

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/W/257

20 June 1979

Special Distribution

English only

Multilateral Trade Negotiations

AGREEMENT ON GOVERNMENT PROCUREMENT

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 and suggestions from delegations for rectifications were circulated in MTN/NTM/W/251.

Rectifications¹ to the English text of document MTN/NTM/W/211/Rev.2 are listed below.

Index, to become "Table of Contents".

The full title of the Agreement should be typed before the table of contents and again before the legal text (the table of contents not being a part of an international treaty). The word "Part" should read "Article" throughout the table of contents. The words "to this Agreement" should be deleted in the references to Annexes II through IV. The reference to the heading "Resolution of Disputes" (page 2) should read "Dispute Settlement".

¹Corresponding 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).

Preamble

Should start as follows: "Parties to this Agreement (hereinafter referred to as "Parties"),"

First preambular paragraph, third line should read: "framework of the General Agreement on Tariffs and Trade (hereinafter referred to as "General Agreement" or "GATT") should ..."

Eighth preambular paragraph: Delete the word "procedures" in second line and add "procedures on" between "international" and "notification" in first line.

Part I, to become "Article I"

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

Paragraph 1(c), second line should read "of Parties and other designated entities, with respect ..."

Paragraph 2 should start with "The Parties shall".

Footnote 2, first line should read "... the Parties shall ...";
second line: replace "Part IX" by "Article IX";
last line: "the Agreement" should read "this Agreement".

Part II, to become "Article II"

Paragraph 1, second/third lines should read: "... this Agreement, the Parties shall provide ...";

fourth line: capital letter in "Parties";

fifth line: capital letter in "Parties" and delete
"to this Agreement";

last line: capital letter in "Party".

Paragraph 3, the words "to this Agreement" should be deleted in first, third and last lines. The paragraph should start with "The Parties" and "Parties" should start with a capital letter also in third and last lines.

Part III, to become "Article III"

Paragraph 1 should start with "The Parties shall, ...". In second line "Part" should be replaced by "Article".

Paragraph 1(d): add "the" before "GATT" in last line.

Paragraph 2, first line should read: "... this Agreement, the Parties to it ..."; last line: add "countries" between "those" and "at".

Paragraph 3: Change "the Agreement" to "this Agreement" in seventh line.

Paragraph 5, first/second lines should read: "... this Agreement, the developing country Parties may modify ...";
third line: "Part IX" should read "Article IX";
ninth line should read: "... above. The developing country Parties may also request, ...";
tenth line: "the Agreement" should read "this Agreement";
fifteenth line: "Party" should begin with a capital letter.

Paragraph 7, last line: "Part" should be replaced by "Article".

Paragraph 8, heading, first and third lines: "Parties" should begin with a capital letter. Delete "to this Agreement" in first line.

Paragraph 9, second line should read: "... among the developing country Parties ..."

fifth line: "Party" should begin with a capital letter.

Paragraph 10, first line should read: "The developed country Parties shall ...";

third line: capital letter in "Parties".

Paragraph 11, second/third lines should read: "...to the least-developed country Parties and to ...";

fifth line should read: "... developing country Parties. The Parties may ...";

sixth line: add "the" before "least-developed";

seventh line: capital letter in "Parties".

Paragraph 12, first line: capital letter in "Parties";

third line: delete comma and add "and" between "tenders" and "selecting".

Paragraph 13, second, sixth and next to last lines: replace "Part" by "Article";

third line should read: "... by the Parties shall carry..".

Paragraph 14, second/third lines should read: "provisions of Article IX, paragraph 6, the developing country Parties shall give ..."

Part IV, to become "Article IV"

The numbering of paragraphs (a), (b) and (c) should be replaced by "1", "2" and "3". In paragraph 2, (i) and (ii) should be replaced by "(a)" and "(b)".

Part V, to become "Article V"

Paragraph 1, first line should read: "The Parties shall ...";
third line: add comma between "procedures" and "for" and
after the word "Agreement";
fifth line: add comma after "Agreement";
seventh line: "Part" should read "Article";
eighth line should read: "Single tendering procedures,
for the purposes of this Agreement, are those procedures where ...".

Paragraph 2, (b), second line: add "and" and delete comma between
"qualifications" and "information".

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

Paragraph 4, item (ii): add after "tenders": "or an application to be
invited to tender; ...";

Paragraph 7, fourth line: replace "Part" by "Article".

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

Paragraph 10(a), last line and 10(d), last line: replace "Part" by
"Article".

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

Paragraph 14(d), next to last line: replace "Parts" by "Articles".

Paragraph 14(h), fourth/fifth lines should read "... a contract, Parties
concerned shall ...";
seventh, tenth and eleventh lines: "Party" should begin
with a capital letter.

Paragraph 15(e), last line: replace "Part" by "Article". Renumber the
footnote to become footnote 3.

Paragraph 16, second and fifth lines: replace "Part" by "Article".
In last line, replace "Parts" by "Articles".

Part VI, to become "Article VI"

- Paragraph 1, fourth line should read "... by the Parties in the appropriate ...";
sixth/seventh lines should read: "The Parties shall ...";
sixth line: capital letter in "Parties";
seventh and ninth lines: capital letter in "Party".
- Paragraph 6, first and next to last lines: capital letter in "Party";
second line: replace "Part" by "Article".
- Paragraph 7, second line: capital letter in "Party".
- Paragraph 8, first line should read: "... any Party which ...";
next to last line: capital letter in "Party".
- Paragraph 9, first line should read: "The Parties shall ...";
fourth line: replace "the" by "this";
sub-paragraph (c), last line: replace "Part" by "Article".

Part VII, to become "Article VII"

- Paragraph 1, third, fifth and last lines: capital letter in "Parties".
Delete "to this Agreement" in third line. Replace "the Agreement" by "this Agreement" in sixth line.
- Paragraph 2: replace "Part" by "Article".
- Paragraph 3: capital letter in "Party".
- Paragraph 4: capital letter whenever "Party" and "Parties" are used.
Replace "the Agreement" by "this Agreement" in third line.
- Paragraph 5: Insert "The" before "Parties" in first line. Replace
"the Agreement" by "this Agreement" in second line. Replace "Part" by "Article"
in third line.
- Paragraph 6: heading before the paragraph should read "Dispute
settlement". In second line, "Parties" should begin with a capital letter.
- Paragraph 8, fifth and seventh lines: Delete "to this Agreement" and
begin "Party" and "Parties" with a capital letter.
- Paragraph 9, first, fifth and sixth lines: capital letter in "Parties" or
"Party", as the case may be. Delete "to this Agreement" in sixth line.
In sub-paragraph to paragraph 9: replace "the Agreement" by "this Agreement"
in second and sixth lines. "Parties" in third line should begin with a
capital letter.

Paragraph 11(b) should read: "recommendations to one or more Parties; and/or".

Paragraph 12, first line: capital letter in "Party".

Paragraph 14: capital letter in "Party" in third and sixth lines, and in "Parties" in fourth and sixth lines. Delete "to this Agreement" in fourth line.

Part VIII, to become "Article VIII"

Paragraph 1, first/second lines should read: "... any Party from taking ...".

Paragraph 2, fifth line: capital letter in "Party".

Part IX, to become "Article IX"

Paragraph 1(b), first line: capital letter in "Party". Third line: capital letter in "Parties". Delete "to this Agreement".

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, and whose agreed lists of entities are contained in Annex I."

Present sub-paragraph (c) becomes (d), the fourth line of which should read: "... and the Parties, by the ...".

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 3: Renumber the footnote to become footnote 4.

Paragraph 4(b) should begin: "Each Party shall ...".

Paragraph 5(b), third line: capital letter in "Party";
fifth line: capital letter in "Parties";
sixth line: delete "to this Agreement";
eighth line: replace "the" by "this".
twelfth line: replace "Part" by "Article".

Paragraph 6, heading should read "Reviews and negotiations".

Paragraph 6(b), second line: capital letter in "Parties". Fourth and seventh lines: replace "the Agreement" by "this Agreement". End of fourth line: add comma. Fifth line: replace "Part" by "Article".

Paragraph 7, first, third, fourth and fifth lines: capital letter in "Party" or "Parties", as the case may be.

Paragraph 8, first and fourth lines: capital letter in "Party". Delete "to this Agreement" in fourth line.

Paragraph 9, capital letter in "Parties" in heading and two first lines. Delete "to this Agreement".

Paragraph 12, second/third lines should read "... each Party and each contracting party ...". 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". Replace "Part" by "Article" in last line.

NOTES

In note to Article I, paragraph 1 the words "to this Agreement" should be deleted at end of paragraph. "Parties" should begin with a capital letter.

Note to Article V, paragraph 14(h): In second line "government procurement" should begin with small letters. Replace "Part" by "Article" in third line and use capital letters in "Party" in the two last lines.