

RUSSIAN ACADEMY OF NATIONAL ECONOMY AND PUBLIC
ADMINISTRATION UNDER THE PRESIDENT OF THE RUSSIAN FEDERATION
NIZHNY NOVGOROD INSTITUTE OF MANAGEMENT

Unpublished manuscript

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**JURISDICTIONAL POWERS OF THE FEDERAL ANTIMONOPOLY
SERVICE IN PUBLIC PROCUREMENT**

Research Area 5.1.2. Legal Sciences

Ph.D. (Law) Thesis Abstract

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Nizhny Novgorod – 2026

Relevance of the Research. In the modern system of public and municipal procurement, the Russian Federal Antimonopoly Service (FAS) has established itself as one of the main centres of public power.

It is the powers of the FAS Russia, as a public authority, that allow for the detection and suppression of violations relating to the posting of information on public procurement, the resolution of conflicts between the parties to the procurement and the customers, the restoration of violated rights and the application of administrative liability measures. The exercise by the FAS Russia of its jurisdictional powers in an appropriate manner, given the ever-increasing complexity of the legal and regulatory framework, the digitization of procedures and the huge volume of procurement, contributes to the efficiency of budgetary spending, the level of competition among participants in procurement and their confidence in the system of administrative regulation and legal protection.

This also allows the FAS Russia to respond in a timely manner to complaints from participants in the procurement process, and the number remains significant; for example, over 51,500 complaints were received in 2025 alone, of which 41,840 were examined on the merits. 38.9 per cent of the total number of complaints filed with the Federal Administrative Tribunal (16311) were found to have been substantiated (in whole or in part). The figures for the previous year were slightly lower, although they were still significant in number; 39,201 complaints had been received, 31,769 of which had been examined on the merits, 12,659 (39.8 per cent) had been found to have been substantiated and 11,251 compliance orders had been issued.

As part of the exercise by FAS of its authority to verify the activities of contracting authorities (scheduled or non-scheduled), violations of procurement procedures have been detected in a timely manner, with 30,732 vendor selection procedures being reviewed in 2025. As a result, 7,311 violations of procurement procedures were identified, representing 24 per cent, and more than 14,000 orders were issued to correct the irregularities identified, and 15,165 decisions were taken by FAS contracting authorities on the inclusion of such information in the register of unreliable

suppliers (hereinafter referred to as the RUS, the registry). Of these, 13,025 (85.8 per cent) resulted in the unilateral termination of the contract.

These figures point to certain regulatory problems that are relevant to the subject matter of this study and need to be addressed: first, the proportion of unfounded complaints is the majority of the total number and remains at about one level per year - 57.5 per cent in 2023, 60.2 per cent in 2024 and 61.1 per cent in 2025. This sustainability does not point to accidental fluctuations in enforcement outcomes, but rather to structural inconsistencies between the procurement process and the antimonopoly officers' understanding of the subject matter of administrative review due to deficiencies in the normative description of the entire jurisdictional procedure.

Secondly, the change in the number of applications is due not so much to the state of compliance with the legislation in the area of public procurement, but to the changing conditions and requirements for admission of participants to administrative protection, in particular following the issuance of explanations by the FAS Russia on 29 December 2023. No. MS/112518/23, which significantly restricts the processing of complaints by persons whose rights cannot be violated by the actions of the contracting authority, the percentage of applications rejected as of January 2024 was 10.6%, while the total number of complaints received decreased by 27.3%.

Thus, an act that is not formally a regulatory act narrows down the range of entities competent to initiate and seek review of the legality of the procurement procedure, which in turn calls into question the legal and regulatory validity of the requirements for the use of such jurisdictional forms of protection.

Thirdly, if there are 15,000 decisions per year to include economic entities in the register of unreliable suppliers, they are prohibited from participating in the procurement proceedings for two years, the legislator does not establish this measure as an administrative penalty, nor is it accompanied by the procedural guarantees that characterize administrative offences proceedings.

However, the content, structure and limits of the FAS Russia's jurisdictional powers, their relationship to administrative jurisdiction, administrative-jurisdictional activities, as well as control and oversight functions, remain insufficiently normatively

defined, and generate discussions at the doctrine level. Legislation uses "jurisdiction", "consideration of cases", "consideration of complaints", "control", while the category "jurisdictional powers" is almost non-existent and has no normative basis. This makes it difficult to distinguish between the competence of public authorities, including the Federal Treasury and the FAS Russia, complicates the qualification of specific powers as jurisdictional or supervisory, and leads to the fragmentation of procedural guarantees for the protection of the rights of the participants in the procurement.

The problem is of particular importance in the context of the procurement activities of the FAS Russia, where, within the framework of a single competence, different powers of a legal nature are combined. These include the authority to deal with complaints, to carry out routine and exceptional monitoring activities, to issue orders, to maintain a register of unreliable suppliers and to deal with administrative offences in public procurement. The absence of a clear theoretical model of jurisdictional powers and their procedural forms exposes these activities to the risk of being perceived as a set of fragmented functions rather than as a single jurisdictional cycle in the contract system. These circumstances dictate the need for a comprehensive legal study of the jurisdictional powers of the FAS Russia in the field of State procurement, their place in the system of public authority, structure, sources of regulatory consolidation and the characteristics of implementation.

Background. The jurisdictional powers of the FAS Russia in the field of public procurement as an independent subject of comprehensive scientific research in domestic doctrine have not been considered to date, and a considerable amount of work has been devoted to related issues of administrative jurisdiction, administrative process and the activities of the competition authority.

For example, the fundamental foundations of administrative jurisdiction and the administrative and jurisdictional activities of the executive branch have been developed in the writings of scholars such as D. N. Bahrah, N. G. Salishchev, A. P. Shergin, I.A. Galaghan, Nature and the essence of the jurisdiction of public authorities through the category of competence, which have been studied by Y.A. Tihomov. Pankova, A.J. Yakimov.

The theoretical and practical aspects of administrative liability and proceedings in cases of administrative offences are reflected in the writings of P. P. Serkov, B. V. Rossinsky. The issues of administrative-tort relations as a systemic category were developed by V. V. Denisenko, V.A. Circle. The general problems of the jurisdictional process as a separate type of legal process were addressed by M. V. Maximutin.

The work also addressed general issues of the system and structure of Russian administrative law, sources of administrative and legal regulation and powers of the executive bodies, which were addressed in their writings by A. P. Alehin, Y. M. Kozlov, Y. N. Starilov (training and monograph studies on Russian administrative law), D. N. Bahrah, B. V. Rossinski, Y. N. Starilov, Y.A. Tihomov.

However, the question of how the full range of FAS Russia jurisdictional powers in a single public-authority response mechanism in the contract system has not been fully explored so far. The category "jurisdictional powers" has been used in the doctrine in a fragmented manner with respect to the activities of the competition authority; The relevant issues are addressed only occasionally – in the analysis of complaints proceedings, selected aspects of control, the establishment of a roster of unreliable suppliers, or administrative responsibility in public procurement.

Problem Statement. The purpose of the thesis is to establish the patterns for the formation and development of the jurisdictional powers of the FAS Russia in the field of public procurement, as well as to identify their specific characteristics, structure and features of implementation in the public administration system.

The study progressively addresses the following objectives:

(1) To disclose the content and the relationship between the categories of "administrative jurisdiction", "administrative jurisdiction" and "jurisdictional powers", basing their hierarchical relationship as levels of exercise of public power and, on this basis, to establish criteria for distinguishing the jurisdictional powers of the Federal Antimonopoly Service of Russia in the field of public procurement from other forms of public-authority intervention;

2. To explore existing approaches to the understanding of administrative jurisdiction and, on this basis, to develop the concept and classification of the jurisdictional powers of FAS Russia in the field of public procurement;

(3) Identify and study the system of indicators specific to the jurisdictional powers of the FAS Russia;

(4) Review the development and current status of the legal and regulatory regulation of the jurisdictional powers of the FAS Russia in the field of public procurement, identify the multi-level and intersectoral nature of the source system, and determine the role of by-laws and departmental acts in the process of proceduralizing the respective powers;

(5) To investigate public procurement complaints as an autonomous form of exercising the jurisdictional powers of the FAS Russia, to reveal the mechanism of access to jurisdiction, the structure of the procedural filters and the establishment of the institution of the "appropriate applicant";

(6) Describe the monitoring activities of the FAS Russia in the area of procurement as a stage in the exercise of jurisdictional powers, and identify the conditions for the transformation of control activities into jurisdictional activities and the problems of distinguishing between the powers of the FAS Russia and the Federal Treasury, including conflicts of jurisdiction;

(7) To examine the institution of a register of unreliable suppliers as a specific form of exercising the jurisdictional powers of the FAS Russia, to justify its qualification as an independent measure of administrative-law coercion, and to determine the substantive limits of its application;

(8) To reveal the characteristics of the administrative-offence jurisdiction of FAS Russia in cases of administrative offences in the area of procurement, to demonstrate the role of the "transmission" mechanism between the complaint, control and proceedings under the Code of Administrative Offences and its relevance to the formation of a single jurisdictional cycle;

(9) To formulate proposals for the improvement of regulations and enforcement practices for the exercise of the jurisdictional powers of FAS Russia in the area of State and municipal procurement.

Research Object. The object of the research is the body of social relations arising from the exercise by the Federal Antimonopoly Service of Russia of its jurisdictional powers in public and municipal procurement, including relations among procurement participants, contracting authorities, oversight bodies, persons subject to administrative liability, and other entities within the contract system.

The subject matter of the research comprises substantive and procedural provisions of administrative, budgetary, civil, and other legislation governing the jurisdictional powers of FAS Russia in procurement; subordinate legislation and departmental acts establishing standards for their exercise; and doctrinal approaches and judicial practice revealing the content, structure, and limits of the relevant powers.

Approaches and Methods. The theoretical basis of the study was the work of Russian administrative-law scholars on general issues of administrative law, administrative jurisdiction, administrative process and administrative coercion (D. N. Bahrah, I.A. Galaghan, N. G. Salishchev, A.P. Shergin, Y.A. Tihomier, V. D. Tórodim, A. I. Caplunov, A. B. Zelentsov, P.I. Kononov, A.I. Stakhov, L. L. Popov, M.S. Studienikina, U.N. Starilov et al.: The development of conceptual and methodological approaches to the understanding of jurisdictional activities has been significantly influenced by work that develops activity-based, static and synthetic approaches, as well as modern concepts of administrative process and administrative jurisdiction (M.V. Maksutitin, O.V. Pankova, A.Y. Yakimov, Y.N. Starilov, A.I. Caplunov, A.B. Zelensov, P.I. Kononov, A.I. Stakhov, N. G. Salishchev, V. D. 40in, D.N. Bahrah, L. L. Popov et al.) is an important part of the theoretical framework in the fields of administrative law – divisional law, administrative offences and liability proceedings, which reveal the structure of administrative-tort relations, the grounds and principles of administrative responsibility (V. V. Denisenko, B. V. Rossinski, P.P. Serkov, N.V. Macareiko, V.A. Kruglov, A.V. Kirin, G.H. Hadisov, P.N. Safonenkov, Y.E. Aurutin et al. Theoretical background is complemented by studies on the competence and powers

of the executive, the system of sources of administrative law and the general course of administrative law (A.P. Alehin, Y.M. Kozlov, Y.N. Starilov, U.A. Tihomov, L. L. Popov, M. S. Studenikina, S. S. Studinikin, D. M. Ousyanko, A. I. Stakhov, P. I. Kononov, A. B. Ahapov et al.).

The methodological basis of the study is a combination of general scientific and specialized scientific methods of knowledge, and it is possible to examine the jurisdictional powers of the Russian Federation ' s FAS in development, the interrelationship between the theoretical and sectoral aspects, and to identify trends in their regulatory developments and implementation practices. Systemic and structural – functional methods are used to analyse jurisdictional powers as part of the body's competence and at the same time as part of a single jurisdictional cycle in procurement. Formally – legal and comparative – legal methods are used in the study of regulatory sources, the identification of their hierarchy, conflicts and gaps, and the comparison of different models for regulating the powers of control and jurisdiction. Logical, historical – legal and legal modelling methods are used to reconstruct and validate the author's model of the FAS Russia's jurisdictional powers, as well as to formulate proposals for the improvement of legislation and law enforcement.

Research Dataset. The information base of the study, taking into account the subject matter of the study, was drawn up by the current legal acts of the Russian Federation, particularly the Constitution of the Russian Federation, Federal Act No. 44 of 5 April 2013 on the contract system for the procurement of goods, works and services for State and municipal needs, Federal Act No. 26 of 26 July 2006. No. 135-FZ "On the protection of competition", Federal Act No. 223-FZ of 18 July 2011 "On the procurement of goods, works and services of certain types of legal persons", Federal Act of 31 July 2020. No. 248-FZ "On State control (oversight) and municipal control in the Russian Federation", the Code of Administrative Offences of the Russian Federation, as well as other federal laws and codified acts regulating certain elements of the status of FAS Russia, the contract system and administrative liability. The decisions of the Government of the Russian Federation defining the legal status and competence of the Federal Antimonopoly Service (including the statute of the Federal

For the first time, it is justified that a complaint proceeding in the area of public procurement is an autonomous form of exercising the jurisdictional powers of the FAS Russia and a basic mechanism for their activation; monitoring activities are a stage of exercise of jurisdictional powers, which serves as a "level two jurisprudential trigger"; The inclusion in the roster of unreliable suppliers – a specific form of jurisdictional influence that is an autonomous measure of administrative-law coercion; and administrative offences proceedings – that complete the exercise of jurisdictional power within a single jurisdictional cycle.

Academic Novelty.

1. It has been proved that the jurisdictional powers of the FAS Russia are a structural part of the competence of a particular body, which establishes its power to resolve a certain number of conflicts by means of individual decisions of power secured by State coercion. The concept was distinguished from "administrative jurisdiction" and "administrative and jurisdictional activities", and it was established that it was not interchangeable and formed separate, hierarchical concepts. The distinction that has been identified makes it possible to eliminate the methodological confusion of categories in the doctrine of administrative law and to justify the need to rely specifically on jurisdictional authority as a basic analytical unit in the study of regulatory bodies (conforming to 5.1.2, paras. 1, 4).

2. It has been proved that the jurisdictional powers of the FAS Russia in the area of public procurement are a special form of public-government powers designed to resolve public-law disputes by means of a legal assessment of the actions of the parties to the regulated relations, the adoption of binding individual decisions and the enforcement of such decisions by means of the coercive force of the State. A system of indications of jurisdictional power has been developed, including constitutional and typical features: the existence of a conflict (legal dispute or tort); the legal assessment of the facts and conduct of the parties; the adoption of a binding individual act (decisions, orders, orders); It has been established that such measures may vary without affecting the substantive nature of the power. It has been shown that only a set of constitutional grounds is decisive for the qualification of competence as jurisdictional and serves as a

criterion for distinguishing it from control, supervision and other powers (corresponding to 5.1.1, 4 passports).

3. A structural (level) model of the jurisdictional powers of the FAS Russia has been developed and their classification by the nature of the conflict being resolved and by the legal result: three interrelated groups of jurisdictional powers have been identified: the power to resolve a public-law dispute between the parties to the procurement and the customer (complaint proceedings); Powers to re-establish the violated legal status and change the status of entities (regulations, inclusion in the register of unreliable suppliers and other measures of public law limitation); powers to apply administrative liability measures (detailed jurisdiction under chapter 7 of the Code of Criminal Procedure of the Russian Federation). Each of the groups is carried out in a special procedural form, is based on different substantive grounds and produces specific legal effects, but all three groups are combined with a single set of constitutional elements of jurisdiction and form an interrelated jurisdictional cycle (conforming to paragraphs 1, 4 and 8 of the professional passports 5.1.2).

4. It has been established that the legal basis for the jurisdictional powers of the FAS Russia in the field of public procurement has been developed as a result of a gradual evolution from the institutional model (determination of the status of the organ and general tasks) to the functional procedural (detailed regulation of the proceedings in accordance with the Federal Act of 05 April 2013). No. 44-FZ "On the contract system in the area of procurement of goods, works and services for State and municipal needs" and CoAP of the Russian Federation) and further to the technological model, which takes into account the digitization of procedures and the introduction of the Unified Information System. The system of sources of jurisdictional powers of the FAS Russia is developed at several interrelated levels and is not limited to acts with formal characteristics of normative legal acts. In addition to federal laws and by-laws, the Government of the Russian Federation has a significant role to play in the orders of the FAS Russia, administrative regulations, clarifications of the FAS Presidency and methodological letters, acts that are not recognized by the regulations in the current legal doctrine, but in practice fill the gaps in formal regulation. This is indicative of

their quasi-normal nature and requires self-consideration within the framework of the theory of sources of administrative law (corresponding to 5.1.2, paras. 4, 8).

5. It has been proven that public procurement proceedings are a special feature of the jurisdiction system of the FAS Russia, namely, the main procedural means of initiating the control activities of the competition authority. The filing of a complaint entails the transformation of the actual conflict into an administrative case with a defined composition, subject matter and procedural time frame, as regulated by Federal Act No. 44-FZ and the administrative regulations of the FAS Russia.

At the same time, a person ' s formal right to file a complaint does not automatically mean that the applicant is considered to be an appropriate subject for this procedure, as shown by the established practice of the FAS Russia and arbitral tribunals, the applicant must have the necessary licences, self-regulated organization or experience in the execution of similar contracts. In other words, a person with special legal capacity with respect to the subject matter of the procurement may file a complaint.

Such standards perform the functions of maintaining order and optimizing discipline for participants, which in essence narrows down the range of persons who can obtain administrative protection, thus creating a procedural mechanism that is not prescribed by law. 4, 8, 14 passports in 5.1.2).

6. It is reasonable that, in cases where a legal dispute has arisen or evidence of an offence has been discovered, the monitoring activities carried out by the FAS Russia serve as a "jurisdictional trigger" where the results obtained from their conduct form the basis for both a legal assessment of the conduct of the actors and for the adoption of legally binding decisions, including those relating to the use of coercive measures

It has been established that the transition from control to jurisdiction is taking place at the stage of the preparation and processing of verification certificates and the selection of appropriate response measures, and that the verification acts themselves act as an intermediary between fact-finding and jurisdictional acts. It has become clear that verification reports act as intermediaries between fact-finding and the adoption of measures involving the exercise of jurisdiction (conforming to 5.1.2, paras. 4, 8).

7. It has been established that the inclusion of information in the register of unreliable suppliers is a self-contained measure of administrative and legal coercion. This measure cannot be reduced to an administrative penalty in the sense of the Russian Federation 's CoAP, or to the registration and information function of the competition authorities, and is defined in the system of administrative coercive measures as something in the middle between measures of a restorative nature and measures of administrative responsibility.

Unlike existing jurisprudence, which establishes requirements and conditions for the lawful application of this measure, such as good faith, objective ability to fulfil obligations undertaken and proportionality of limitations, the study considers these parameters to be significant limitations on the exercise of jurisdictional power.

This qualification implies the need to: establish time limits for the application of measures for which there is no regulation in existing regulations; place the burden of proof of bad faith on competition authorities; take into account the cumulative effect of administrative sanctions when applying them for the same act (joint application without taking into account the cumulative effect of sanctions is not permitted); Instead of the existing single two-year period, take into account the level of fault of the bidder, the nature of the infringement and the difference between the period of time in the registry according to the events (corresponding to 5.1.2, paras. 4, 8, 14).

8. It has been determined that administrative procurement offences are the final stage in the exercise of the jurisdictional powers of the FAS Russia, and it has been found that the tort powers of the FAS Russia are not a mechanical extension and continuation of the procedures for monitoring and handling complaints. On the contrary, the procedures themselves in administrative proceedings have procedural autonomy and are subject to special safeguards for the protection of the rights of the persons involved, while a "transmission" mechanism has been established – the transmission of materials between complaints, monitoring and CAPR-based procedures. This mechanism establishes a single procedural basis for the exercise of the jurisdictional powers of the FAS Russia and ensures the consistency of the factual and evidentiary basis in the

various forms of public-authority response to violations in public procurement (conforming to 5.1.2, paras. 4, 8).

9. It has been argued that the existing regulatory model for the delimitation of the competences of the FAS Russia and the Federal Treasury is fragmented and leads to competition between the jurisdictions of public authorities in cases where different regulatory standards are applied to the same procurement facts and mutually exclusive requirements are established for the customer. Therefore, there is a need to introduce a differentiated substantive priority, within which the decisions of the FAS Russia have priority in determining the legality of procurement procedures and the competitiveness of conditions; Treasury acts – subject to budgetary categories and limits. In addition, it was suggested that coordination procedures between the relevant agencies should be formalized and that the law should prohibit double liability of good-faith bidders for the same offence (corresponding to 5.1.2, paras. 4, 8, 14, 19).

Theoretical and Practical Significance of the Research. The theoretical significance of the study lies in the development of a methodological apparatus of administrative law in relation to the analysis of the jurisdictional powers of the executive branch, in the justification of a hierarchical model of the relationship between categories of administrative jurisdiction, administrative-jurisdictional activities and jurisdictional powers, The results could be used in further study of the problems of the exercise of administrative jurisdiction by the supervisory bodies, the determination of the legal status of control and oversight bodies, and the preparation of training courses on administrative law and public procurement.

The practical significance of the study is expressed in the possibility of using the conclusions and proposals formulated in improving the regulatory regulation of the jurisdictional powers of the FAS Russia, and of drafting and amending the provisions of the departmental acts governing the procedure for the consideration of complaints and the conduct of monitoring measures; The rules governing the maintenance of a register of unreliable suppliers and proceedings in cases of administrative offences may be used in the enforcement activities of FAS Russia, the activities of the judicial authorities and the prosecution service, and may be used by contracting authorities and participants in

procurement to understand the jurisdictional powers of the competition authority and the procedural guarantees available to them.

Dissemination of Research Results. The key findings and theoretical conclusions of the thesis were presented at meetings of the Research Center of the Nizhny Novgorod Institute of Management—a branch of the Russian Presidential Academy of National Economy and Public Administration (RANEPA).

The main ideas of the work were reflected in eight of the author's publications, including three articles in journals recommended by the Higher Qualification Commission of the Ministry of Science of Russia, including two articles in the Journal of Legislation recommended by the academic council of the RANEPA for the publication of articles on jurisprudence, and were presented and discussed at such academic and representative events. As the III All-Russian Scientific and Practical Conference of Students, Postgraduate Students, Young Scientists, "Tribuna Young Lawyer" (N. Novgorod, 2024), the VIII All-Russian Scientific Student Conference of the ICU-Ninu Novgorod "Typic Technologies in Modern Youth Science" (N. Novgorod, 2024), IX All-Russian Scientific and Practical Conference on "Acquired issues of control and supervision in socially significant areas of society and the State" (N. Novgorod, 2024), International Scientific and Practical Conference on "Theory of Administrative Act: Administrative Act and Digital Technologies of Public Administration" (N. Novgorod, 2024), I All-Russian Scientific and Practical Conference "The activities of the procuratorial bodies of the Russian Federation in the face of new challenges" (Moscow, 2024), III All-Russian Scientific and Practical Conference "The Justice of the Contemporary" (Ekaterinburg, 2024), XXIV All-Russian Scientific and Practical Conference of Students, Postgraduate Students and Young Scientists "Russian Law: the Tribunal of Young Scientists" (Tomsk, 2024), The All-Russian Scientific Conference of Students, Postgraduate Students and Young Scientists, "Law and Security" (Moscow, 2024), the IX All-Russian Scientific Student Conference of the National Institute of Science and Science of the U.S. - Nizhny Novgorod (N. Novgorod, 2025), II International Scientific and Practical Conference on Legal Casuistics: Historical, Philosophy, Psychological and Legal Aspects of Research (Barnaul, 2025),

IV International Scientific and Practical Conference on Judicial Issues and the Law of Application in Contemporary Conditions (Simferopol, 2025), XXV All-Russian Scientific and Practical Conference on Russian Law: A Young Student's Tribunal (Tomsk, 2025) 2025), XIII International Scientific and Practical Conference of Ledice Readings. "Business, Science, Education, Legal and Economic Aspects" (Vlogda, 2025), V. All-Russian Scientific and Practical Conference "Orbis Civilicae: Current Problems of Private Law Development" (N. Novgorod, 2025), II International Scientific and Practical Conference "Oral Criminal Readings - 2025" (Ykaterinburg, 2025), All-Russian Scientific and Practical Conference "Procuratura of the Russian Federation as guarantor of legality in the field of public finance" (Saratov, 2025), X All-Russian Scientific Student Conference of the ICU - Nishny Novgorod (N. Novgorod, 2026).

Thesis Structure is based on the subject matter of the study, as well as its object and purpose, and consists of an introduction, two chapters, consisting of three and four paragraphs, respectively, conclusions and recommendations, a list of sources used and literature used.