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# The Revisions in the Agreement on Government Procurement

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# Content

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- Some Background
- Revised Text
- Enhanced Market Access
- Future Work Programmes

# GPA Revision: Some Background

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# What is the (revised) GPA?

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- A plurilateral agreement within the WTO system
- An internationally recognised tool that promotes:
  - Access to other GPA parties' procurement markets
  - Improved economic efficiency in each participating member's procurements
  - Good governance (transparency, fair competition and an absence of corruption in covered procurement markets)
  - Implementation of internationally recognised best practices

# Membership: Current Status

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- 20 signatories (= 47 member states)

Armenia, Canada, China, Chinese Taipei, European Union, Iceland, Israel, Japan, Liechtenstein, **Montenegro**, Netherlands with respect to Aruba, **New Zealand**, Norway, Republic of Korea, **Republic of Moldova**, Singapore, Switzerland, **Ukraine**, United States

- Ratified by 19 parties

# All except...

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# Membership: Latest Developments

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- 9 observers have (at least) initiated the process of acceding:

Australia, Albania, China, Georgia, Jordan, Oman, Kyrgyz Republic, Tajikistan, Russian Federation

- A further 6 WTO Members have commitments to accede to the GPA:

Afghanistan, the former Yugoslav Republic of Macedonia, Mongolia, Saudi Arabia, Seychelles and Kazakhstan

# GPA Revision: Drivers

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- Negotiation undertaking in article XXIV 7(b) of the GPA 1994
- Negotiation Goals:
  - Improve and modernise the agreement
  - Enhance market access / coverage
  - Reduce remaining discriminating measures
  - All having due regard to the provisions on developing countries in the GPA 1994



# GPA Revision: Timeline

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- **April 1994:** Signatory of the original GPA (entry into force in January 1996)
- **February 1997:** Formal start of the review of the GPA 1994
- **March 2012:** Formal adoption of the revised GPA
- **April 2014:** Entry into force after submission of instruments of acceptance by two thirds of the GPA parties

# GPA Revision: Results

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Revised Text

Enhanced Market Access

Future Work Programs

# Revised Text

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# Basic architecture of the revised GPA

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## Text

- Provisions on **national treatment** and **non-discrimination** (subject to limitations in coverage)
- Procedural provisions on aspects of the procurement process (transparency)
- Enforcement: provisions on domestic review procedures (bid challenge systems) and application of the WTO-DSU
- Special and differential treatment for developing countries

## Appendix I: Coverage

Coverage is defined through detailed schedules (Annexes):

- Annexes 1-3: Central, sub-central and other entities
- Annexes 4-6: Goods, services and construction services
- Annex 7: General notes

## Appendixes II-IV: Transparency

Media or website for publication of laws and regulations, notices, awards and statistics

# Basic Principles

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Non-discrimination

Transparency

Procedural fairness

# Complete Revision of the Wording

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- A complete revision of the wording to make provisions more streamlined and user-friendly
- Extensive list of defined terms
- Re-ordering of provisions to follow typical procurement more organically
- Simplification of language and complicated provisions

# Key Revisions: Overview

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- Modernisation of procurement procedure / introduction of new flexibility mechanisms
- Promotion of the use of electronic tools
- Strengthening of provisions on good governance and prevention of corruption
- Enhanced set of transitional measures for development countries

# New Flexibility Mechanisms

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- Codification of common exceptions in parties' annexes
- References to methods of tendering are no longer exhaustive
- Option to use so-called multi-use list to rationalise qualification processes
- Less stringent requirements for sub-central and other entities
- Express allowance for technical specifications to promote the conservation of natural resources / protection of the environment

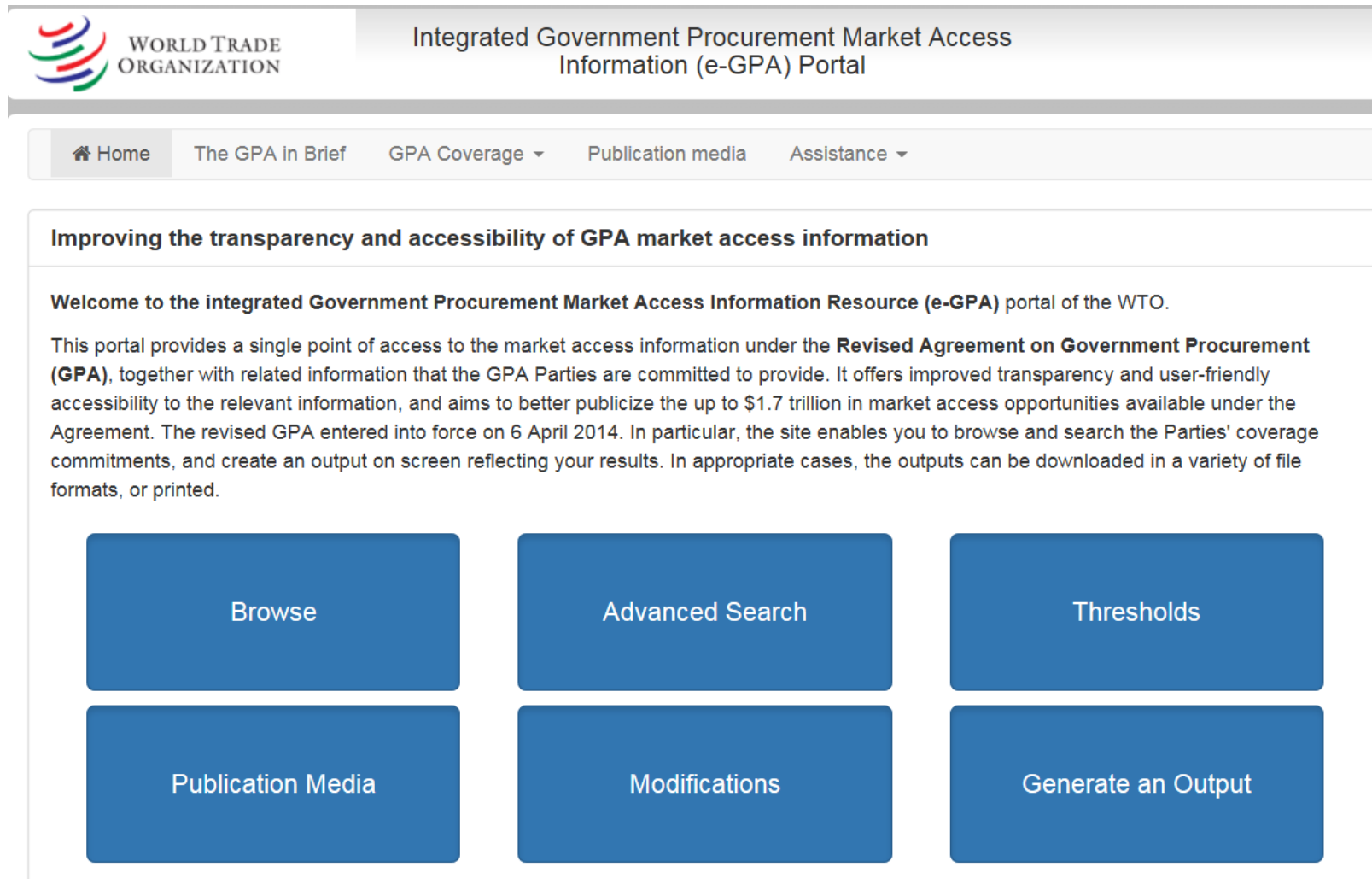


# Use of Electronic Tools

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- Technology neutral approach
- Incentives to use electronic tools:
  - Reduction of minimum notice periods for tendering if and to the extent that electronic means are used
  - No need for separate statistics notifications to the Committee
  - Simplification of notifications on changes in legislation
- In turn: certain minimum requirements apply:
  - General principles (non-discrimination, transparency and procedural fairness)
  - General availability and interoperability of the IT systems and software used
  - Mechanisms to ensure the integrity of requests for participation and tenders
  - Maintenance of data to ensure traceability

# https://e-gpa.wto.org/



The screenshot shows the homepage of the WTO e-GPA Portal. At the top left is the WTO logo with the text "WORLD TRADE ORGANIZATION". To its right is the page title "Integrated Government Procurement Market Access Information (e-GPA) Portal". Below this is a navigation menu with links for "Home", "The GPA in Brief", "GPA Coverage", "Publication media", and "Assistance". The main content area features a heading "Improving the transparency and accessibility of GPA market access information" followed by a welcome message and a detailed paragraph about the portal's purpose. At the bottom of the main content area, there are six blue buttons arranged in a 2x3 grid: "Browse", "Advanced Search", "Thresholds", "Publication Media", "Modifications", and "Generate an Output".

**WORLD TRADE ORGANIZATION**

## Integrated Government Procurement Market Access Information (e-GPA) Portal

[Home](#) [The GPA in Brief](#) [GPA Coverage](#) [Publication media](#) [Assistance](#)

### Improving the transparency and accessibility of GPA market access information

Welcome to the **integrated Government Procurement Market Access Information Resource (e-GPA)** portal of the WTO.

This portal provides a single point of access to the market access information under the **Revised Agreement on Government Procurement (GPA)**, together with related information that the GPA Parties are committed to provide. It offers improved transparency and user-friendly accessibility to the relevant information, and aims to better publicize the up to \$1.7 trillion in market access opportunities available under the Agreement. The revised GPA entered into force on 6 April 2014. In particular, the site enables you to browse and search the Parties' coverage commitments, and create an output on screen reflecting your results. In appropriate cases, the outputs can be downloaded in a variety of file formats, or printed.

[Browse](#) [Advanced Search](#) [Thresholds](#)

[Publication Media](#) [Modifications](#) [Generate an Output](#)

# Reinforced anti-corruption provisions

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More explicit recognition of the GPA's significance for *good governance and the fight against corruption*, including in new substantive provisions that require participating governments to carry out their GPA-covered procurements in ways that avoid conflicts of interest and prevent corrupt practices

# Implementation Example

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## Switzerland

- Violation of anti-corruption provisions mandates the exclusion from the tender or the revocation of the award
- Sanctions in case of severe violations ranging from:
  - Warning
  - Exclusion from future tenders for up to 5 years
  - Fine of up to 10% of the tender offer (sub-central level only)

# Revised S&D Provisions

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- Enhanced set of transitional measures:
  - Price preferences
  - Offsets
  - Phased-in additions of specific entities and sectors
  - Initially higher thresholds
- Delaying application of any specific obligation in the agreement (other than the obligation to provide equivalent treatment to the goods, services and suppliers of all other Parties in the Agreement) for 3 or 5 years, respectively
- Technical assistance and capacity building by the WTO Secretariat

# Synergies with other international instruments

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- GPA a distillation of best practices internationally, as seen by the participating WTO Member governments
- Harmonized with the UNCITRAL Model Law on Public Procurement 2011
- Recognised for use under Alternative Procurement Arrangements in the World Bank's New Procurement Framework
- Model for procurement chapters in bilateral FTAs and RTAs worldwide, at least compatible with most

# Enhanced Market Access

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# Additional Coverage: Overview

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- Additional coverage of more than 600 new entities (in total, across Parties);
- Coverage of new types of contracts (BOTs / public works concessions by three parties);
- Coverage of additional services by almost all parties, including new coverage of telecommunications services by eight parties;
- Some improvements in the coverage of goods;
- Full coverage of construction services by all parties, for the first time; and
- Reductions by several parties in the thresholds applied under the 1994 Agreement



# Additional Coverage: In Numbers

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- Additions under the GPA 2012 estimated at USD 80-100 billion annually by the WTO Secretariat
- In addition to the previous market access volume estimated at USD 1700 billion

# Future Work Programmes

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# Topics

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## Ongoing work programs:

- Small and medium-sized enterprises (SME)
- Sustainability in international procurement
- Collection and reporting of statistical data
- Exclusions and restrictions in parties' annexes

Other topics agreed: safety standards, public private partnerships, common nomenclature for goods and services, standardised notices

# Contact

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