

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/W/251

13 June 1979

Special Distribution

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## Multilateral Trade Negotiations

### AGREEMENT ON GOVERNMENT PROCUREMENT

#### Suggested Rectifications of a Formal Character

##### Note by the Secretariat

In the Procès-Verbal embodying the results of the Multilateral Trade Negotiations, representatives acknowledged that the texts listed therein might be subject to rectifications of a purely formal character that did not affect the substance or meaning of the texts (MTN/28, paragraph 1). An airgram (GATT/AIR/1565) inviting delegations to communicate suggestions for formal rectifications to the secretariat by 1 June 1979 was circulated on 8 May 1979.

Listed below are suggested rectifications<sup>1</sup> to document MTN/NTM/W/211/Rev.2 and Add.1.

Delegations concerned are requested urgently to complete the adjustments which may still be needed for technical reasons in Annex I of the Agreement. They are further requested to furnish urgently to the secretariat information necessary to complete Annexes II through IV.

##### General comments

1. Wherever the word "party" is used to mean the "party to this Agreement", the "p" of "party" should be capitalized. When "Parties" means all the parties to this Agreement, "the" should be placed before "Parties". When the word "party" is used to mean a party to a dispute, "party" should be in small letters.

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<sup>1</sup>Corresponding rectifications to the French and Spanish texts are being circulated. Rectifications to the French and Spanish texts concerning only the alignment of those texts to the English text are being communicated directly to delegations using these languages. Other delegations wishing to have copies of these texts are invited to inform the secretariat (Tel. 31.02.31, ext. 2385).

2. Capital letters are suggested in all cases except when "Party" or "Parties" are referring to contracting parties, working parties and except in the following provisions of the Agreement:

Part VII<sup>1</sup>, paragraph 6, third line;  
paragraph 7, third and sixth lines;  
paragraph 8, ninth, eleventh and fourteenth lines;  
paragraph 9, fourth line of sub-paragraph;  
paragraph 14, first and second lines.

3. The article "the" should be inserted before "Parties" in the following provisions:

Part I, paragraph 2, first line.

Part II, paragraph 1, second line;  
paragraph 3, first line.

Part III, paragraph 1, first line;  
paragraph 2, first line;  
paragraph 11, opening of second sentence in fifth line.

Part V, paragraph 1, first line.

Part VI, paragraph 1, opening of second sentence in sixth line;  
paragraph 9, first line.

Part VII, paragraph 5, first line.

4. The article "the" should be inserted before the word "developed", "Developing" or "least-developed", as the case may be, in the following lines:

Part III, paragraph 5, first and ninth lines;  
paragraph 8, first line;  
paragraph 9, second line;  
paragraph 10, first line;  
paragraph 11, second and sixth lines;  
paragraph 12, first and fourth lines;  
paragraph 14, second line.

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<sup>1</sup>Without prejudice to the suggestion below that "Part" be changed to "Article" throughout the Agreement.

5. The INDEX on pages 2 and 3, not being a part of the international treaty, should be deleted from the legal text. (This does not prevent, however, attaching an index (or table of contents) in front of or at the end of the treaty text to be reproduced as reference material).

6. "Part" should be changed to "Article" to conform to the standard form in international law, having Articles, and then, paragraphs. "Parts" are used only to group certain Articles from others.

7. Names of entities and publications given in Annexes I through IV in the Agreement should be in the original language if not a GATT language and in the relevant GATT language in each of the three authentic versions of the Agreement. The secretariat could undertake translation if this does not already exist.

#### Other comments

8. The following additional suggestions for rectifications have been made:

#### Preamble

Preambular paragraph 8: Delete the word "procedures" in second line and add the words "procedures on" between the words "international" and "notification" in first line.

#### Part I

Paragraph 1(b), fourth line: add "or products" after the word "product"

Paragraph 1(c), second and third line: move the words "and other designated entities" to the end of the sentence.

Paragraph 2, first line: Add "to this Agreement", after the word "Parties".

#### Part III

Paragraph 1(d): Replace "GATT" by "the General Agreement on Tariffs and Trade (hereinafter referred to as "the GATT")".

Paragraph 2, first line: Replace "Consistently" by "consistent".  
last line: Add "countries" between "those" and "at".

Paragraph 8: Replace "country" by "countries" in the heading and in the first and third lines. A comma should be inserted after "appropriate" in the second line.

Paragraph 9, second line: Replace "country" by "countries".

Paragraph 10: Replace "country" by "countries" in first and third lines.

Paragraph 12: first line: Replace "country" by "countries".

third line should read: "countries Parties in submitting their tenders and selecting".

fourth line should read: "likely to be of interest to entities of the developed countries Parties concerned."

fifth line: add "Parties concerned" after "least-developed countries".

Paragraph 14, first line: the words "rounds of" should be deleted.

#### Part IV

The last word "tenders" in sub-paragraph (c) should be replaced by "notices of proposed purchases".

#### Part V

Paragraph 1, eighth line: the word "procedures", followed by comma, should be added after "Single tendering".

Paragraph 2(b), second line: "The word "and" should be added (and comma deleted) between the words "qualifications" and "information".

Paragraph 3: In heading before the paragraph the last word should read "documentation".

Paragraph 6(c), end of second line should read "participate in the particular".

Paragraph 8, first line: "notice to purchase" should be replaced by "notice of a proposed purchase".

Paragraph 14(c), second line: "documents" should be replaced by "documentation".

Paragraph 14(h), third line: "In the limited" should be amended to "In a limited".

In last line and when first appearing in seventh line: "suppliers" should read "a supplier".

Paragraph 15(a), second line: The word "either" should be moved to follow the word "submitted".

fourth line: should start with "have been from suppliers"

#### Part VII

Paragraph 2: Delete "ad hoc"

Paragraph 6: Heading before the paragraph should read "Dispute Settlement".

Paragraph 9: Delete comma in first line.

#### Part IX

New paragraph 1(c):

"This Agreement shall be open for acceptance by signature or otherwise by governments having provisionally acceded to the GATT, on terms related to the effective application of rights and obligations under this Agreement, which take into account rights and obligations in the instruments providing for their provisional accession."

Present sub-paragraph (c) becomes (d) and present sub-paragraph (d) is replaced by a new sub-paragraph (e):

"In regard to acceptance, the provisions of Article XXVI:5(a) and (b) of the General Agreement would be applicable."

Paragraph 6(b): Comma should be inserted after the last word "reciprocity" on page 28.

Paragraph 12: Replace the word "and" by comma after "thereof" in fourth line and add "and of" in fifth line after "paragraph 5". Replace "or" in seventh line by "and of". Delete commas after "paragraph 5" and after "paragraph 1".

#### ANNEXES

#### Page 79<sup>1</sup>

First sentence: Full stop after "Accounts Law" and delete the remainder of sentence. References to footnotes 1-5 should also be deleted. Third entity should read "Supreme Court".

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<sup>1</sup> Modifications concerning indenting and spacing on pages 79-81 are not reproduced here.

Page 79 (cont'd)

Third line from bottom: Add in parenthesis "Materials connected with operational safety of transportation are not included."

Last line: Add in parenthesis "Public telecommunications equipment is not included."

Page 80

New Note 1: "Entities covered by the Accounts Law include all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices referred to in National Government Organization Law."

Note 1 becomes Note 2

Note 2 becomes Note 3; the word "so" should be added in the first line between "is" and "provided".

Delete existing Note 3 and replace by the following:

Note 4: "This Agreement will generally apply to purchases by the Defence Agency of the following FSC categories subject to the Japanese Government determinations under the provisions of Part VIII, paragraph 1."

Page 81

Footnotes 4 and 5 should be deleted.

Page 92

In column listing "BTN chapters", the line reading "30-81" should be amended to "30-49". Between this line and the next, reading "82", a new line should be added, reading "65-81".

Page 99

The text concerning "F.R. Germany" should read "Official Journal of the European Communities", the balance being deleted.

After entry for Finland add:

"HONG KONG"

"Hong Kong Government Gazette."

Page 99 (cont'd)

After entry for Japan add:

"NIGERIA"

"Federal Government Gazette".

Page 101

Add:

"HONG KONG"

"Hong Kong Government Gazette".

FINLAND, NORWAY and SWEDEN should be added, each with the text  
"No list existing".

Page 103

After entry for Finland, add:

"HONG KONG"

"Hong Kong Government Gazette"

After entry for Japan, add:

"NIGERIA"

"Federal Government Gazette".

The text for Japan should be replaced by the following:

"Kampō (Official Gazette) and/or Hōreizensho (Compilation of laws and ordinances)"