The Russian text of the order "On approval of the rules of ethical behavior in the implementation of goods (works, services) of the JSC" Uzbekistan Railways ", dated June 20, 2006, No. 37-N.



**«O'ZBEKISTON TEMIR YO'LLARI»**

**AKSIYADORLIK JAMIYATI**

 **BUYRUQ**

**2018-yil «20»\_06\_\_\_\_\_\_** TOSHKENT **№\_\_37-H\_\_\_\_\_\_\_**

**«Об утверждении Правил этического поведения при осуществлении закупок товаров (работ, услуг) в АО «Узбекистон темир йуллари»**

Во исполнение Закона Республики Узбекистан от 9 апреля 2018 года № ЗРУ-472 «О государственных закупках», с целью предотвращения конфликта интересов при осуществлении закупок товаров (работ, услуг) в АО «Узбекистон темир йуллари», а также обеспечения исполнения основных принципов закупочных процедур, установленных вышеуказанным Законом, **приказываю:**

1. Утвердить:

Состав Комиссии по соблюдению Правил этического поведения при осуществлении закупок товаров (работ, услуг) в АО «Узбекистон темир йуллари» согласно приложению № 1 к настоящему приказу;

Правила этического поведения при осуществлении закупок товаров (работ, услуг) в АО «Узбекистон темир йуллари» согласно приложению № 2 к настоящему приказу;

Положение о Комиссии по соблюдению Правил этического поведения при осуществлении закупок товаров (работ, услуг) в АО «Узбекистон темир йуллари» согласно приложению № 3 к настоящему приказу.

2. Установить, что настоящий приказ распространяется на всех работников АО «Узбекистон темир йуллари».

3. Председателям Наблюдательных советов акционерных обществ АО «Узбекистон темир йуллари» в декадный срок внести на рассмотрение Общего собрания акционеров обществ вопрос обеспечения исполнения настоящего приказа.

4. Начальнику управления обеспечения информационной безопасности и информационного развития Ибрагимову У.Н. в трехдневный срок обеспечить публикацию документов, утвержденных в пункте 1 настоящего приказа на официальном сайте АО «Узбекистан темир йуллари».

5. Определить, что руководители предприятий, подразделений АО «Узбекистан темир йуллари», несут персональную ответственность за исполнение настоящего приказа в соответствии с законодательством Республики Узбекистан.

6. Начальнику управления экономического анализа и прогнозирования Наримову Б.Ш. ознакомить всех причастных с действием настоящего приказа.

7. Настоящий приказ вступает в законную силу с момента подписания.

8. Контроль за исполнением настоящего приказа оставляю за собой.

**Председатель правления А.Ж. Раматов**

Appendix No. 1
to order JSC «O’zbekiston temir yo’llari»

dated «20» 06 2018

No.37-N

**Composition
of the Commission on Compliance with the Rules of Ethical Conduct
in Performance of Procurement of Goods (Works and Services) in JSC «O’zbekiston temir yo’llari»**

|  |  |  |
| --- | --- | --- |
| F.F. Sagdullaev | - | First Deputy Chairman of Board of JSC « O’zbekiston temir yo’llari», Chairman of the Commission; |
| E.Sh. Kadirov | - | Deputy Chairman of Board of JSC « O’zbekiston temir yo’llari», Deputy Chairman of the Commission; |
| A.S. Kamalov | - | Deputy Chairman of Board of JSC « O’zbekiston temir yo’llari», Deputy Chairman of the Commission; |
| Members of Commission: |  |  |
| N.S. Erkinov | - | Head of Personnel and Training Department; |
| N.A. Obilova | - | Head of Department of Corporate Relations with Shareholders; |
| S.H. Ahmedov | - | Head of Department of International Cooperation and External Economic Affairs; |
| U.N. Ibragimov | - | Head of Information Security and Information Development Department; |
| K.S. Sabirov | - | Chairman of Trade Union; |
| F.R. Yusupov | - | Deputy Head of Legal Department, Secretary of the Commission. |

Note: When members of the commission are transferred to other job, persons newly appointed to these positions or persons to whom implementation of respective functions is vested are to be included into the composition of the commission.

Appendix No. 2
to order JSC «O’zbekiston temir yo’llari»

dated «20» 06 2018

No.37-N

**Rules of Ethical Conduct
in Performance of Procurement of Goods (Works and Services) in JSC «O’zbekiston temir yo’llari»**

**I. General Provisions**

1. The present rules of ethical conduct for entities of procurement of goods (works and services) in JSC «O’zbekiston temir yo’llari» (hereinafter referred to as the Rules of Ethics) were developed for implementation of Clause 38 of the Law of the Republic of Uzbekistan dated April 9, 2018 No. ZRU-472 «On State Procurements» and shall determine single principles and rules of ethical conduct in professional and out-of-work activity, requirements for professional training of procurement entities in JSC «O’zbekiston temir yo’llari».
2. The Rules of Ethics are aimed at prevention of law offences, elimination of causes and conditions contributing to committing thereof, observance of ethical norms of conduct of employees of JSC «O’zbekiston temir yo’llari» in accordance with the Corporate Ethics.
3. The present Rules of Ethics shall be effective in the framework of implementation of procurement procedures for goods (works and services) implemented in JSC «O’zbekiston temir yo’llari» and shall be applied to procurement entities:

employees of JSC «O’zbekiston temir yo’llari» acting in the role of a customer for acquisition of goods (works and services);

members of the procurement commission;

attracted of specialists and experts;

procurement performers;

an operator of a special information portal;

other participants of procurement procedures.

1. The following main notions shall be used in the present Rules of Ethics:

**Rules of Ethics** are rules of ethical conduct of employees of JSC «O’zbekiston temir yo’llari», members of the procurement commission and other participants of the procedure for procurement of goods (works and services) in JSC «O’zbekiston temir yo’llari»;

**Procurement Procedure** is a totality of actions on procurement of goods (works and services) in JSC «O’zbekiston temir yo’llari»;

**Customer** is enterprises and sub-divisions which are included into the organizational structure of JSC «O’zbekiston temir yo’llari»;

**Procurement Commission** is a collegiate organ to be created by decision of the Chairman of Board of JSC «O’zbekiston temir yo’llari» authorized to take decisions on selection of a winner of procurement procedures;

**Subject Matter of Procurements** isgoods, work, and service;

**Procurement Entities** are a customer, a participant of procurement procedures, a performer of procurements, the procurement commission, an operator of the special information portal and an expert;

**Operator of the Special Information Portal** is a special authorized legal entity which provides, to entities of procurements, services related to organization and performance of procurement procedures, placement of announcements, applications and other of information about procurements and results thereof in the special information portal;

**Expert** is a physical person who possesses special knowledge for provision of a conclusion;

**Authorized Organ** is the National Agency of Project Management at the President of the Republic of Uzbekistan.

1. The customers, members of the procurement commission, invited experts directly participating in implementation of procurement of goods (works and services) shall get familiarized with provisions of the Rules of Ethics with signing thereof; and the participants of procurement procedures and performers of procurements shall get familiarized with provisions of the Rules of Ethics by placing the Rules of Ethics in the official site of JSC «O’zbekiston temir yo’llari».
2. Entities shall undertake to observe requirements of acts of the legislation and Rules.

**II. Main Principles of the Rules of Ethics**

1. Main principles of the Rules of Ethics shall be:

professionalism of the customer, members of the procurement commission and experts;

substantiation;

openness and transparency;

competitiveness and objectivity;

inadmissibility of corruption.

priority of rights, freedoms and legitimate interests of citizens;

justice, honesty and impartiality,

non-admission of a conflict of interests.

**III. Main Rules**

**of Ethical Conduct for Entities of Goods (Works and Services) Procurement**

1. Customers shall undertake:

to strictly follow main principles of the Rules of Ethics in performance of procurement of goods (works and services);

to fulfill own official duties in good faith and at high professional level;

to regularly raise qualification in implementation of procurement procedures;

to timely and qualitatively fulfill decisions (orders) of the authorized organ;

to place information about performed procurement procedures;

to provide explanations to all participants of procurement procedures upon their demands related to goods (works and services) and procedures of state procurements in accordance with the legislation;

in implementing own official duties, not to provide and not to demonstrate preferences to any persons, groups or organizations, to be independent from their influence, to take into considerations rights, duties and lawful interests of citizens, not to allow facts of discrimination;

to exclude actions related to influence of any personal, property and other interests preventing faithful implementation of own duties thereby;

to exclude possibility of any influence onto its activity;

not to use official position for rendering of illegal influence to members of the procurement commission, expert participants of the procurement procedure;

not to allow personal communication with participants of the procurement procedure during evaluation of their proposals;

to abstain from conduct which could give rise to doubts in faithful implementation of own duties thereby as well as to avoid conflict situations which may cause damage to their of reputation or authority of JSC «O’zbekiston temir yo’llari».

1. Members of the procurement commission shall undertake:

to follow main principles of the Rules of Ethics in its activity;

to be objective and personally not interested in selection of a winner of the procurement procedure;

to take grounded decisions and to be impartial in evaluation of proposals of participants of procurement procedures;

not to allow discrimination in relation to participants of the procurement procedure based on religion;

to ensure confidentiality of data of participants of the procurement procedure;

to exclude any influence rendered to objective adoption of decisions in respect to a winner of the procurement procedure;

not to use official position for influence onto other members of the procurement commission;

to exclude existence in members of the procurement commission or their close relatives of connections which bear the affiliation character with participants whose matter is put forward to the meeting;

to withdraw itself in case of existence of connections which bear the affiliation character with participants;

to inform the chairman of the commission about facts of affiliation of a member of the procurement commission irrespective from the stage of adoption of a decision on the procurement matter;

to carry out evaluation of proposals of participants based on objective factors and evaluation criteria;

to exclude the factor of personal enmity to participants of the procurement procedure;

to abstain from personal communication (out-of-work time) with participants of the procurement procedure during the period of evaluation of proposals.

1. Experts shall undertake:

to follow main principles of the Rules of Ethics in its activity;

to be competent in implementation of procurements of goods (works and services) or the subject matter of procurements;

not to allow personal self-interest and influence on behalf of other entities of procurements onto objective adoption of a decision on evaluation of proposals of participants of the procurement procedure;

to raise the level of own professionalism in procurements;

to withdraw itself in case if an expert considers herself/himself as not sufficiently competent in respect to the performed procurement procedure.

1. Participants of the procurement procedure shall undertake:

to follow main principles of the Rules of Ethics in its activity;

to ensure validity of provided data;

to exclude its participation in the procurement procedure in case of affiliated connection with members of the procurement commission and the operator of the special information portal;

to exclude any influence on the customer or members of the procurement commission both during the procurement procedure and beyond thereof;

to observe requirements put forward to conduct of the procurement procedure;

to abstain from personal communication (out-of-work time) with the customer or members of the procurement commission during the period of evaluation of proposals.

1. The operator of the special information portal shall undertake:

to follow main principles of the Rules of Ethics in its activity;

to exclude participation in the procurement procedure as a participant of the procurement procedure;

to ensure confidentiality of data about conduct of the procurement procedure, its participants and their proposals published in the information portal;

to exclude any influence on process of implementation of procurements and price formation, limitation of freedom of entities of procurements in selection of counteragents and conclusion of contracts;

to exclude alteration of the content of electronic documents and electronic messages placed by entities of procurements.

1. The performer of procurements shall undertake:

to follow main principles of the Rules of Ethics in its activity;

to observe requirements put forward for conduct of the procurement procedure, to fulfill own contractual obligations.

1. All procurement entities shall undertake:

to follow main principles of the Rules of Ethics in its activity;

not to allow infringements of laws and other normative legal acts based on political and economic expedience or based on other motives in its activity;

to counteract to manifestations of corruption and to actively assist in its prevention;

to notify the higher management or law enforcement organs about all instances of addressing thereto by any persons in order to incline them to committing law offences as well as about any facts of law offences known thereto and committed by other entities of procurements;

to adopt all measures to ensure integrity and confidentiality of information became known thereto during the procurement procedure, for illegal disclosure of which they shall bear responsibility in accordance with procedures established with the legislation.

to promote establishment of business mutual relations and constructive cooperation with other entities of procurements;

to be polite, benevolent, correct, attentive and to demonstrate tolerance in communication.

1. The following shall be inadmissible in mutual relations of entities of procurements:

any kind statements and actions of discriminatory nature based on sex, age, race, nationality, language, citizenship, social, property or family status, political or religious preferences;

crudeness, cases humiliation of honor and dignity of individuality, ungrounded psychological and physical influence;

threats, insulting expressions or remarks, actions which impede constructive dialogue or provoke unlawful conduct.

**IV. Conflict of Interests**

1. Procurement entities must not allow personal self-interest in its activity which leads to or may lead to a conflict of interests.

A conflict of interests arises in such situation when procurement entities have personal self-interest which affects or may affect on objective and impartial implementation of own duties thereby.

Personal self-interest of entities of procurements shall include receipt of any benefit or advantage for them personally or for their close relatives as well as other persons with whom they have close business relations.

В case of occurrence of a conflict of interests, procurement entities must immediately inform its manager or authorized organ.

The manager or authorized organ which received information about existence of a conflict of interests shall undertake to timely adopt measures towards settlement thereof.

1. When fulfilling duties, procurement entities shall undertake to declare about existence or possibility of existence of personal self-interest therein which affects or may affect proper fulfillment of own duties thereby.

**V. Responsibility for Infringement**

**of Provisions of the Rules of Ethics**

1. Procurement entities shall bear responsibility for infringement of provisions of the Rules of Ethics in accordance with procedures established with the legislation.
2. Infringements of the Rules of Ethics by entities of procurements shall be examined by the Commission on Compliance with the Rules of Ethical Conduct in Performance of Procurement of Goods (Works and Services) in effect in JSC «O’zbekiston temir yo’llari».

Appendix No. 3
to order JSC «O’zbekiston temir yo’llari»

dated «20» 06 2018 No.37-N

**Regulation**

**on the Commission on Compliance with the Rules of Ethical Conduct
in Performance of Procurement of Goods (Works and Services) in JSC «O’zbekiston temir yo’llari»**

**I. General Provisions**

1. The present Regulation on the Commission on Compliance with the Rules of Ethical Conduct in Performance of Procurement of Goods (Works and Services) in JSC «O’zbekiston temir yo’llari» (hereinafter referred to as the Regulation) shall determine procedures for creation and activity of the Commission on Compliance with the Rules of Ethical Conduct in Performance of Procurement of Goods (Works and Services) in JSC «O’zbekiston temir yo’llari» (hereinafter referred to as the Commission).
2. In its activity, the Commission shall follow the Constitution and laws of the Republic of Uzbekistan, resolutions and other acts of the Oliy Majlis of the Republic of Uzbekistan, Decrees, resolutions, orders of the President of the Republic of Uzbekistan and the Cabinet of Ministers of the Republic of Uzbekistan as well as the present Regulation and Rules of Ethical Conduct in Performance of Procurement of Goods (Works and Services) in JSC «O’zbekiston temir yo’llari» (hereinafter referred to as the Rules of Ethics).
3. The purpose of the Commission shall be to ensure observance by employees of JSC «O’zbekiston temir yo’llari» engaged into procurement procedures of provisions of the Rules of Ethics and settlement of a conflict of interests of entities of procurements.
4. The main tasks of the Commission shall be:

assistance in ensuring observance to requirements of the Rules of Ethics;

assistance in settlement of a conflict of interests capable to cause damage to lawful interests of entities of procurements.

1. The Commission shall examine the matters related to infringement of the Rules of Ethics during implementation of procurement procedures in JSC «O’zbekiston temir yo’llari» by employees of JSC «O’zbekiston temir yo’llari».

**II. Procedures for Creation of the Commission**

1. The Commission shall be created by a decision of the chairman of Board of JSC «O’zbekiston temir yo’llari».
2. The composition of the Commission on Ethics shall be formed such that there was no possibility for occurrence of a conflict of interests which could affect decisions adopted by the Commission.
3. The Commission shall consist of the chairman, deputies chairman, secretary and members of the commission. The quantity of members of the commission must be odd.

**III. Procedures for Operation of the Commission**

1. The following shall be grounds for holding meetings of the Commission:

information about non-observance of the Rules of Ethics received from law enforcement, judicial or other state organs, and from entities of procurements;

information about existence of personal self-interest of a procurement entity (the enterprise or employee of JSC «O’zbekiston temir yo’llari») which leads or may lead to a conflict of interests.

1. Information specified in Clause 9 of the present Regulation must be submitted in writing and contain the following information:

name of the enterprise (sub-division) of JSC «O’zbekiston temir yo’llari» or surname, name, second name of its employee and position occupied thereby;

description of an infringement of requirements of the Rules of Ethics or signs of personal self-interest which lead or may lead to a conflict of interests;

data about information source;

materials confirming the fact of infringement of the Rules of Ethics by employees of JSC «O’zbekiston temir yo’llari».

1. Within 3 days period from the day of receipt of information specified in Clause 10 of the present Regulation, the Chairman of the Commission shall adopt a decision about performance of inspection of such information including the submitted materials.
2. Inspection of information and materials shall be made within one month period from the day of adoption of decisions about performance thereof. The inspection period may be extended till two months by a decision of the chairman of the Commission.
3. In case when information about existence of personal self-interest of an employee of JSC «O’zbekiston temir yo’llari» (procurement entity) which leads or may lead to a conflict of interests was submitted to the Commission, the chairman of the Commission shall take measures on prevention of a conflict of interests by means of:

strengthening of control over conformance to the Rules of Ethics by an employee;

removal of an employee from participation in procurement procedures for the period of settlement of a conflict of interests or other measures.

1. The date and time of meeting of the Commission shall be established by its chairman after collection of materials confirming or refuting the information specified in Clause 10 of the present Regulation.
2. The secretary of the commission shall resolve organizational matters related to preparation of a meeting of the Commission as well as shall notify members of the Commission about the date and time of a meeting, about matters included to agenda, no later than seven working days before the day of a meeting.
3. In case of possible occurrence of a conflict of interests of members of the Commission in connection with examination of matters included to agenda of a meeting of the Commission, they shall undertake to acknowledge about the same before a meeting. In such case, the respective member of the Commission shall not take participation in examination of the said matters.
4. The meeting of the Commission shall be held in presence of an employee of JSC «O’zbekiston temir yo’llari» (procurement entity). The meeting of the Commission shall be postponed if the employee may not participate in the meeting at excused reason. Officials of state organs, organs of local authorities as well as representatives of concerned organizations may be invited to the meeting of the Commission.
5. Explanations of the employee shall be heard at the meeting of the Commission; the materials related to matters included to agenda of the meeting shall be examined. The Commission shall be entitled to invite other persons to its meeting and to hear their oral explanations or to examine written explanations.
6. The members of the Commission and persons who participate in the meeting thereof shall not be entitled to disclose information which became known thereto in due course of work of the Commission.
7. The Commission may adopt one of the following decisions according to results of examination of the information specified in Clause
10 of the present Regulation:

to establish that in the case under examination there are no signs of infringements by the employee of JSC «O’zbekiston temir yo’llari» (procurement entity) of the Rules of Ethics or personal self-interest;

to establish that the employee of JSC «O’zbekiston temir yo’llari» (procurement entity) violated the Rules of Ethics or there exists his/her personal self-interest. In this case, the Commission shall indicate the specific infringement was committed and shall adopt a decision on elimination of infringements by performing explanatory work with the employee or his/her removal from the procurement procedure; in certain cases, the Commission shall be entitled to submit materials of the meeting for examination to the authorized state organs of the Republic of Uzbekistan.

1. The decisions of the Commission shall be adopted by simple majority of votes of members of the Commission present in the meeting. In case of equality of votes, the vote of the person who chairs the meeting of the Commission shall be decisive.
2. The decisions of the Commission shall be formalized with protocol which shall be signed by the members of the commission who took participation in the meeting thereof.
3. The following shall be specified in the decision of the Commission:

surname, name, second name, position of an employee of JSC «O’zbekiston temir yo’llari» in respect to whom the matter was examined in respect to infringement of requirements of the Rules of Ethics that may lead to a conflict of interests;

source of information which became as grounds for holding the meeting of the Commission;

date of receipt of information to the Commission and date of its examination at the meeting, the essence of information;

surnames, names, second names of the members of the Commission and other persons who were present at the meeting;

decision of the Commission and substantiation thereof;

results of voting.

1. The member of the Commission who does not agree with the decision of the Commission shall be entitled to state its opinion in writing which shall be subject to mandatory attachment to the protocol of the meeting of the Commission.
2. Disciplinary measures of punishment shall be applied to a violator of the Rules of Ethics according to procedures established in JSC «O’zbekiston temir yo’llari».
3. In case when the Commission establishes the fact of committing of infringement by the employee of JSC «O’zbekiston temir yo’llari» (procurement entity) containing the signs of administrative law offence or *corpus delicti*, the chairman of the Commission shall undertake to submit, to law enforcement organs, the information about committing of the said action (inaction) and documents which confirm such a fact.

**V. Concluding Provisions**

1. All members of the Commission shall bear responsibility for observance of requirements of the present Regulation according to procedures provided for in the legislation of the Republic of Uzbekistan.