

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Special Distribution

Committee on Government Procurement

OUTLINE FOR THE FIRST ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE AGREEMENT

Note by the Secretariat

1. This note is circulated in response to the decision by the Committee at its meeting of July 1981, that the secretariat prepare, on its own responsibility, a working document which might serve as a basis for governments in their own preparations for the first annual review of the implementation and operation of the Agreement; to be held at the meeting of 13-15 October 1981.

I. Relevant provisions of the Agreement

2. Article IX:6(a) of the Agreement states:

"The Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof. The Committee shall annually inform the CONTRACTING PARTIES to the GATT of developments during the periods covered by such reviews."

3. Article III:13 of the Agreement states, inter alia:

"The Committee shall review annually the operation and effectiveness of this Article ..."; i.e. Article III: "Special and Differential Treatment for Developing Countries."

II. Review

4. The main objectives of the Agreement are those listed in the Preamble. The annual review of the Committee should cover the operation of the Agreement as a whole, as well as action by Parties to ensure proper implementation and operation of the Agreement in the light of its objectives and specific obligations.

5. It is suggested that the following matters be given particular attention:

(a) composition of the Committee;

(b) meetings of the Committee;

(c) matters settled by the Committee (procedural, statistical, exchange rate questions, etc.);

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- (d) national legislation (Article IX:4);
- (e) publication of national legislation (Article VI:1);
- (f) establishment of the threshold for the purposes of public notices, referred to in Article V:3;
- (g) information centres (Article III:10);
- (h) technical assistance for developing country Parties (Article III:8 and 9);
- (i) special treatment for least-developed countries (Article III:11 and 12);
- (j) contact points (Article VI:5);
- (k) procedures for the hearing and review of complaints (Article VI:5);
- (l) information etc., to entities not covered by the Agreement and regional and local governments and authorities (Article I:2);
- (m) dispute settlement (Article VII:6-10);
- (n) panelists (Article VII:8);
- (o) other matters discussed by the Committee relating to implementation.

6. In order to facilitate the conduct of the review the secretariat will prepare a background document setting out - by way of references, where appropriate - all information available on actions taken by Parties under the Agreement. For this purpose, it is suggested that Parties should submit to the secretariat written information concerning the items listed in paragraph 5 above to the extent that this has not already been done in the normal course of the Committee's work. The Committee agreed on 20 September 1981 as deadline for such submissions.

III. Annual report to the CONTRACTING PARTIES

7. The report referred to in the second sentence of Article IX:6(a) would cover all aspects of the work of the Committee. It is suggested that a procedure be used similar to that adopted in other GATT bodies. Accordingly, the secretariat would present a short draft report to the Committee for examination and adoption much along the lines of the reports from other NTM Committees (L/5052, L/5055, L/5068 and L/5070). As this would normally take place at the end of the meeting which conducts the annual review, the draft report would afford an additional opportunity for reviewing the implementation and operation of the Agreement as a whole.