Basic information

2013/0086(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Agreement on government procurement. Protocol Amending Decision 1994/800/EC 1994/0114(AVC) **Subject** 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO) 6.20.05 Multilateral and plurilateral economic and trade agreements and relations	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	SCHOLZ Helmut (GUE/NGL)	24/04/2013
	Shadow rapporteur ŠŤASTNÝ Peter (PPE) ANDRÉS BAREA Josefa (S&D) KAZAK Metin (ALDE) JADOT Yannick (Verts/ALE) MCCLARKIN Emma (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	KACZMAREK Filip (PPE)	08/07/2013

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3276	2013-12-03

European Commission

Commission DG	Commissioner
Financial Stability, Financial Services and Capital Markets Union	BARNIER Michel

Key events

Date	Event	Reference	Summary
22/03/2013	Preparatory document	COM(2013)0143	Summary
18/06/2013	Legislative proposal published	07917/2013	Summary
01/07/2013	Committee referral announced in Parliament		
14/10/2013	Vote in committee		
21/10/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0339/2013	Summary
18/11/2013	Debate in Parliament		
19/11/2013	Decision by Parliament	T7-0466/2013	Summary
19/11/2013	Results of vote in Parliament		
03/12/2013	Act adopted by Council after consultation of Parliament		
03/12/2013	End of procedure in Parliament		
07/03/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0086(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	Amending Decision 1994/800/EC 1994/0114(AVC)
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p4 Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 207-p3 Treaty on the Functioning of the European Union TFEU 218-p7
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/12373

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE514.831	22/08/2013	
Committee opinion	DEVE	PE516.716	18/09/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0339/2013	21/10/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0466/2013	19/11/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	07917/2013	18/06/2013	Summary
Document attached to the procedure	07918/2013	18/06/2013	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0143	22/03/2013	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0143	04/07/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0115
OJ L 068 07.03.2014, p. 0001 Summary

Agreement on government procurement. Protocol

2013/0086(NLE) - 22/03/2013

PURPOSE: conclusion of the Protocol amending the Agreement on Government Procurement.

PROPOSED ACT: Council Decision (non-legislative act).

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement on Government Procurement (GPA) **is the only legally binding agreement in the WTO on the subject of government procurement.** Its present version was negotiated in parallel with the Uruguay Round in 1994, and entered into force on 1 January 1996. The Parties to the 1994 GPA are: Armenia, Canada, European Union with respect to its 27 Member States, Hong Kong-China, Iceland, Israel, Japan, Korea, Liechtenstein, the Netherlands with respect to Aruba, Norway, Singapore, Switzerland, Chinese Taipei, and the United States.

The negotiations on the revision of the WTO Agreement on Government Procurement were launched in January 1999. The purpose of the negotiations was three-fold: (i) to improve and update the 1994 GPA in the light of developments in information technology and procurement methods; (ii) to extend the coverage of the 1994 GPA; and (iii) to eliminate remaining discriminatory measures.

On 15 December 2011, GPA Parties reached a political agreement at Ministerial level on the outcomes of the negotiation. The political agreement was confirmed through the adoption of the Decision on the outcomes of the negotiations by the GPA Committee on 30 March 2012. By means of the Decision on the outcome of the Negotiations, which includes the Protocol Amending the Agreement on Government Procurement, GPA Parties authenticated the text of the Protocol and opened it for acceptance by the Parties to the 1994 GPA.

The Protocol should be concluded on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207(4) first subparagraph, in conjunction with Article 218(6)(a)(v) and Article 218(7) of the Treaty on the Functioning of the European Union.

CONTENT: the Commission proposes that the Council **conclude the Protocol amending the Agreement on Government Procurement** on behalf of the European Union.

1) The revised GPA: the revised GPA text provides for a **higher level of clarity and transparency** and guarantees **equal footing** in procurement procedures for suppliers, supplies and services originating in GPA Parties. To that end, the EU successfully sought to re-structure the text of the revised GPA in order to follow the sequential order of a procurement procedure and to bring the text closer to the EU procurement directives.

Furthermore, to allow for an effective opening of the procurement markets of the other GPA Parties, the revised text entails **new provisions that constitute a significant improvement of the conditions of participation of the EU suppliers abroad.**

These **new elements** include the following:

- the GPA Parties will be required to set up a centralised electronic database which is free of charge and which will include procurement notices published by Ministries and other central procurement entities;
- the revised GPA contains clearer rules on the selection of suppliers, allowing for more competition;
- the revision of the GPA also leads to the introduction of electronic procurement ;
- the revised text includes new provisions for developing countries wishing to join the Agreement.

The EU has ensured:

- that the current obligations regarding statistical reporting are more simple and flexible. This includes a limitation on the amount of data to be provided, the option of providing estimates, and the introduction of a waiver of the obligations for the Parties (like the EU) who maintain a centralised database;
- that the Agreement explicitly provides for a simplified procedure for the notification by a Party of rectifications and modifications of its Annexes to Appendix I (coverage).

2) **The Coverage:** the negotiations resulted in a **significant extension of the coverage of the GPA.** According WTO estimates, the additions to the coverage amount to EUR 80 billion. **The EU secured roughly EUR 30 billion of additional market access opportunities for European companies.** Market access has been expanded through:

- the addition of more than 200 contracting entities, both on central and sub-central levels;
- greater coverage of goods through deletion or reduction in scope of existing derogations and through additions of goods on the non-sensitive defence procurement list;
- expanded coverage of services to varying degrees by almost all Parties. All Parties now offer the entire category of construction services (works);
- downwards revision of thresholds from which the GPA discipline will be applicable (by some Parties);
- new coverage for contractual arrangements such as works concessions/build-operate-transfer contracts/private finance initiative;
- the removal of certain discriminatory provisions, such as offsets and Buy National rules that some Parties maintained under the 1994 GPA.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

Agreement on government procurement. Protocol

2013/0086(NLE) - 22/03/2013 - Preparatory document

PURPOSE: conclusion of the Protocol amending the Agreement on Government Procurement.

PROPOSED ACT: Council Decision (non-legislative act).

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

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The negotiations on the revision of the WTO Agreement on Government Procurement were launched in January 1999. The purpose of the negotiations was three-fold: (i) to improve and update the 1994 GPA in the light of developments in information technology and procurement methods; (ii) to extend the coverage of the 1994 GPA; and (iii) to eliminate remaining discriminatory measures.

On 15 December 2011, GPA Parties reached a political agreement at Ministerial level on the outcomes of the negotiation. The political agreement was confirmed through the adoption of the Decision on the outcomes of the negotiations by the GPA Committee on 30 March 2012. By means of the Decision on the outcome of the Negotiations, which includes the Protocol Amending the Agreement on Government Procurement, GPA Parties authenticated the text of the Protocol and opened it for acceptance by the Parties to the 1994 GPA.

The Protocol should be concluded on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207(4) first subparagraph, in conjunction with Article 218(6)(a)(v) and Article 218(7) of the Treaty on the Functioning of the European Union.

CONTENT: the Commission proposes that the Council **conclude the Protocol amending the Agreement on Government Procurement** on behalf of the European Union.

1) The revised GPA: the revised GPA text provides for a **higher level of clarity and transparency** and guarantees **equal footing** in procurement procedures for suppliers, supplies and services originating in GPA Parties. To that end, the EU successfully sought to re-structure the text of the revised GPA in order to follow the sequential order of a procurement procedure and to bring the text closer to the EU procurement directives.

Furthermore, to allow for an effective opening of the procurement markets of the other GPA Parties, the revised text entails **new provisions that constitute a significant improvement of the conditions of participation of the EU suppliers abroad.**

These **new elements** include the following:

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- the revised GPA contains clearer rules on the selection of suppliers, allowing for more competition;
- the revision of the GPA also leads to the introduction of electronic procurement ;
- the revised text includes new provisions for developing countries wishing to join the Agreement.

The EU has ensured:

- that the current obligations regarding statistical reporting are more simple and flexible. This includes a limitation on the amount of data to be provided, the option of providing estimates, and the introduction of a waiver of the obligations for the Parties (like the EU) who maintain a centralised database;
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- new coverage for contractual arrangements such as works concessions/build-operate-transfer contracts/private finance initiative;
- the removal of certain discriminatory provisions, such as offsets and Buy National rules that some Parties maintained under the 1994 GPA.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

Agreement on government procurement. Protocol

2013/0086(NLE) - 18/06/2013 - Legislative proposal

PURPOSE: conclusion of the Protocol amending the Agreement on Government Procurement.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Agreement on Government Procurement (GPA) **is the only legally binding agreement in the WTO on the subject of government procurement.** Its present version was negotiated in parallel with the Uruguay Round in 1994, and entered into force on 1 January 1996. The Parties to the 1994 GPA are: Armenia, Canada, European Union with respect to its 27 Member States, Hong Kong-China, Iceland, Israel, Japan, Korea, Liechtenstein, the Netherlands with respect to Aruba, Norway, Singapore, Switzerland, Chinese Taipei, and the United States.

The negotiations on the revision of the WTO Agreement on Government Procurement (1994 GPA) were launched in January 1999 pursuant to Article XXIV:7(b) and (c) of the 1994 GPA.. These negotiations have been conducted by the Commission in consultation with the Special Committee of the European Union.

On 15 December 2011, GPA Parties reached a **political agreement** at Ministerial level on the outcomes of the negotiation. That political agreement was confirmed through the adoption by the GPA Committee on 30 March 2012 of a Decision on the outcomes of the negotiations. By means of that Decision, which includes a Protocol Amending the Agreement on Government Procurement, the Parties to the 1994 GPA authenticated the text of the Protocol and opened it for their acceptance.

The purpose of the revision was three-fold: (i) to improve and update the 1994 GPA in the light of developments in information technology and procurement methods; (ii) to extend the coverage of the 1994 GPA; and (iii) to eliminate remaining discriminatory measures.

The Protocol should be approved on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207(4), in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: it is proposed to **conclude the Protocol amending the Agreement on Government Procurement** on behalf of the European Union.

1) The revised GPA: the revised GPA text provides for a **higher level of clarity and transparency** and guarantees **equal footing** in procurement procedures for suppliers, supplies and services originating in GPA Parties. To that end, the EU successfully sought to re-structure the text of the revised GPA in order to follow the sequential order of a procurement procedure and to bring the text closer to the EU procurement directives.

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The EU has ensured:

- that the current obligations regarding statistical reporting are more simple and flexible. This includes a limitation on the amount of data to be provided, the option of providing estimates, and the introduction of a waiver of the obligations for the Parties (like the EU) who maintain a centralised database;
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- new coverage for contractual arrangements such as works concessions/build-operate-transfer contracts/private finance initiative;
- the removal of certain discriminatory provisions, such as offsets and Buy National rules that some Parties maintained under the 1994 GPA.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

Agreement on government procurement. Protocol

2013/0086(NLE) - 21/10/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by Helmut SCHOLZ (GUE/NGL, DE) on the draft Council decision on the conclusion of the Protocol Amending the Agreement on Government Procurement in which it recommended the European Parliament to give its consent to the conclusion of the Protocol.

Agreement on government procurement. Protocol

2013/0086(NLE) - 19/11/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 595 votes to 78, with 16 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Protocol Amending the Agreement on Government Procurement.

Parliament gave its consent to the conclusion of the Protocol.

Agreement on government procurement. Protocol

2013/0086(NLE) - 02/12/2013 - Final act

PURPOSE: to conclude the Protocol Amending the Agreement on Government Procurement.

NON-LEGISLATIVE ACT: Council Decision 2014/115/EU on the conclusion of the Protocol Amending the Agreement on Government Procurement.

CONTENT: the Council adopted a Decision approving, on behalf of the EU, the Protocol amending the WTO Agreement on Government Procurement. The text of the Protocol is attached to this Decision.

The negotiations on the revision of the WTO Agreement on Government Procurement were launched in January 1999.

On 15 December 2011, the Parties to the 1994 GPA reached a political agreement at Ministerial level on the outcomes of the negotiations.