Review of national implementing legislation in the GPA accession process and post-accession monitoring: current practice and future developments

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What is the GPA?: Basic nature of the Agreement

A binding international Agreement that promotes:

- Access to other GPA Parties’ procurement markets;
- Improved value for money in each participating Member’s procurements;
- Good governance (transparency, fair competition and an absence of corruption in covered procurement markets).

A plurilateral agreement

- Part of the WTO system (and enforceable under the DSU!) via Annex 4 of the Marrakesh Agreement.
- Recently re-negotiated.
- Membership increasing over time.
The entry into force of the revised GPA: overview & latest developments

- The revised GPA is now in force for 12 out of 15 Parties
  - Latest country to submit its instrument of acceptance: Armenia.
  - Only two countries missing: Switzerland and Korea.

- Elements of the renegotiation:
  - Revised text – greater flexibility/improved S&D provisions.
  - Market access enhancement package valued at $80-100 billion annually.
  - Package of Future Work Programmes on issues such as SMEs and sustainability – now being worked on.
Which WTO Members are in the GPA, anyway? And who is coming in?

- Currently, covers 43 WTO Members (15 Parties) including the EU and its 28 member States; most other developed countries (e.g. US, Canada, Japan; Liechtenstein, Norway and Switzerland); plus Hong Kong, China; Iceland; Israel; Korea; Singapore; Chinese Taipei; Aruba and Armenia.
Accessions to the Agreement: Current Status and latest developments

- **12 observers are in the process of acceding**
  - Australia
  - China;
  - Albania;
  - Georgia;
  - Jordan;
  - Kyrgyz Republic;
  - Moldova;
  - Montenegro
  - New Zealand;
  - Oman;
  - Tajikistan;
  - Ukraine.

- **5 WTO Members have commitments to accede to the GPA**
  - the former Yugoslav Republic of Macedonia; Mongolia; the Russian Federation; Saudi Arabia; and Seychelles.
The GPA: Why accede?

Legally ensured market access to other Parties procurement markets

Benefits of internal reform according to principles of integrity, transparency, and non-discrimination

Double benefit: external and internal!
The accession process: Issues to be addressed

Main topics

Coverage offer
(to be negotiated)

National legislation
(necessary changes)

Flexibilities
(developing countries only, and if agreeable)

Institutional requirements
(domestic review)
Issues addressed in the Checklist

- Scope and coverage
- Non-discrimination
- New: e-procurement
- Domestic review procedures
- Transparency
- New: good governance
- Procurement procedures
Post accession monitoring

- Obligation to notify changes
- Dispute settlement
- Committee discussions
Summary

- New developments regarding revised GPA, accessions:
  - The GPA Committee is very active! Positive results are being achieved! New accessions!

- Legal compliance check as part of the accession process:
  - GPA “locks in” positive reform efforts

- Continued monitoring post accession:
  - Obligation to notify changes to the legislation
  - Committee discussions
  - WTO dispute settlement