Overview of the GPA Accession Process: Status of Pending Accessions, Relevant Provisions of the Agreement, Procedures and Indicative Timetable

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  - Stages of the process, checklist of issues and indicative timetable

Summary of currently pending accessions

- **Negotiations on legislation and coverage largely completed (except for nomenclature issues): Chinese Taipei**
- **Intensive stage (nearing completion): Jordan**
- **Applied for accession; substantive work pending: Albania, Georgia, the Kyrgyz Republic, Moldova, Oman and Panama**
- **Commitments to accede (as part of WTO accession protocols): Armenia, China, Croatia, the former Yugoslav Republic of Macedonia, Mongolia and Saudi Arabia.**

Key documents for reference

- **GPA/1, Annex 2 (Basic procedures for accession)**
- **GPA/35 (Checklist of issues for provision of information relating to accession)**
- **GPA/W/109/Rev. 2 (Indicative time-frame for accession and negotiations and reporting)**

(NB: All of the above are available in the book of materials prepared for the seminar)

Legal basis for accession

- From GPA Article XXIV:2:
  - Eligibility of any WTO Member to accede
  - Terms to be agreed with existing Parties
  - By deposit with the Director-General of an instrument of accession, including agreed terms
  - Entry into force on 30th day afterwards

Special rights/privileges of developing countries in the accession process

- Article V (S&D), especially:
  - Coverage obligations of developing countries to take account of their development, financial and trade needs (para. 3)
  - Negotiated exclusions from national treatment (para. 4)
- Ability of developing countries to negotiate offsets, <u>in the course of accession negotiations</u> (Article XVI:2)
  - As a qualification criterion (not an award criterion)
  - Objective, clearly-defined and non-discriminatory
  - Transparency requirements

Some key procedural elements (GPA/1, Annex 2 and GPA/W/109/Rev. 2)

1. Communication of interest in accession to Director-General and Committee on Government Procurement
2. Submission of relevant information, including on: (i) proposed coverage (draft Appendices); and (ii) national legislation (both essential)
3. Consultations to be held by the Committee, as necessary (supplemented by bilateral discussions with individual Parties)
4. Agreement on terms of accession, submission of Report on legislation and decision by the GPA Committee
5. Deposit of accession instrument/terms and entry into force

Checklist of issues regarding provision of information (see GPA/35)

- Legal basis: Article XXIV:5(a)
- Key items to be addressed:
  - Legal framework
  - Scope and coverage
  - National treatment and non-discrimination
  - Elements relating to procurement procedures
  - Bid challenge procedures
  - Other (e.g. IT, contact points)

Negotiations on implementing legislation: procedural steps

1. Replies to checklist (see GPA/35)
2. Written questions from existing Parties and responses
3. Consultations (plurilateral)
4. Follow-up questions and further consultations (as needed)
5. Report on steps needed to align national legislation with the GPA (including any amendments foreseen)

Negotiations on market access (coverage) commitments: procedural steps

1. Circulation of initial offer by acceding country
2. Written questions from existing Parties and responses
3. Consultations (plurilateral)
4. Preparation of revised offer (as needed)
5. Further consultations/agreement on coverage commitments

Indicative timetable for negotiations (see GPA/W/109/Rev. 2)

- **Suggested overall timeframe: 18 months (from date of application to adoption of Committee decision)**
- **Negotiation of legislation: 18 months (concurrent)**
- **Negotiation of coverage (Appendices): 11 months (to run from submission of initial offer)**
- **NB: timeframe is indicative only. <u>Practice may differ from case to case</u>**