

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Switzerland

Addendum

During the review of the national implementing legislation of Switzerland at the Committee meeting of 23 February 1999, the representative of Switzerland made a statement, updating the communication made by Switzerland (GPA/15), in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1). Accordingly, the information contained in the respective sections of document GPA/15 should be modified as follows.

On page 3 of GPA/15, Swiss Telecom is referred to as one of the entities which falls under the scope of the Federal Ordinance on Government Procurement. However, Swiss Telecom is now Swisscom. Swisscom was privatized in 1998 and, therefore, is no longer within the scope of the Ordinance. Accordingly, the reference to Swiss Telecom on page 3 of GPA/15 should be deleted.

On page 3, footnote 3 mentions the thresholds that were calculated for 1997. The same thresholds applied in 1998 and 1999.

Page 6 contains an overview of the procedures for hearing and reviewing complaints and appeals. Procedures available to lodge complaints against the award of a contract are outlined. Notably, the procedures do not only apply against the award of a tender or of a contract where an appeal is possible but also against any decision having the effect of limiting market access. This means, for instance, that the tender notice is also subject to appeal. Therefore, for example, if a potential supplier sees discriminatory criteria contained in the tender notice, the supplier can make an appeal against the tender notice. Another case where an appeal is possible is in relation to a decision to list or not to list a supplier on a permanent list of suppliers. Furthermore, it is also possible to appeal against a decision regarding the selection of a supplier or the non-selection of a supplier in a selective tendering procedure. Finally the exclusion of a supplier, for instance, because of bid-rigging or because of corruption could also be the subject of an appeal.

On page 8 it is noted that there is likely to be change in the future in relation to Switzerland's use of information technology for government procurement following Switzerland's participation in SIMAP (the EU's project) and there are plans to edit the Swiss Official Trade Gazette electronically. The Swiss Official Trade Gazette is on the Internet at the address <http://www.shab.admin.ch>. From July 1999 on, all the tender notices and publications covered by the GPA are available on this website. Furthermore, since 11 January 1999, the Swiss Official Trade Gazette office has electronic access through the EC's [TED](#) and various trade notices are being published there.
