

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
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Committee on Government Procurement

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DECLARATION BY THE EUROPEAN COMMUNITIES ON THE AGREEMENT ON GOVERNMENT PROCUREMENT

The following declaration, dated 22 December 1980, was distributed on the same day by the secretariat to signatories to the Agreement on Government Procurement as well as to delegations of non-signatories, which had made offers in the MTN.

The European Communities recall that they signed the Agreement on Government Procurement in December 1979 "sous réserve de l'achèvement satisfaisant des négociations sur la couverture des entités acheteuses". The signature of the Communities therefore constitutes acceptance of the Agreement only in regard to those signatories to whose lists of entities contained in Annex I of the Agreement the Communities have indicated their agreement.

The Communities' agreement to some of the lists of entities contained in Annex I has been effected by means of letters sent to those signatories. The Communities have to date only agreed to the lists of entities submitted by certain delegations. A list of these delegations is attached to this declaration.

The Communities can also provisionally accept the list of entities submitted by Canada which includes the Post Office but cannot agree to the footnote relating to the Post Office stating that "the Department of the Post Office is on this list of entities on the understanding that, should it cease to be a government department, the provisions of Article IX, paragraph 5(b) would not apply". In terms of this declaration there is no agreed list between the EC and Canada. Nevertheless, the Communities are ready to apply the Agreement to Canada on a provisional basis and will wish to negotiate compensatory adjustments, with a view to maintaining a comparable level of coverage in accordance with the procedures set out in Article IX paragraph 5(b) if Canada withdraws the Department of the Post Office and in any event reserves the right to withdraw equivalent concessions if no compensatory adjustments are made by Canada or if additional withdrawals are made.

The European Communities can provisionally agree to the final list of entities and products submitted by Japan and will apply the Agreement to Japan on a provisional basis. The European Communities will consider the question of de jure application of the Agreement to Japan when the Japanese Government provides assurances that the Communities will receive the same treatment as other signatories of the Code in respect of all procedures (including release of information and arbitration of disputes) relating to all contracts for procurement awarded by the Nippon Telegraph and Telephone Public Corporation.

ANNEX

The following is a list of those delegations to whose lists of entities and products the European Communities has indicated its agreement:

AUSTRIA

FINLAND

HONG KONG

NORWAY

SINGAPORE

SWEDEN

SWITZERLAND

UNITED STATES