

**GENERAL AGREEMENT  
ON TARIFFS AND TRADE**

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**Committee on Government Procurement**

MINUTES OF THE MEETING HELD ON 15 NOVEMBER 1994

Chairman: Mr. Harald Ernst (Switzerland)

1. The following agenda was adopted:
  - A. Notification of the threshold value in national currencies for the period 1994-1995;
  - B. Statistical review:
    - 1990 (GPR/60 and Addenda)
    - 1991 (GPR/70 and Addenda)
    - 1992 (GPR/72 and Addenda)
    - 1993 (GPR/75 and Addenda)
  - C. Sweden: Modification of its Annex I (GPR/W/133);
  - D. Aruba: Status of its accession;
  - E. Fourteenth annual review of the implementation and operation of the Agreement: adoption of the 1994 report to the CONTRACTING PARTIES;
  - F. Other business.

The following items were added to the agenda under "Other business":

- Notification by Norway under Article IX:5(a) (GPR/W/138); and
- The recently concluded bilateral agreements between the United States and Japan in the area of public procurement.

A. NOTIFICATION OF THE THRESHOLD VALUE IN NATIONAL CURRENCIES FOR THE PERIOD 1994-1995

2. The Chairman urged those delegations who had not yet done so to submit the threshold value in their national currency for the period 1994-1995 to the Secretariat.

B. STATISTICAL REVIEW

(i) 1990 (GPR/60 and Addenda)

3. The Chairman recalled that, at the meeting of the Committee last January, the representative of the European Communities had drawn the attention of delegations to a number of outstanding questions which his delegation had submitted to the United States and which had so far gone unanswered. At the meeting of the Committee last June, the United States representative had expressed the hope to be in a position to circulate the finalized answers for the next meeting of this Committee.

4. The representative of the United States said that his delegation was not in a position to provide written answers at this stage but that it was in the process of compiling them. He had, however, some preliminary information which he would be happy to share with the delegation of the European Communities. He hoped to be in a position to circulate the finalized answers within the next three weeks (subsequently circulated in document GPR/W/141, dated 17 January 1995).

(ii) 1991 (GPR/70 and Addenda)

5. The Chairman urged those delegations who had not yet done so to submit their statistics for 1991 as soon as possible.

(iii) 1992 (GPR/72 and Addenda)

6. The Chairman urged those delegations who had not yet done so to submit their statistics for 1992 as soon as possible. He welcomed the reports from Canada and the United States.

(iv) 1993 (GPR/75 and Addenda)

7. The Chairman reminded delegations that statistics for 1993 were due and that at present only Hong Kong, Singapore, Sweden, Norway and Canada had submitted their statistics for 1993.

8. The representative of Japan said that his delegation was in the process of compiling the statistics for 1993 and hoped that he would be in a position to submit them as soon as possible.

C. SWEDEN: MODIFICATION OF ITS ANNEX I (GPR/W/133)

9. The Chairman recalled that, at the meeting of the Committee in June of this year, the delegation of Sweden had introduced a change in its entity list which it had notified to the Committee under the provisions of Article IX:5(b) in document GPR/W/133 of 8 June 1994. The Swedish representative had explained at that time that a number of entities in the past years had been reorganized in such a way as no longer to be central government authorities but government-owned or partly government-owned companies. In the communication to the Committee, his delegation had proposed that those entities should thus be removed from the Swedish entity list in Annex I. Compensation had been offered. The Committee had invited the delegation of Sweden to consult with interested delegations and had agreed to revert to this matter at its next meeting.

10. The representative of Sweden, responding to a query from the representatives of Canada and the United States, clarified that, due to the commercial character of the activities of these entities and the lack of government influence, they should no longer abide by the rules of the Agreement on Government Procurement and would thus not be included under Annex 2 of Appendix I of the Swedish

Schedule to the new Agreement. (The delegation of Sweden subsequently circulated a clarification to that effect to the Committee which is contained in document GPR/W/139.)

D. ARUBA: STATUS OF ITS ACCESSION

11. The Chairman recalled that, pursuant to the Committee Decision on the Accession of the Kingdom of the Netherlands with Respect to Aruba as contained in document GPR/77, dated 24 August 1994, the Agreement on Government Procurement would enter into force for the Kingdom of the Netherlands with respect to Aruba on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession had been received by the Director-General.

12. The representative of the Kingdom of the Netherlands with respect to Aruba expected that the relevant parliamentary procedures in the Kingdom of the Netherlands would be concluded early next year and that, consequently, the instrument of accession could be deposited with the Secretariat at the beginning of 1995.

E. FOURTEENTH ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE AGREEMENT; ADOPTION OF THE 1994 REPORT TO THE CONTRACTING PARTIES

13. The Committee adopted its 1994 report to the CONTRACTING PARTIES, thereby completing its annual review of the implementation and operation of the Agreement and requested the Secretariat to update it to take account of the present meeting, before forwarding it to the CONTRACTING PARTIES for their session on 8 and 9 December.

F. OTHER BUSINESS

(i) Notification by Norway under Article IX:5(a)

14. The representative of Norway drew the attention of delegations to a recent communication from her delegation (GPR/W/138, dated 14 November 1994) notifying a few changes to Norway's list of entities in Annex I as rectifications of a purely formal nature. The changes concerned two name changes of entities and the transfer of the procurement functions from one covered entity, which had ceased to exist, to another covered entity.

(ii) The recently concluded bilateral agreements between the United States and Japan in the area of public procurement

15. The representative of the European Communities recalled that, on 7 November of this year, the United States and Japan had announced the conclusion of three bilateral agreements between them in the form of an exchange of letters in the area of public procurement: one agreement on medical equipment and two agreements on telecommunications, the latter two addressing procurement by the government and procurement by NTT respectively. He added that, contrary to the view of the Japanese authorities, NTT was not considered a private company by his delegation. He would welcome additional information from the two parties on these agreements, in particular as regards their coverage.

16. The representative of the United States replied that he was not in a position today to respond to the request but that he would be happy to do so at the next meeting of the Committee. He added

that, in his delegation's view, NTT was not a private company, as was also reflected by the listing of NTT in the Japanese list of entities in Annex I of the Agreement on Government Procurement.

17. The representative of Japan said that he would convey the request of the European Communities to his authorities. He confirmed that, in his authorities' view, NTT was a private company.

18. The representative of the European Communities said that it was his delegation's understanding that the agreements were concluded on an m.f.n. basis, thus making available the substantive advantages of the agreements to all Parties to the Agreement on Government Procurement. He nevertheless regretted that the review mechanism foreseen in the agreements was purely bilateral instead of being extended on a plurilateral basis to all Parties to the Agreement on Government Procurement. His authorities were pursuing this matter bilaterally with both parties.

19. The Committee took note of the statements made.

#### DATE OF THE NEXT MEETING OF THE COMMITTEE

20. It was agreed that the Chairman would set a date in consultation with delegations at a later stage.