EC/USA agreement: public procurement

1994/0150(AVC) - 29/05/1995 - Final act

The Council adopted this decision (Decision 95/215/EC) aimed at concluding an agreement in the form of exchange of letters between the Community (including the three new Member States) and the USA on government procurement, in accordance with the last sentence of Article 57(2) and Articles 66, 100a and 113 of the Treaty in conjunction with Article 228(2) and Article 228(3). The agreement covered the following points: - for contracts approved by the central government (category A): confirmation of the cover agreed during the negotiations of 15 December 1993 between the Community and the USA; - for contracts approved at state and regional level (category B): opening up by the USA of most of its contracts for supplies, works and services at the level of the 37 states and national treatment for the Community for two other states and 7 of the 24 largest cities in the country. In return, the Community would open up its contracts for supplies approved by subcentral governments; - for the electricity sector: mutual extension of the procurement cover. The agreement set out a range of measures aimed at eliminating certain American restrictions relating to power generation and lowering the American threshold for supplies and services to $250 000. Meanwhile, the Community would not apply Article 36 of Directive 93/38/EEC ("excluded sectors") to the USA electricity sector; - for sectors in category C (public utilities) with the exception of electricity and telecommunications: opening up of these types of contracts by the USA in certain American ports. In return, the Community promised to open up its contracts for supplies, works and services approved by the port authorities in certain Member States; - mutual cooperation on the transparency of public procurement.