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1 ARTICLE XXII OF THE AGREEMENT ON GOVERNMENT PROCUREMENT, AS AMENDED BY THE PROTOCOL AMENDING THE AGREEMENT ON GOVERNMENT PROCUREMENT

1.1 Text of Article XXII

Article XXII

Final Provisions

Acceptance and Entry into Force

1. This Agreement shall enter into force on 1 January 1996 for those governments¹ whose agreed coverage is contained in the Annexes of Appendix I of this Agreement, and which have, by signature, accepted the Agreement on 15 April 1994, or have, by that date, signed the Agreement subject to ratification and have subsequently ratified the Agreement before 1 January 1996.

(footnote original) ¹ For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Union.

Accession

2. Any Member of the WTO may accede to this Agreement on terms to be agreed between that Member and the Parties, with such terms stated in a decision of the Committee. Accession shall take place by deposit with the Director-General of the WTO of an instrument of accession that states the terms so agreed. This Agreement shall enter into force for a Member acceding to it on the 30th day following the deposit of its instrument of accession.

Reservations

3. No Party may enter a reservation in respect of any provision of this Agreement.

Domestic Legislation

4. Each Party shall ensure, not later than the date of entry into force of this Agreement for it, the conformity of its laws, regulations and administrative procedures, and the rules, procedures and practices applied by its procuring entities, with the provisions of this Agreement.

5. Each Party shall inform the Committee of any changes to its laws and regulations relevant to this Agreement and in the administration of such laws and regulations.

Future Negotiations and Future Work Programmes

6. Each Party shall seek to avoid introducing or continuing discriminatory measures that distort open procurement.

7. Not later than the end of three years from the date of entry into force of the Protocol Amending the Agreement on Government Procurement, adopted on 30 March 2012, and periodically thereafter, the Parties shall undertake further negotiations, with a view to improving this Agreement, progressively reducing and eliminating discriminatory measures, and achieving the greatest possible extension of its coverage among all Parties on the basis of mutual reciprocity, taking into consideration the needs of developing countries.

8. (a) The Committee shall undertake further work to facilitate the implementation of this Agreement and the negotiations provided for in paragraph 7, through the adoption of work programmes for the following items:

- (i) the treatment of small and medium-sized enterprises;
- (ii) the collection and dissemination of statistical data;
- (iii) the treatment of sustainable procurement;
- (iv) exclusions and restrictions in parties' Annexes; and
- (v) safety standards in international procurement.

(b) The Committee:

- (i) may adopt a decision that contains a list of work programmes on additional items, which may be reviewed and updated periodically; and
- (ii) shall adopt a decision setting out the work to be undertaken on each particular work programme under subparagraph (a) and any work programme adopted under subparagraph (b)(i).

9. Following the conclusion of the work programme to harmonize rules of origin for goods being undertaken under the Agreement on Rules of Origin in Annex 1A to the WTO Agreement and negotiations regarding trade in services, the Parties shall take the results of that work programme and those negotiations into account in amending Article IV:5, as appropriate.

10. Not later than the end of the fifth year from the date of entry into force of the Protocol Amending the Agreement on Government Procurement, the Committee shall examine the applicability of Article XX:2(b).

Amendments

11. The Parties may amend this Agreement. A decision to adopt an amendment and to submit it for acceptance by the Parties shall be taken by consensus. An amendment shall enter into force:

- (a) except as provided for in subparagraph (b), in respect of those Parties that accept it, upon acceptance by two thirds of the Parties and thereafter for each other Party upon acceptance by it;
- (b) for all Parties upon acceptance by two thirds of the Parties if it is an amendment that the Committee, by consensus, has determined to be of a nature that would not alter the rights and obligations of the Parties.

Withdrawal

12. Any Party may withdraw from this Agreement. The withdrawal shall take effect upon the expiration of 60 days from the date the Director-General of the WTO receives written notice of the withdrawal. Any Party may, upon such notification, request an immediate meeting of the Committee.

13. Where a Party to this Agreement ceases to be a Member of the WTO, it shall cease to be a Party to this Agreement with effect on the date on which it ceases to be a Member of the WTO.

Non-application of this Agreement between Particular Parties

14. This Agreement shall not apply as between any two Parties where either Party, at the time either Party accepts or accedes to this Agreement, does not consent to such application.

Agreement on Government Procurement, as amended by the Protocol Amending the Agreement on Government Procurement, done at Geneva on 30 March 2012– Article XXII (Practice)

Appendices

15. The Appendices to this Agreement constitute an integral part thereof.

Secretariat

16. This Agreement shall be serviced by the WTO Secretariat.

Deposit

17. This Agreement shall be deposited with the Director-General of the WTO, who shall promptly furnish to each Party a certified true copy of this Agreement, of each rectification or modification thereto pursuant to Article XIX and of each amendment pursuant to paragraph 11, and a notification of each accession thereto pursuant to paragraph 2 and of each withdrawal pursuant to paragraphs 12 or 13.

Registration

18. This Agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

1.2 Article XXII:2

1. In October 2015, with respect to the process of accession to the Agreement on Government Procurement, as amended by the Protocol Amending the Agreement on Government Procurement ("revised GPA"), the Committee on Government Procurement updated its Checklist of Issues for Provision of Information Relating to Accession to the Agreement on Government Procurement, to take account of the new provisions of the revised GPA.¹ For clarity, this Checklist supersedes the earlier Checklist relating to the 1994 Agreement on Government Procurement that is contained in document [GPA/35](#) of 21 June 2000.

2. On 28 September 2012, New Zealand applied for accession to the revised GPA.² On 29 October 2014, the Committee on Government Procurement adopted a decision on the terms of New Zealand's accession to the Agreement.³ On 13 July 2015, New Zealand deposited its instrument of accession, reproducing the terms that had been agreed upon, with the Director-General.⁴ The revised GPA entered into force for New Zealand on 12 August 2015.⁵

3. On 4 October 2013, Montenegro applied for accession to the revised GPA.⁶ On 29 October 2014, the Committee on Government Procurement adopted a decision on the terms of Montenegro's accession to the revised GPA.⁷ On 15 June 2015, Montenegro deposited its instrument of accession, reproducing the terms that had been agreed upon, with the Director-General.⁸ The revised GPA entered into force for Montenegro on 15 July 2015.

4. On 8 February 2011, Ukraine applied for accession to the revised GPA.⁹ On 11 November 2015, the Committee on Government Procurement adopted a decision on the terms of Ukraine's accession to the revised GPA.¹⁰ On 18 April 2016, Ukraine deposited its instrument of accession, reproducing the terms that had been agreed upon, with the Director-General.¹¹ The revised GPA entered into force for Ukraine on 18 May 2016.

¹ See [GPA/132](#).

² [GPA/115](#).

³ [GPA/125](#).

⁴ [WT/LET/1049](#).

⁵ [GPA/125](#), para. 2.

⁶ [GPA/120](#).

⁷ [GPA/124](#).

⁸ [WT/LET/1046](#).

⁹ [GPA/107](#).

¹⁰ [GPA/133](#).

¹¹ [WT/LET/1150](#).

Agreement on Government Procurement, as amended by the Protocol Amending the Agreement on Government Procurement, done at Geneva on 30 March 2012– Article XXII (Practice)

5. On 7 January 2002, the Republic of Moldova applied for accession to the revised GPA.¹² On 16 September 2015, the Committee on Government Procurement adopted a decision on the terms of the Republic of Moldova's accession to the revised GPA.¹³ Subsequently, on 14 June 2016, the Republic of Moldova deposited its instrument of accession with the Director-General. The revised GPA entered into force for the Republic of Moldova on 14 July 2016.¹⁴

6. On 2 June 2015, Australia applied for accession to the revised GPA.¹⁵ On 17 October 2018, the Committee on Government Procurement adopted a decision on the terms of Australia's accession to the revised GPA.¹⁶ On 5 April 2019, Australia deposited its instrument of accession, reproducing the terms that had been agreed upon, with the Director-General.¹⁷ The revised GPA entered into force for Ukraine on 5 May 2019.

7. On 5 June 2018, the United Kingdom applied for accession to the revised GPA in its own right.¹⁸ On 27 February 2019, the Committee on Government Procurement adopted a decision on the terms of the United Kingdom's accession to the revised GPA.¹⁹ Paragraph 1 of that decision states that if the European Union and the United Kingdom conclude an agreement that provides for a transition period during which European Union law would apply to and in the United Kingdom", the United Kingdom is covered by the revised GPA "until the date of expiry of that transition period". During such a transition period, the United Kingdom is treated as a member State of the European Union.

1.3 Article XXII:5

8. At its meeting on 30 March 2012, the Committee on Government Procurement adopted a decision on the notification requirements under Articles XIX and XXII of the revised GPA.²⁰

1.4 Article XXII:8(a)

9. In the course of a formal meeting of the Committee on Government Procurement on 25 June 2014, the Chairman, on behalf of the Committee, noted that the decisions set out in Appendix 2 of the Committee's Decision of 30 March 2012 on the Outcomes of the Negotiations²¹ (regarding notification requirements under Articles XIX and XXII of the revised GPA and the Committee's new Work Programmes) were in effect as of 6 April 2014. The Chairman also noted that the Committee's agreed Work Programmes relating to the administration and possible further evolution of the revised GPA, set out in Annexes C, D, E, F and G of Appendix 2 of the decision, had been formally initiated.²²

1.5 Article XXII:8(b)

10. At its meeting on 30 March 2012, the Committee on Government Procurement adopted a decision on Adoption of Work Programmes.²³

Current as of: March 2020

¹² [GPA/63](#).

¹³ [GPA/131](#) and [Add.1](#).

¹⁴ [WT/LET/1169](#).

¹⁵ [GPA/129](#).

¹⁶ [GPA/CD/1](#).

¹⁷ [WT/LET/1429](#).

¹⁸ [GPA/146](#).

¹⁹ [GPA/CD/2](#) and [Add.1](#).

²⁰ Annex A of Appendix 2 to [GPA/113](#).

²¹ [GPA/113](#).

²² [GPA/M/56](#), paras. 3.1. and 3.2.

²³ Annex B of Appendix 2 to [GPA/113](#).