Accession to the GPA: procedural issues including flexibilities for developing countries

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Legal basis

Article XXII:2

"Any Member of the WTO may accede to this Agreement on terms to be agreed between that Member and the Parties, with such terms stated in a decision of the Committee. Accession shall take place by deposit with the Director-General of the WTO of an instrument of accession that states the terms so agreed. This Agreement shall enter into force for a Member acceding to it on the 30th day following the deposit of its instrument of accession. "

Who: Eligibility of any WTO Member to accede

What: Terms to be agreed with existing Parties

How: Deposit with the Director-General of an instrument of accession, including agreed terms

When: Entry into force on 30th day afterwards

Issues to be addressed

Coverage offer

(to be negotiated)

National legislation
(necessary changes)

Main issues

Institutional requirements

(domestic review)

Flexibilities

(developing countries only, and if agreeable)

Accession process

Some key procedural elements

initiation

- Communication of interest in accession to Director-General and Committee on Government Procurement.
- Submission of relevant information, including on: (i) proposed coverage (draft Appendices); and (ii) national legislation

negotiation

- Consultations to be held by the Committee, as necessary (supplemented by bilateral discussions with individual Parties)

conclusion

- Agreement on terms of accession, submission of Report on legislation and decision by the GPA Committee
- Deposit of accession instrument/terms and entry into force

Accession process

Key documents for reference

GPA/1, Annex 2 (1996)

Decision of the Committee on basic procedures for accession

GPA/35 (2000)

Checklist of issues for provision of information relating to accession

GPA/87 (2006)

Modalities for accession to the Agreement

Accession process

Checklist of issues regarding provision of information

Key items to be addressed (see GPA/35):	**Legal framework**
	Scope and coverage
	National treatment and non-discrimination
	Elements relating to procurement procedures
	Publication of procurement information
	Domestic review procedures

Flexibilities for developing countries: general aspects

- Broad purpose: to take account of the developmental, financial and trade needs of developing countries, and to facilitate their participation in the Agreement.
- Two main types of measures available (Article V)
  - transitional measures (Para 3)
  - deferred implementation of specific obligation (Para 4)
- Key aspects: specific measures...
  - arrived at by negotiation, based on developmental needs
  - transparent and non-discriminatory application
- ➔In general, measures made more specific & concrete in the revised Agreement

Flexibilities for developing countries: transitional measures

Four possibilities

- **Price preferences**
- **Use of offsets**
- **Phased-in addition of specific entities or sectors**