

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

GPR/73

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Committee on Government Procurement

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DECISION CONCLUDING THE NEGOTIATIONS, 15 DECEMBER 1993

The Informal Working Group on Negotiations on Government Procurement meeting on 15 December 1993 hereby approves the following Decision:-

1. Having participated in the Informal Working Group on Negotiations on Government Procurement, the representatives of the Governments of Austria, Canada, Finland, Hong Kong, Israel, Japan, the Republic of Korea, Norway, Sweden, Switzerland and the United States of America and of the European Communities (hereinafter the "participants") agree that the text entitled "Agreement on Government Procurement", document GPR/Spec/77 of 15 December 1993, together with Annexes 1-5 of Appendix I of each participant as referred to in Appendix I of that text embody the results of their negotiations:
2. It is recognized that rectifications of the text of a purely formal character which do not affect the substance or meaning of the text may be needed, for example rectifications to ensure the linguistic consistency of the texts in the other languages with the text that has formed the basis of the negotiations.
3. It is recognized that participants may need to make rectifications of a purely formal character to their Annexes which do not affect the substance of the commitments contained therein in order to put them into their final legal form, for example to correct minor errors such as in the names of entities and other editorial matters.
4. Participants will submit to the secretariat by 31 January 1994 the texts of their Annexes in final form for circulation to all participants. Those Annexes will be considered accepted by participants as corresponding to what had been negotiated and agreed, unless the secretariat is notified to the contrary prior to 28 February 1994. In the event of problems, consultations will be held to resolve the matter.
5. Each participant shall submit by 31 January 1994 the texts of its Appendices II, III and IV to the secretariat for circulation to other participants. Such texts shall be deemed accepted by all participants as part of the Agreement to be signed by 15 April 1994, provided no notification to the contrary is received by the secretariat by 28 February 1994. In the event of problems, consultations will be held to resolve the matter.
6. Proposed modifications of the Annexes to Appendix I of participants that expand the coverage of the Agreement and that result from further negotiations between now and the date of signature of the Agreement will be deemed part of the agreed results of the negotiations provided that no participant objects to such modifications. To enable all participants to examine any such modifications in advance of the date of signature, modifications should be notified to other participants through the secretariat by 31 March 1994.

7. A similar procedure to that provided for after the Tokyo Round, as contained in document L/4911 of 17 December 1979, will *mutatis mutandis* be adopted by participants to enable improvements in annexes agreed between the date of signature of the Agreement and the date of its entry into force to be incorporated into the Agreement.

8. Participants take note of the attached declaration of the European Communities and the United States of America concerning the implications of any expansion of their respective commitments under the Agreement for other participants.

EC - US DECLARATION ON GOVERNMENT PROCUREMENT

The EC and the US reached an understanding on government procurement on 6 December 1993. Under this they express determination to expand their commitments under the GPA before 15 April 1994.

The EC and the US wish to make it clear to the other Parties that any expansion in their respective commitments as a result of this understanding would be applied to other Parties whose offers had been accepted by them by 15 December 1993, subject to the conditions or qualifications contained in the respective annexes of the EC and the US.

They will not seek to rebalance the Annexes of other Parties on the strength of such expansion.