

GENERAL AGREEMENT ON TARIFFS AND TRADE

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8 January 1992
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Committee on Government Procurement

MINUTES OF THE MEETING HELD ON 22 NOVEMBER 1991

Chairman: Mr. David Hayes (United Kingdom)

1. The following agenda was proposed:

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2. Upon request by certain delegations, it was agreed to omit agenda item B, on the understanding that the Committee would revert to this issue at a later date. The agenda, thus revised, was adopted.

A. Article IX:6(B) negotiations

3. The Chairman gave the following brief summary of the operational conclusions reached during the negotiations in the Informal Working Group which were held earlier in the week. The next meeting of the Informal Working Group would be held from 10 to 12 December 1991, followed by a Committee meeting on 13 December. The Chairman, with the assistance of the secretariat, would circulate draft legal texts on all the issues which participants felt should be subject to amendments in a new Government Procurement Code. These were broadly the issues as set out in the Checklist of Issues dated 8 November 1991. In addition, texts were awaited on Modalities for the Inclusion of Category C Entities and on Single Tendering Procedures. In the area of Services, agreement was reached in a smaller group of participants to use a "two-track approach", using either a

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positive (listing the sectors which would be included), or a negative list (listing the sectors which would be excluded), to set out entities which would be covered by the Agreement on Government Procurement, using as a basis the CPC based classification used in the GNS negotiations (document MTN.GNS/W/120). Participants would be free to choose which of the two approaches to follow. There was also agreement among the smaller group that there was no need to specifically define services, except in the case of construction services. The Chairman with the assistance of the secretariat would circulate a draft definition of construction services. The other services issues remained unresolved for the time being.

C. Modification by the EC of its entity list, pursuant to Article IX:5(b)

4. The delegate from the United States, through the secretariat, circulated a number of questions in writing addressed to the EC, concerning the changes in the EC coverage. She was looking forward to receiving answers in due time to allow for an assessment to be made. The spokesman for Canada recalled that at the Committee meeting of 23 April of this year and in a subsequent letter dated 30 April, his delegation had asked the European Community to provide certain statistical data on the same subject. The delegate from Japan, referring to the Explanatory Note to the Notification by the European Community, commented that Japan agreed that privatised companies should not fall under the Code. However, he stressed the necessity for an overall balance in the entities covered by the Code. He reserved his right to examine this matter in the future. The spokeswoman for the European Communities assured the Canadian delegate that the Communities were in the process of drafting a reply to the Canadian questions which would be sent to the GATT secretariat shortly. Replying to the Japanese concern she stated that entities which are privatised and subsequently withdrawn from the list of entities represented only a fairly small share of the markets covered by the Code. Some entities were withdrawn from the list simply because they no longer existed, for instance the entity which dealt with the intra-German trade; or, certain entities in France which were previously at the central level which had become local entities since through a process of decentralisation and thus fell outside the scope of the current Code. The delegate from the United States thanked the EC for its replies but reiterated her request that replies be given in writing. She expressed a particular interest in certain areas that were addressed this morning. The Committee took note of the statements made.

D. Adoption of the 1991 Report to the CONTRACTING PARTIES

5. A revised draft of the report was circulated. An updated version, to take into account today's meeting would be circulated shortly for comments by delegations.

E. Other business

6. The Committee agreed to hold its next meeting on 13 December 1991 after the meeting of the Informal Working Group, planned for 10 to 12 December.