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Соболевская Полина Сергеевна, магистрант,
Санкт-Петербургский политехнический университет Петра Великого
Sobolevskaya Polina Sergeevna, master's student,
Peter the Great St. Petersburg Polytechnic University

СРАВНИТЕЛЬНЫЙ АНАЛИЗ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ЗАКУПОЧНОЙ ДЕЯТЕЛЬНОСТИ В РОССИИ И ЗА РУБЕЖОМ И НАПРАВЛЕНИЯ ЕГО СОВЕРШЕНСТВОВАНИЯ
COMPARATIVE ANALYSIS OF STATE REGULATION OF PROCUREMENT IN RUSSIA AND ABROAD AND DIRECTIONS FOR ITS IMPROVEMENT

Аннотация. В статье сравнивается государственное регулирование закупок в России (44-ФЗ и 223-ФЗ), ЕС, США и Китае с акцентом на закупки нефтегазовых компаний. Методом взвешенной балльной оценки рассчитан интегральный индекс моделей регулирования и предложены направления совершенствования российской системы закупок.

Abstract. The article compares state regulation of procurement in Russia (44-FZ and 223-FZ), the EU, the USA and China, focusing on procurement by oil and gas companies. An integral index of the regulatory models is calculated by weighted scoring, and directions for improving the Russian procurement system are proposed.

Ключевые слова: Государственные закупки, государственное регулирование, 44-ФЗ, 223-ФЗ, национальный режим, нефтегазовый комплекс.

Keywords: Public procurement, state regulation, 44-FZ, 223-FZ, national regime, oil and gas sector.

In Russia, procurement is regulated by two federal laws: 44-FZ governs purchases made with budget funds by state and municipal customers [1], and 223-FZ governs procurement by companies with state participation, natural monopolies and other "certain types of legal entities" [2]. The second regime is especially important for the oil and gas industry, since companies with state participation and their subsidiaries buy drilling and well-servicing work, pipes, pumping equipment and engineering services under 223-FZ. According to market estimates, in 2025 contracts worth RUB 12.6 trillion were concluded under 44-FZ and RUB 24.2 trillion under 223-FZ [11]; in the first half of 2026 the total volume of notices fell by 7% year on year [12]. Thus, procurement by state-owned companies is almost twice as large as budget procurement, yet it is regulated only by a framework law.

The main features of the Russian, EU, US and Chinese regulatory models are compared in Table 1.

Table 1

Comparison of procurement regulation models

Criterion	Russia	EU	USA	China
Legal basis	44-FZ; 223-FZ (own procurement regulation of each company)	Directives 2014/24/EU, 2014/25/EU (utilities); draft Public Procurement Act	Federal Acquisition Regulation (FAR)	Government Procurement Law; Bidding Law
Award criteria	Price-dominant	Most economically advantageous tender	Best value: lowest price or trade-off	Lowest price or comprehensive scoring

Domestic preference	Unified national regime	Optional "European preference" (proposal)	Buy American Act	Domestic product standards from 2026
Reform direction	Fine-tuning the national regime	Single regulation, fewer procedures	Plain-language, principle-based FAR	First systemic revision of the law

Russia. Since 1 January 2025, Federal Law No. 318-FZ and Government Decree No. 1875 have unified the national regime (bans, restrictions and price advantages for Russian and EAEU goods) for 44-FZ and 223-FZ [3, 4]. The decree is amended frequently (Decrees No. 1326 of 29.08.2025 and No. 835 of 03.07.2026), so oil and gas customers have to update their documentation constantly.

EU. Directive 2014/25/EU covers the exploration and extraction of oil and gas and gives such entities more freedom than classical public authorities [5, 6]. On 9 September 2026 the European Commission proposed a Public Procurement Act that would replace the three directives with one directly applicable regulation, reduce the procedures to three, make the best price-quality ratio (quality at least 30% of points) the default award method and create an EU Digital Marketplace [7].

USA and China. In the USA, Executive Order 14275 of 15 April 2025 launched the "Revolutionary FAR Overhaul", the first comprehensive rewrite of the FAR since the 1980s, aimed at plain language and removal of non-statutory rules [8, 9]. In China, government procurement reached CNY 3.3 trillion (2.4% of GDP) in 2025 [13]; the 2026 draft revision of the Government Procurement Law adds a digital chapter and strengthens anti-corruption rules while preserving priority for domestic products [10].

To compare the models quantitatively, the weighted-scoring method was used. Each model was assessed on six criteria on a five-point scale (1 – low level, 5 – high level). The integral index is calculated using the formula:

$$I_j = \Sigma\, w_i \cdot s_{ij}, \quad (1)$$

where I*j* – integral index of model j, points; w*i* – weight of criterion i ($\Sigma w_i = 1$); s*ij* – score of model j on criterion i, points.

The weights reflect the priorities of a large oil and gas customer; the scores are the author's expert assessment based on the legal acts considered. The results are shown in Table 2 and Figure 1.

Table 2

Integral assessment of procurement regulation models

Criterion	**Weight**	**Russia 44-FZ**	**Russia 223-FZ**	**EU**	**USA**	**China**
Transparency of procedures	0.20	5	4	4	4	3
Competition and supplier access	0.20	4	3	4	4	3
Flexibility for customers	0.20	2	5	4	3	3
Low administrative burden	0.15	2	4	3	2	3
Value for money (quality, life-cycle cost)	0.15	2	3	5	4	3
Support of domestic industry	0.10	5	4	3	4	5
Integral index, points	1.00	**3.30**	**3.85**	**3.90**	**3.50**	**3.20**

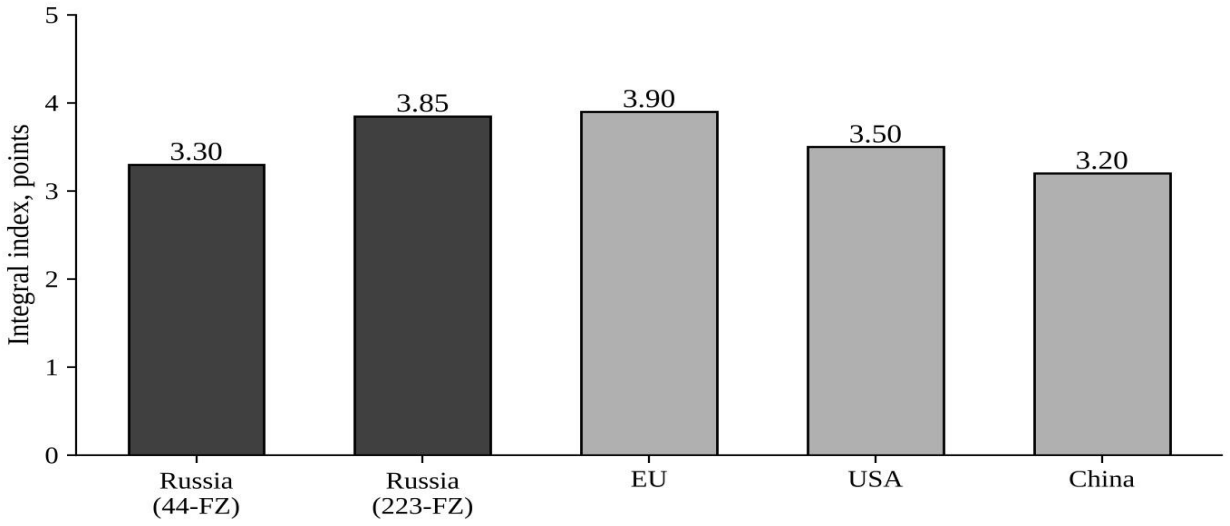

Figure 1. Integral index of procurement regulation models

The EU model (3.90 points) and the 223-FZ regime (3.85 points) scored highest. They are close in flexibility, but 223-FZ lags in value for money and competition, since every customer writes its own procurement rules and price usually outweighs quality. The 44-FZ regime (3.30 points) leads in transparency and support of domestic industry but is the least flexible and the most burdensome.

Based on the gaps identified and foreign experience, directions for improving Russian regulation are proposed in Table 3.

Table 3

Directions for improving procurement regulation in Russia

Direction	**Foreign analogue**	**Effect for the oil and gas sector**
1. Life-cycle cost and price-quality evaluation of complex purchases	EU: best price-quality ratio; USA: best-value trade-off	Lower total cost of owning equipment
2. Industry-wide supplier pre-qualification register	Joint qualification systems in Norway and the UK	One check of a contractor instead of many
3. Predictable national regime: changes once a year, transition period ≥ 6 months	EU: preference only for strategic sectors	Fewer rejected bids and supply disruptions
4. Model procurement regulation for the fuel and energy sector under 223-FZ	EU: single regulation instead of national variations	Uniform rules for suppliers, fewer disputes
5. Risk-based digital monitoring in the EIS	EU Digital Marketplace	Early detection of overpricing and collusion

The first direction is the most important for the oil and gas sector: when price dominates, a customer may buy cheaper equipment that is more expensive to operate and repair. At the same time, the EU and the USA are also strengthening preferences for their own producers, so the task for Russia is not to abandon the national regime but to make it more predictable and to combine it with quality-based evaluation.

Conclusion: the Russian procurement system is highly transparent and well digitalised, but it is behind the EU and the USA in evaluating value for money and in the uniformity of rules for state-

owned companies. For the oil and gas sector, the priorities are life-cycle-based evaluation, an industry-wide supplier register, a more predictable national regime and a model procurement regulation, which together would increase competition and reduce the cost of capital projects.

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