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**1 ARTICLE XIX OF THE AGREEMENT ON GOVERNMENT PROCUREMENT**

**1.1 Text of Article XIX**

**Article XIX**

*Information and Review as Regards Obligations of Parties*

1. Each Party shall promptly publish any law, regulation, judicial decision, administrative ruling of general application, and any procedure (including standard contract clauses) regarding government procurement covered by this Agreement, in the appropriate publications listed in Appendix IV and in such a manner as to enable other Parties and suppliers to become acquainted with them. Each Party shall be prepared, upon request, to explain to any other Party its government procurement procedures.

2. The government of an unsuccessful tenderer which is a Party to this Agreement may seek, without prejudice to the provisions under Article XXII, such additional information on the contract award as may be necessary to ensure that the procurement was made fairly and impartially. To this end, the procuring government shall provide information on both the characteristics and relative advantages of the winning tender and the contract price. Normally this latter information may be disclosed by the government of the unsuccessful tenderer provided it exercises this right with discretion. In cases where release of this information would prejudice competition in future tenders, this information shall not be disclosed except after consultation with and agreement of the Party which gave the information to the government of the unsuccessful tenderer.

3. Available information concerning procurement by covered entities and their individual contract awards shall be provided, upon request, to any other Party.

4. Confidential information provided to any Party which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interest of particular enterprises, public or private, or might prejudice fair competition between suppliers shall not be revealed without formal authorization from the party providing the information.

5. Each Party shall collect and provide to the Committee on an annual basis statistics on its procurements covered by this Agreement. Such reports shall contain the following information with respect to contracts awarded by all procurement entities covered under this Agreement:

- (a) for entities in Annex 1, statistics on the estimated value of contracts awarded, both above and below the threshold value, on a global basis and broken down by entities; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value on a global basis and broken down by categories of entities;
- (b) for entities in Annex 1, statistics on the number and total value of contracts awarded above the threshold value, broken down by entities and categories of products and services according to uniform classification systems; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value broken down by categories of entities and categories of products and services;
- (c) for entities in Annex 1, statistics, broken down by entity and by categories of products and services, on the number and total value of contracts awarded under each of the cases of Article XV; for categories of entities in Annexes 2

and 3, statistics on the total value of contracts awarded above the threshold value under each of the cases of Article XV; and

- (d) for entities in Annex 1, statistics, broken down by entities, on the number and total value of contracts awarded under derogations to the Agreement contained in the relevant Annexes; for categories of entities in Annexes 2 and 3, statistics on the total value of contracts awarded under derogations to the Agreement contained in the relevant Annexes.

To the extent that such information is available, each Party shall provide statistics on the country of origin of products and services purchased by its entities. With a view to ensuring that such statistics are comparable, the Committee shall provide guidance on methods to be used. With a view to ensuring effective monitoring of procurement covered by this Agreement, the Committee may decide unanimously to modify the requirements of subparagraphs (a) through (d) as regards the nature and the extent of statistical information to be provided and the breakdowns and classifications to be used.

## **1.2 Article XIX:5**

1. At its meeting of 27 February 1996, the Committee on Government Procurement adopted the recommendation of the Statistical Working Group that the rules of origin used for the purposes of statistical reporting in Article XIX:5 of the Agreement on Government Procurement (GPA) should be the same as those applied under Article IV thereof, which are those used in the normal course of trade.<sup>1</sup>

2. At its meeting of 4 June 1996, the Committee on Government Procurement adopted the product classification systems for goods and services for purposes of statistical reporting under the GPA.<sup>2</sup> The systems comprise 26 product categories as proposed by the Chairman<sup>3</sup> and the services classification system as proposed by the Chairman<sup>4</sup>, as amended by merging categories 71 and 73 into one category named "transport services".<sup>5</sup>

Current as of: July 2022

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<sup>1</sup> [GPA/M/1](#), paras. 60-61.

<sup>2</sup> [GPA/M/2](#), paras. 46-51. The text of the decision can be found in [GPA/4](#) of 10 July 1996.

<sup>3</sup> [GPA/W/17](#), Annex 1.

<sup>4</sup> [GPA/W/17](#), Annex 2.

<sup>5</sup> [GPA/M/2](#), paras. 49-51.