Basic information

1994/0150(AVC) AVC - Assent procedure (historic)	Procedure completed
EC/USA agreement: public procurement **Subject** 2.10.02 Public procurement **Geographical area** United States	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RELA External Economic Relations	PORTO Manuel (ELDR)	07/09/1994

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	TAPPIN Michael (PSE)	19/12/1994
JURI Legal Affairs, Citizens' Rights	VERDE I ALDEA Josep (PSE)	06/10/1994

Council of the European Union

Council configuration	Meetings	Date
General Affairs	1847	1995-05-29

Key events

Date	Event	Reference	Summary
16/06/1994	Initial legislative proposal published	COM(1994)0251	
07/02/1995	Modified legislative proposal published	COM(1995)0018	Summary
06/04/1995	Legislative proposal published	06063/1995	Summary
25/04/1995	Committee referral announced in Parliament		
16/05/1995	Vote in committee		
16/05/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0113/1995	

19/05/1995	Debate in Parliament		
29/05/1995	Act adopted by Council after consultation of Parliament		Summary
29/05/1995	End of procedure in Parliament		
20/06/1995	Final act published in Official Journal		

Technical information

Procedure reference	1994/0150(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Legal basis	EC Treaty (before Amsterdam) E 228-p2/3 EC Treaty (before Amsterdam) E 066 EC Treaty (before Amsterdam) E 100A EC Treaty (before Amsterdam) E 057-p2
Stage reached in procedure	Procedure completed
Committee dossier	RELA/4/06552

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0113/1995 OJ C 151 19.06.1995, p. 0014	16/05/1995	
Text adopted by Parliament, 1st reading/single reading		T4-0274/1995 OJ C 151 19.06.1995, p. 0361-0472	19/05/1995	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	06063/1995	06/04/1995	Summary

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(1994)0251 OJ C 291 19.10.1994, p. 0004	16/06/1994	
Modified legislative proposal	COM(1995)0018 OJ C 048 25.02.1995, p. 0008	07/02/1995	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Decision 1995/0215 OJ L 134 20.06.1995, p. 0025 Summary

EC/USA agreement: public procurement

1994/0150(AVC) - 19/05/1995 - Text adopted by Parliament, 1st reading/single reading

The European Parliament gave its assent to the conclusion of this agreement.

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).

EC/USA agreement: public procurement

1994/0150(AVC) - 06/04/1995 - Legislative proposal

This proposal for a decision was aimed at concluding an agreement in the form of exchange of letters between the Community and the USA on government procurement. 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.

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.

EC/USA agreement: public procurement

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

Following the assent given by the European Parliament on 19 May, the Council formally adopted the Decision concerning the conclusion of an Agreement between the European Community and the United States of America on government procurement.