendments reinstate the arrangement which existed before 1 January 2017,

enabling the federal and municipal unitary pharmacies to set their own supply contract terms (supplier bonuses, product range, etc.).

Please note that 223-FZ will only apply to the procurements financed from non-budgetary funds (i.e. not financed from the federal, regional or municipal budget). To be able to apply 223-FZ, the pharmacies will be obliged to post their procurement policy and schedule in the Unified information system.

However, certain difficulties may arise, if an organisation owns a warehouse and a pharmacy, which are separate legal entities. To avoid the application of 44-FZ, such organisations will have to consider an arrangement, in which the procurement function is first performed by the pharmacies themselves and further stored at the warehouse (e.g., under a safe custody agreements).

Best regards,

Deloitte CIS Partners



deloitte.ru

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as "Deloitte Global") does not provide services to clients. Please see www.deloitte.com/about for a more detailed description of DTTL and its member firms.

This communication is for internal distribution and use only among personnel of Deloitte Touche Tohmatsu Limited, its member firms, and their related entities (collectively, the "Deloitte Network"). None of the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

5 Lesnaya Street
Moscow, 125047, Russia

© 2017 Deloitte Consulting LLC. All rights reserved.