



Main Elements of the GPA: Introduction to Existing and Revised Texts

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Main elements of the GPA – common to existing and revised texts (1)

- ❑ Provisions on national treatment and non-discrimination (*subject to limitations in coverage*).
- ❑ Coverage defined through detailed schedules (Annexes) in “Appendix I”.
- ❑ Detailed provisions on aspects of the procurement process, to ensure transparent and open competition. Includes provisions on:
 - ❑ Tendering procedures;
 - ❑ Qualification of suppliers;
 - ❑ Invitations to participate;
 - ❑ Selection procedures;
 - ❑ Time limits, documentation, opening of tenders and contract award procedures.



Main elements of the GPA (2)

- ❑ Enforcement: provisions on application of the WTO-DSU and domestic review procedures (bid challenge systems).**
- ❑ Special and differential treatment for developing countries.**
- ❑ Built-in commitment to negotiations aimed at improving the Agreement, extending its coverage and eliminating discriminatory measures.**



Recent/ongoing negotiations relating to the GPA: text and coverage aspects

- ❑ Negotiations cover both non-market access provisions of the Agreement (i.e. the GPA text) and the market access (“coverage”) commitments
- ❑ In December 2006, the negotiators reached provisional agreement on the text of a new Agreement. Negotiations to broaden and deepen coverage are ongoing.
- ❑ Purpose of negotiations on the text: to update and “improve” the Agreement; facilitate accession by additional (especially developing country) WTO Members
- ❑ Purpose of the coverage negotiations: to deepen coverage and eliminate existing discriminatory measures.



Highlights of the provisionally-agreed revised GPA text (1)

- ❑ In December 2006, negotiators reached “provisional agreement” on a new GPA text. Highlights include:
 - ❑ Complete revision of Agreement to simplify structure/make provisions easier to understand;
 - ❑ Takes account of widespread use of electronic procurement tools;
 - ❑ Enhanced flexibility re: time periods and related procedures; and
 - ❑ *Provisions on special and differential treatment for developing countries made more concrete and specific.*
 - ❑ Commitment to develop arbitration procedures and indicative criteria for resolving differences regarding modifications to coverage



Highlights of provisionally-agreed revised GPA text (2)

- ❑ New Agreement also provides more explicit recognition of implications for governance
 - ❑ Preamble
 - ❑ Provisions on avoidance of conflict of interest and corrupt practices
- ❑ Recognizes role of technical specifications re: resource conservation and environmental protection
- ❑ What does “provisional agreement” mean? Acceptance of text is subject to:
 - ❑ Legal check and rectification (now completed)
 - ❑ Mutually satisfactory outcome on the coverage negotiations (not yet achieved; hopefully coming this year!)