EC/USA agreement: public procurement

1994/0150(AVC) - 07/02/1995 - Modified legislative proposal

The Commission amended this proposal for a decision aimed at concluding an agreement between the Community and the USA on public procurement. This amendment was partly justified as a result of the enlargement of the Community on 1 January 1995 which, as a result, extended the field of application of the agreement in question. In fact, the original text contained an explicit reference to a list of countries covered by the agreement, which needed to be amended (Austria, Finland and Sweden did not benefit from the American concession according to the terms of the first version of the agreement). Furthermore, a change was made to the legal base of the agreement in light of the Court of Justice opinion 1/94 of 15 November 1994 concerning the authority to conclude multilateral agreements relating to trade in goods within GATT and TRIPS. This new legal base would be the last sentence of Article 57(2), Articles 66, 100a and 113 of the Treaty and the second paragraph of Article 228(3) requiring the European Parliament's consent (in fact, the issue covered by this agreement is subject to the codecision procedure, Article 189b of the Treaty).