

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Limited Distribution

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## COMMITTEE ON GOVERNMENT PROCUREMENT

### MEETING OF 3 NOVEMBER 1983

#### Note by the Chairman

1. The Committee met on 3 November 1983.
2. The Committee continued its examination of general and specific questions concerning national implementation and administration of the Agreement, during which a number of questions concerning individual countries were raised. Israel, having acceded to the Agreement since its last meeting, informed the Committee of various measures taken in order to ensure full compliance with the provisions of the Agreement, and of further documentation which is to be submitted to the Committee.
3. The Committee opened formally the further negotiations foreseen in Article IX:6(b), after having heard general statements and after having agreed on the following procedures and timetable:
  - (a) Negotiations on Improvement of the Agreement
    - (i) The negotiations will be based on specific suggestions from Parties;
    - (ii) Parties would be free to suggest any improvement that they wish to see made;
    - (iii) the negotiations will be conducted in the Committee; and
    - (iv) in addition bilateral and plurilateral consultations on an informal basis may be held.
  - (b) Negotiations on Broadening of the Agreement
    - (i) The tabling of requests will be commenced when some clarification has been obtained with respect to matters taken up in the context of improving the Agreement. Plurilateral and bilateral consultations will be held on the basis of requests put forward; and
    - (ii) the Committee will oversee the conduct of the negotiations.

(c) Service contracts

The secretariat was requested to draw up a paper for the next meeting which would compile information made available and suggestions by Parties, on (i) types of service contracts that might become subject to discussion; and (ii) the sort of questions that might usefully be analyzed from the point of view of technical problems that would seem to have to be tackled if such service contracts were to be included in the Agreement. It was the understanding of the Committee that this preparatory work would not prejudice the negotiating position of any delegation with respect to the issue of service contracts, nor the role of the secretariat in the area of services.

(d) Timetable

At the next meeting, scheduled for 31 January - 3 February 1984, the Committee would, in so far as the Article IX:6(b) negotiations were concerned: (i) identify issues to be taken up in relation to improvements of the Agreement; as the meeting would represent the target date for specific proposals relating to improvement aspects delegations, who so wished, were invited to circulate any such proposals prior to the meeting, on the understanding that this would not exclude the possibility of proposals being made at a later stage; and (ii) address the question of the launching of further studies on certain types of service contracts, in the light of preparatory work done prior to the meeting.

The Committee agreed to hold a further meeting on 3-5 April 1984, the purpose of which would be (i) to continue discussion on matters relating to improvements of the Agreement to the extent feasible; and (ii) to table requests with respect to entities on the understanding that requests could be put forward later as well.

On the understanding that additional meetings might be held, the Committee decided to meet in the week of 12 November 1984, starting on 13 November 1984. The Committee will then assess the overall results achieved to date with a view to completion of the negotiations by mid-1985.

(e) Transparency in the negotiations

While noting that according to Article IX:6(b) the negotiations would be undertaken by the Parties, the Committee agreed that, in order to facilitate participation by non-Parties interested in seeking accession, these governments should be invited to participate in the negotiations. The basis for the participation of non-contracting parties would be Article IX:1(d). Governments interested in acceding would be considered participants in the negotiations when they have tabled an entity offer, which could be done at any point in time.

As far as transparency by way of document distribution was concerned, suggestions concerning improvements would be circulated in the GPR/W/-series, i.e. to members and observers in the Committee, the normal procedural rules applying. Each Party putting forward a request concerning entities would provide copies to the secretariat for distribution only to participants in the negotiations. The same would apply to offers or requests by other participants.

(f) Submission of information

The Committee took stock of information which had been collected in the course of the preparatory work. Some delegations indicated that further information would be made available soon whilst others explained problems involved in preparing some of the data asked for. Parties who have not yet done so remain invited to submit, if possible prior to the next meeting, certain information relating to entities not presently covered by the Agreement, service contracts, leasing and specific derogations. Parties were also invited to submit to the extent possible, certain additional information concerning product categories purchased by non-covered entities, if possible in time for the next meeting. The question of possible data collection on contracts valued between 100,000 SDRs and the threshold of 150,000 SDRs was discussed, but no decision taken.

4. The Committee conducted its third annual review of the implementation and operation of the Agreement on the basis of a secretariat background document, which will be revised to take into account comments made and additional points arising out of the present meeting. It was agreed in principle to de-restrict the document, as revised, unless objections were raised before the next meeting.

5. In the context of the third annual review the Committee conducted a major review of Article III (Special and Differential Treatment for Developing Countries), in pursuance of Article III:13 of the Agreement. In view of statements made by non-Parties in the Council, it was agreed that observers be invited in an appropriate way to explain to the Committee problems they might have encountered in acceding to the Agreement so that the Committee might be in a position to examine such problems with a view to ascertaining whether it could do something to make accession of interested observers easier.

6. The Committee discussed a suggestion concerning the preparation of a practical guide to the Agreement. Although the work on such a guide, including its contents, would be reverted to at the next meeting, there was general consensus on the usefulness of it being established.

7. The Committee had a short exchange of views on certain questions concerning nationalized enterprises, on the basis of a working document submitted by one delegation. The matter will be reverted to at the next meeting.

8. The Chairman invited Parties to submit names of potential Panel candidates for 1984, according to Article VII:8. He informed the Committee that a third set of replacement pages for loose-leaf sets concerning the Annexes to the Agreement had been circulated, following Israel's accession to the Agreement. He urged Parties to notify any changes in Annexes I-IV in order that they be kept up-to-date.

9. The present note should be considered an updating of the Committee's report to the CONTRACTING PARTIES (document L/5503).