



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 10 June 2013
(OR. en)**

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2013/0077 (NLE)**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement with respect to the decisions implementing certain provisions of the Protocol Amending the Agreement on Government Procurement
COMMON GUIDELINES
Consultation deadline for Croatia: 11.6.2013

COUNCIL DECISION No.../2013/EU

of

**establishing the position to be taken
on behalf of the European Union
within the Committee on Government Procurement with respect to
the decisions implementing certain provisions of the Protocol
Amending the Agreement on Government Procurement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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.
- (2) Negotiations have been conducted by the Commission in consultation with the Special Committee established by Article 207(3) of the Treaty on the Functioning of the European Union.
- (3) In the context of those negotiations, the negotiators on 30 March 2012 reached an agreement on a Protocol Amending the Agreement on Government Procurement ("the Protocol"), as well as on seven decisions to be adopted by the Committee on Government procurement that would start the implementation of certain provisions of the Protocol immediately upon its entry into force. Those decisions are the following: i) Decision of the Committee on Government Procurement on Notification requirements under Articles XIX and XXII of the Agreement; ii) Decision of the Committee on Government procurement on adoption of work programmes; iii) Decision of the Committee on Government procurement on a Work programme on SMEs; iv) Decision of the Committee on Government Procurement on a work programme on collection and reporting of statistical data; v) Decision of the Committee on Government Procurement on a work programme on sustainable procurement; vi) Decision of the Committee on Government Procurement on a work programme on exclusions and restriction in parties' Annexes; vii) Decision on a work programme on safety standards in International Procurement; (hereafter referred to collectively as "the Decisions").

- (4) The procedure for giving effect to the agreement reached on 30 March 2012 requires that the Committee on Government Procurement, at its first meeting following the entry into force of the Protocol, take a decision confirming the adoption of the Decisions and their entry into force as of the date of entry into force of the Protocol.
- (5) In so far as the Decisions facilitate the implementation of principles of the 1994 GPA as revised, and contribute to the elimination of discriminatory practices, the adoption of the Decisions will facilitate the further opening-up of government procurement.
- (6) It is appropriate to establish the position to be taken on the Union's behalf within the Committee on Government Procurement in relation to the Decisions implementing certain provisions of the Protocol,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Committee on Government Procurement is to confirm the adoption of the following decisions:

- i) Decision of the Committee on Government Procurement on Notification requirements under Articles XIX and XXII of the Agreement;
- ii) Decision of the Committee on Government procurement on adoption of work programmes;
- iii) Decision of the Committee on Government procurement on a Work programme on SMEs;
- iv) Decision of the Committee on Government Procurement on a work programme on the collection and reporting of statistical data;
- v) Decision of the Committee on Government Procurement on a work programme on sustainable procurement;
- vi) Decision of the Committee on Government Procurement on a work programme on exclusions and restriction in parties' Annexes;
- vii) Decision on a work programme on safety standards in International Procurement;

and to agree to the entry into effect of those decisions as of the date of entry into force of the Protocol amending the 1994 GPA.

This position shall be expressed by the Commission.

The text of the decisions is attached to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council

The President
