Third-country public procurement markets : access to special fields, Utilities direct. 93/38 /EEC. 1997 3rd report

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PURPOSE : presentation of the third report from the Commission concerning negotiations regarding access to third country public procurement markets in the fields covered by Directive 93/38/EEC. CONTENT : this report describes the state of play as of 31.12.1997 regarding access for Community suppliers and service providers to third country markets in the fields covered by Directive 93/38/EEC (water, energy, transport and telecommunications). It focuses on the progress made since 1996 and more particularly since the conclusion of the Agreement on Government Procurement (GPA) concluded within the framework of the WTO. At present, the GPA sets up a major agreement signed during the period under consideration. It aims to regulate, on a world level, the procedures applicable to the signing of public procurement contracts and specifies the national awarding entities who must conform with the rules established in the Agreement. In addition to the description of the implications of the GPA (including those for the Community) and its implementation, the report concentrates on the following points : - the other agreements concluded : besides the GPA, the Community concluded bilateral agreements in the field of public procurement with Israel, Korea and Switzerland. Other negotiations are still continuing with a view to revising the GPA, to regulate more efficiently the procedures applicable to the award of public contracts and to improve the transparency in public procurement; - the agreements in force as of the 31.12.1997 : in addition to the GPA, other distinct agreements have entered into force, such as the Agreement on the European Economic Area (EEA), bilateral agreements with the Central and Eastern European Countries and sectorial agreements with several third countries in the telecommunications sector (Israel, Korea...). The report also provides information regarding the results of various negotiations started by the Community by sector and by country (or region of the world). In addition, it mentions negotiations concluded by 31.12.1997 but where the agreements have not yet come into force; - information on barriers in the field of public procurement and proposed lines of action: on this point, the Commission signalled that it launched an important initiative in 1996: the Market Access Strategy, which has the objective to identify ostacles and to select priorities for appropriate action . In order to implement this Strategy, the Commission, with the help of the Member States and European trade associations and businesses, began the laborious process of assembling all the information available on barriers affecting European exports. The objective was to establish a comprehensive data base which is constantly up-dated and which should help to identify priorities in market access. The Market Access Database is accessible on-line via the INTERNET at the EUROPA web-site. The report believes that most of the obstacles identified are linked to the discrimination legislation in the third countries (e.g. "Buy American Act") or the lack of appropriate information on procurement (e.g. multiplicity of publications, absence of contact or information points, etc.) or the absenceof appropriate enforcement mechanisms. As regards the dismantling of barriers, the Commission proposes some lines of action. Further negotiations at the multilateral and bilateral levels are envisaged in order to eliminate discriminatory legislation in third countries.