

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

RESTRICTED

GPA/IC/2

4 August 1994

(94-1569)

Interim Committee on Government Procurement

DECISIONS REGARDING THE OPERATION OF THE INTERIM COMMITTEE ON
GOVERNMENT PROCUREMENT

The Informal Working Group on Negotiations on Government Procurement, at its meetings of 17 January 1994 and 10 March 1994, took some decisions which regard the operation of the Interim Committee on Government Procurement. These are:

- Modifications of the Annexes to Appendix I to the Agreement on Government Procurement before its Entry into Force on 1 January 1996 (Decision of 17 January 1994);
- Establishment of an Interim Committee for the Agreement on Government Procurement 1994 (Decision of 10 March 1994).

For the convenience of the members of the Interim Committee these decisions have been reproduced in Annex 1 and Annex 2 to this document respectively.

ANNEX 1

MODIFICATIONS OF THE ANNEXES TO APPENDIX I TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT BEFORE
ITS ENTRY INTO FORCE ON 1 JANUARY 1996

Decision

To incorporate into the Agreement modifications of the Annexes to Appendix I that expand coverage of the Agreement and that have been agreed and that have resulted from negotiations undertaken between the date of signature of the Agreement and the date of its entry into force (1 January 1996¹), the following procedure shall be followed:

- (i) A signatory intending to modify its Annexes to Appendix I in order to expand coverage under the Agreement will provide relevant details by way of a communication to the Secretariat.
- (ii) The Secretariat will circulate the communication to the other signatories of the Agreement. A period of sixty days shall be provided from the date of circulation of the communication by the Secretariat, to allow an opportunity for any consultations that may be required with other signatories.
- (iii) Unless the Secretariat is notified to the contrary before the end of the sixty-day period (it is understood that this period may be extended upon request by any signatory), it would be understood that the proposed modifications are acceptable to signatories and that the Annexes as amended could be treated as agreed Annexes of the signatory concerned. If problems were to exist between a signatory modifying its Annexes and another signatory, the signatories might consult multilaterally if consultations between parties concerned do not result in agreement within sixty days.
- (iv) A Declaration Related to the Agreement on Government Procurement (1994) along the lines of the attached shall be open for signature by any signatory modifying its Annexes.

¹ Without prejudice to the provisions of Article XXIV:3(a).

ANNEX 1 (continued)

DECLARATION RELATED TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

The Government of,

Having participated in the negotiations on a new Agreement on Government Procurement (1994) (hereinafter referred to as the "Agreement"),

Following negotiations carried out before the entry into force of the Agreement on 1 January 1996 with other signatories which have resulted in the attached modifications of its Annexes to Appendix I,

Herewith declares:

1. Upon signature of this Declaration by, the modifications agreed will be deemed to have been incorporated into the "Agreement" and form an integral part of Annexes.
2. Until the entry into force of the Agreement Establishing the World Trade Organisation, this Declaration shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT 1947, who shall promptly furnish to each Party a certified true copy of it. Upon entry into force of the Agreement Establishing the World Trade Organisation, this Declaration shall be deposited with the Director-General of that Agreement who shall promptly furnish to each Party a certified true copy of it.

Done at Geneva this day of

ANNEX 2

ESTABLISHMENT OF AN INTERIM COMMITTEE FOR THE
AGREEMENT ON GOVERNMENT PROCUREMENT 1994

Decision

An Interim Committee shall be established, with effect from 15 April 1994, to undertake all necessary tasks to prepare for the entry into force of the Agreement on Government Procurement to be done on that date in Marrakesh. These tasks shall, in particular, include:

- (a) to carry out functions necessary to implement the Decision of the Informal Working Group on Negotiations on Government Procurement of 17 January 1994 on Modifications of the Annexes to Appendix I to the Agreement on Government Procurement Before its Entry into Force on 1 January 1996;
- (b) the adoption of, and performance of functions required by, procedures enabling negotiations to take place on accession to the Agreement prior to its entry into force, taking into account those adopted in similar circumstances at the end of the Tokyo Round (L/4912) as well as of the Decision on Accession to the Agreement on Government Procurement to be taken by Ministers in Marrakesh on 15 April 1994;
- (c) the adoption, and performance of functions required by, procedures to administer rectifications of a purely formal nature to Appendices I to IV prior to entry into force of the Agreement;
- (d) the preparation of the first meeting of the Committee on Government Procurement, including the preparation of decisions on procedural matters required under the Agreement for consideration at that meeting;
- (e) to fulfil any requirements stemming from the inclusion of the Agreement in Annex 4 of the WTO Agreement.

The Committee shall be serviced by the GATT Secretariat until the entry into force of the WTO Agreement, and thereafter shall be serviced by the WTO Secretariat.

The membership of the Committee shall consist of all governments which sign the Agreement on 15 April 1994 as well as of those governments which have concluded accession negotiations with the members of the Committee.

The Committee shall cease to exist upon entry into force of the Agreement.