



Modifications to coverage: requirements under the Revised GPA and potential role of e-GPA in managing the process

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**Workshop on the Revised WTO Agreement on Government
Procurement (GPA)**

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Modifications under the revised GPA



Rectifications and Modifications to Coverage (Appendix I)

- Art. XIX of the revised GPA
- Ad hoc

Modifications to Appendices II-IV

- Art. VI:3 of the revised GPA
- Ad hoc

○ Quick demo of the e-GPA: development site

- The potential role of the eModification section of the e-GPA in managing the process

Modifications to Appendix I : the process



Notification of the proposed modification (Art XIX:1)

- Withdrawal of entities on the grounds that **government control or influence over the entity has been eliminated**.
- **NEED to include EVIDENCE in the notification !**
- **Any other modifications:** e.g. rectification of the name of the entities; merge of two covered entities, transfer of an entity from one Annex to another, etc.
- **NEED to include the likely consequences for the mutually agreed coverage**

Objection to proposed modification (Art XIX:2)

- Who ? **Any Party** whose rights may be affected.
- When ? Within **45 days** for circulation of PM.
- What ? Need to include the **reasons for objection**.

Consultation (only if objection) (Art XIX:3)

- Who ? Modifying and Objecting Parties.
- What ? “**shall** make every attempt to resolve the objection through consultations”

Arbitration Procedures ?

- To facilitate resolution of objections.
- Draft decision of the Committee very close to finalisation.
- One “main” outstanding issue: opened vs closed hearings.

Prop. modification effective (Art XIX:5(a))

- No Party submits an objection within 45 days; or
- All objections are withdrawn; or
- After 150 days have elapsed AND notification of the intention to implement the mod
- If so, possibility to withdraw substantially equivalent coverage (Art XIX:6)

Notification of Modifications to Appendices II-IV



Information listed
in Appendices II,
III or IV

- **Appendix II** – relevant **Laws, Regulations, Judicial Decisions**, Administrative Rulings, Contract Clauses, procedures, etc.
- **Appendix III** - Procurement **notices**, Multi-use lists of suppliers, Award information
- **Appendix IV** - Government Procurement **Statistics**

Proposed
modifications

- Legal basis: Art. VI:3 of the revised GPA
- How ? Notify the Committee (through the Secretariat).

Proposed
modification
become effective

- From the **date of the circulation** to the Parties of the notification.
 - N.B.: it is not possible to object to this kind of modifications.