
Notice for Expertise: Lead expert to support the development of a regional comparative analysis on Integrity in the Public Sector in the Western Balkans

Activity number 11/2025

Question: Can a public institution, such as the Institute of Comparative Law from Serbia (<https://iup.rs/>), be a company to conclude the contract on behalf of the Lead Expert as a natural person with respect to this particular procurement?

Answer: In accordance with the applicable PRAG principles, and based on best practices for management of IPA funds, public institutions and public servants from the Western Balkans cannot be contracted by ReSPA as consultants under service contracts of this nature. This restriction is in place to ensure transparency, avoid conflicts of interest, and maintain a clear distinction between beneficiaries of ReSPA's activities and independent service providers.

Specifically, under the procurement framework applied by ReSPA, entities eligible to conclude contracts for consultancy services must be private law bodies or natural persons acting in an independent professional capacity. Research institutes with the status of a non profit organization, can also be considered as eligible. In the context of PRAG rules, a private law body refers to any legal entity that is not part of the public administration and does not exercise governmental authority. Since research institutes or NGOs are typically non-profit, privately governed organizations, they can usually qualify as eligible entities under procurement rules—provided they meet all other criteria set out in the specific procurement procedure.

Therefore, a public institution would not meet the eligibility criteria to act as the contracting entity on behalf of a Lead Expert.