

Committee on Government Procurement

MINUTES OF THE MEETING HELD ON 8 OCTOBER 2002

Chairman: Mr. Jan Peter Mout (the Netherlands)

1. The following agenda was adopted:
 - A. Election of Chairman for the Remainder of 2002
 - B. Modifications to the Appendices to the Agreement
 - C. Accessions:
 - (i) *Applications:*
 - *Estonia*
 - *Latvia*
 - *Chinese Taipei*
 - *Panama*
 - *Bulgaria*
 - *Slovenia*
 - *Albania*
 - *Moldova*
 - *Jordan*
 - *Kyrgyz Republic*
 - *Georgia*
 - *Lithuania*
 - (ii) *Other newly acceded WTO Members*
 - (iii) *Streamlining of the accession process*
 - D. Review of National Implementing Legislation
 - E. Negotiations under Article XXIV:7

F. Other Business:

- (i) *Revision of the Decision on Procedures for Circulation and Derestriction of Documents*
- (ii) *Response to the letter received from the Chairman of the Committee on Trade and Development*
- (iii) *Letter from the Chairman of the Committee to WTO Members with observer status in the Committee*
- (iv) *Letter from the Chairman of the Committee to WTO Members*

G. Annual Report

H. Date of the next meeting

A. ELECTION OF CHAIRMAN FOR THE REMAINDER OF 2002

2. Following the resignation of the Chairman for 2002, Mr. Martin Loken, with effect from 2 August 2002, the Committee elected Mr. Jan-Peter Mout of the Netherlands as Chairman for the remainder of 2002.

B. MODIFICATIONS TO THE APPENDICES TO THE AGREEMENT

(i) *Modifications by Japan to Annex 3 of Appendix I*

3. The Chairman said that the proposed modifications to Annex 3 of Appendix I by Japan in GPA/W/196 had become effective on 27 June 2002. The document containing the certification of the modifications had been circulated as WT/Let/425. That document had subsequently been revised and circulated as WT/Let/425/Rev.1 to indicate a technical error related to the effective date of the modifications.

(ii) *Modifications by Singapore to Appendices I, II, III and IV*

4. The Chairman said that the proposed modifications to Appendices I, II, III and IV by Singapore in GPA/W/200 had become effective on 11 August 2002 (WT/Let/429).

(iii) *Proposed modifications by the United States to Annex 2 of Appendix I*

5. The Chairman said that the United States had proposed modifications to Annex 2 of Appendix I which had been circulated in document GPA/W/208, dated 16 September 2002.¹

(iv) *Proposed modifications by Canada to Annex 1 of Appendix I*

6. The Chairman said that Canada had sent a communication proposing modifications to Annex 1 of Appendix I, dated 12 September 2002 (GPA/W/203). In a communication dated 7 October 2002,

¹ These modifications became effective on 16 October 2002 (WT/Let/431).

Hong Kong, China had sought clarification and further information regarding the proposed modifications (GPA/W/218).²

(v) *Proposed modifications by Korea to Annex 3 of Appendix I*

7. The Chairman said that Korea had proposed modifications to Annex 3 of Appendix I, dated 11 September 2002, to withdraw Korea Telecom (KT) from Annex 3 of Appendix I, on the grounds that the Korean Government's control or influence over KT had effectively been eliminated (GPA/W/207). The United States, the European Community and Canada had sent communications objecting to the entry into effect of the proposed modifications and requesting additional time to study and to seek clarification regarding the proposed changes (GPA/W/210, GPA/W/214 and GPA/W/217, respectively).

8. The representative of Korea said that, in August 2002, KT had announced the completion of the privatization of KT that had been carried out since 1993. KT was no longer a government invested entity, and its rights and obligations as a government invested entity had expired. With the sale of its remaining government shares in May 2002, no Korean Government or Korean Government-owned institutions held shares in KT. KT was now owned completely by the private sector, and was thus fully private from both a legal and practical point of view. KT was therefore entitled to conduct its procurement solely on commercial considerations. As a company operated purely by its private shareholders, of which 49 per cent were foreign investors, KT was not subject to any government control or influence, both in legal and practical terms. Before privatization, KT had been subject to both the Commercial Act and the Privatization Act. However, with the completion of the sale of its remaining government shares, KT had been transformed into a fully private company excluded from coverage of the Privatization Act, and only subject to the Commercial Act. Korea had recently held bilateral consultations with the United States and the European Community and was ready to further consult with them in order to expedite the modification process. Those Parties who continued to object to the proposed modifications should specify their concerns or questions in writing as soon as possible.

9. Concerning the confirmation requested by Canada (GPA/W/217) regarding the application of national treatment and MFN obligations of the GATT and the GATS to "any measures taken by the Government of Korea pertaining to purchases by KT", the representative of Korea reiterated that since it was completely privatized earlier this year, KT was free from any government control or influence in making its business decisions including purchasing decisions. The Korean Government accordingly did not have any legal or other means to intervene in KT's purchasing decisions, and it did not envisage taking any measure pertaining to purchases by KT because KT was free to make its purchasing decisions solely in accordance with commercial considerations.³

10. The representative of the United States noted that her delegation had had extensive bilateral discussions with Korea, and that Korea had provided a considerable amount of information. The United States, however, expected to have a few remaining questions to put to Korea. The representative of the European Community said that his delegation had had bilateral discussions with Korea, and that it would be submitting further questions to Korea as soon as possible.⁴

11. The representative of Korea said that the situation in which a private entity was subjected to the procedural requirements of the Agreement was not justified. The Agreement was not intended to discipline the purchasing decisions of private entities which made business decisions solely in accordance with commercial considerations and totally free from the control and influence of the government.

² Canada's replies to questions from Hong Kong, China were subsequently circulated in GPA/W/229.

³ Response subsequently circulated in writing in document GPA/W/222.

⁴ Subsequently circulated in document GPA/W/244.

(vi) *Japan's proposed modifications relating to NTT*

12. With respect to the proposed modification by Japan to its Annex 3 of Appendix I notified in GPA/W/91, the Chairman recalled that consultations had been held between Japan and the delegations of the United States, the European Community and Canada on the basis of the questions put to Japan by these delegations (GPA/W/97, GPA/W/99, GPA/W/100 and GPA/W/100/Add.1) and Japan's answers thereto (GPA/W/104, GPA/W/104/Add.1, GPA/W/107 and GPA/W/108). Japan's responses to the additional questions from Canada had been circulated in document GPAW/199. The United States had withdrawn its objection to the modifications proposed by Japan on 19 October 2001 (GPA/W/166), and Canada on 1 October 2002 (GPAW/211).

13. The representative of Canada said that Canada had withdrawn its objection based on the particular circumstances relating to NTT Communications and without prejudice to Canada's views in any other circumstances (GPA/W/213).

14. The representative of Japan said the European Community was now the only Party objecting to the withdrawal of the proposed modifications. Japan had requested the European Community to forward written comments before this meeting but that the European Community had been unable to do so due to their own internal consultations. The European Community would not lose any trade benefits accruing to it under the Agreement by the withdrawal of NTT Communications from Annex 3 of Japan's Appendix I because there was no discriminatory treatment against European Community goods and services or suppliers in actual procurement operations by NTT Communications. NTT Communications remained committed to a policy of open, fair and non-discriminatory procurement and in practice had procured telecommunications products from a number of foreign suppliers in various countries including the countries in the European Community. She therefore hoped that the European Community would withdraw its objection to the proposed modifications.

15. The representative of the European Community said that the European Community maintained its objection to the withdrawal of NTT Communications for the time being and would provide written confirmation of its position to Japan in the near future.

(vii) *Japan's proposed modifications relating to railway companies*

16. The Chairman said that, with respect to the proposed modification by the delegation of Japan to its Annex 3 of Appendix I in documents GPA/W/144, 145 and 146, dated 29 August 2001, communications had been received from the delegations of the United States, Canada and the European Community (GPA/W/151, GPA/W/155 and GPA/W/156, respectively) seeking clarification and objecting to the proposed withdrawal of the three Japanese railway companies, namely East Japan Railway Company, Central Japan Railway Company and West Japan Railway Company from the coverage of the Agreement. Communications received from Japan providing clarifications regarding the proposed modifications had been circulated in GPA/W/152 and Corr.1 and GPA/W/179. Additional questions had been received from the European Community and the United States in 2001 (GPA/W/164 and GPA/W/165, respectively). Japan's responses to these questions were contained in GPA/W/180 and GPA/W/181, respectively. In 2002, the delegations of the United States and the European Community had submitted further questions, circulated in GPA/W/204 and GPA/W/205, respectively.⁵ An additional question received from Canada relating to Central Japan Railway Company and West Japan Railway Company had been circulated in GPA/W/212.⁶

⁵ Japan's responses thereto were subsequently circulated in documents GPA/W/233 and GPA/W/234, respectively.

⁶ Japan's responses thereto were subsequently circulated in document GPA/W/235.

17. The representative of Japan said that her delegation had held a series of bilateral meetings with the delegations of Canada, the European Community and the United States which had involved an extensive exchange of questions and answers. Japan believed that the three objecting Parties had come to an adequate assessment of the proposal. Her delegation hoped that Japan could reach a mutual understanding as soon as possible with the three Parties concerned regarding its proposed withdrawal of the three railway companies in accordance with Article XXIV:6(b) of the Agreement. Japan requested the three objecting Parties to proceed with the matter expeditiously.

18. The representative of the European Community said that the responses received from Japan were being reviewed by his delegation and that it hoped to proceed with the matter in an expeditious manner.⁷

19. The representative of the United States said that her delegation would examine closely Japan's responses to its questions. Meanwhile, the United States maintained its objection.

20. The representative of Canada said that in a communication, dated 1 October 2002, Canada had withdrawn its objection to the modification to Appendix I of the Agreement related to the East Japan Railway Company (GPA/W/211). Canada had been holding consultations with Japan with regard to West Japan Railway Company and Central Japan Railway Company respectively.

(viii) Proposed modification by the United States to reflect recent changes in the administrative structure of its Federal Government

21. The Chairman said that, with respect to the proposed modifications to Appendix I by the United States in GPA/W/153, dated 25 September 2001, the delegations of Canada, the European Community and Japan had made communications seeking further information from the United States with respect to the notification in GPA/W/153 and objecting to the proposed modifications going into effect at the end of the 30-day period (circulated in GPA/W/167, GPA/W/163 and GPA/W/162, respectively). The responses by the United States to the questions raised by the three Parties had been circulated in GPA/W/183-185, respectively. Further questions had been put by Japan (GPA/W/195) and the European Community (GPA/W/216).⁸

22. The Chairman said that the Committee would revert to this matter at its next meeting.

C. ACCESSIONS

(i) Applications:

- *Estonia*

23. The Chairman said that the questions raised by the United States regarding replies from Estonia in GPA/W/190/Rev.1 had been circulated in GPA/W/202, dated 22 August 2002. Estonia's replies thereto had been circulated in GPA/W/215. As agreed at the May 2002 meeting, further plurilateral consultations had been held between interested Parties and Estonia on 8 October 2002. At these consultations, the Parties had been informed that Estonia needed additional time to assess the impact on its accession of the forthcoming legislative changes. There also appeared to be a number of issues outstanding in their bilateral consultations with the European Community.

⁷ Follow-up questions received from the European Community have been subsequently circulated in document GPA/W/245.

⁸ The replies of the United States to the questions submitted by the European Community have been subsequently circulated in GPA/W/243.

24. The representative of Estonia said that, since the May 2002 meeting, Estonia had had bilateral consultations with the European Community and an exchange of information with Canada.

- *Latvia*

25. The Chairman said that, as agreed at the May 2002 meeting, further plurilateral consultations had been held between interested Parties and Latvia on 8 October 2002. At these consultations, the Committee had been informed that Latvia would make certain adjustments to its legislation and also that its bilateral consultations with the European Community had been continuing.

26. The representative of Latvia said that Latvia had had bilateral consultations with the European Community during which several issues had been raised relating to the adjustments in the national legislation both in the basic law and in the secondary legislation. Because of the recent elections in Latvia, it was very difficult to give any specific time-frame for the legislative changes.

- *Chinese Taipei*

27. The Chairman said that the former Chairman had held informal consultations with interested Parties in mid-July 2002 to review the status of their bilateral consultations with the delegation of Chinese Taipei regarding the outstanding points on both substance and presentational matters related to the offer of Chinese Taipei.

28. The representative of Chinese Taipei said that bilateral consultations had been concluded with the European Community and Japan. Bilateral consultations with Israel and Singapore were continuing. His delegation hoped that, through greater flexibility, Chinese Taipei's accession process could be expedited.

29. The representative of the European Community confirmed that his delegation had concluded negotiations on issues of substance, and hoped that the accession of Chinese Taipei could take place in the near future.

30. The representative of Singapore said that his delegation was pursuing the bilateral consultations with the delegation of Chinese Taipei. Singapore also wished to see the early accession of Chinese Taipei to the Agreement. At the same time, however, Parties would recognize that the concerns and considerations of different Parties also needed to be addressed in the accession process. He confirmed that there remained a couple of outstanding issues that needed to be further clarified. Singapore looked forward to a positive response from Chinese Taipei in resolving the outstanding issues.

31. The representative of Japan confirmed that Japan had finalized the bilateral consultations with Chinese Taipei on 7 October 2002. Japan hoped that Chinese Taipei would soon become a Party to the Agreement following resolution of any remaining issues with other Parties.

32. The representative of Israel said that the conclusion of bilateral negotiations between Chinese Taipei and Japan and the European Community was a positive development. In general, Israel considered the accession of new Parties to the Agreement as essential for the Agreement and as an important step for the newly acceded WTO Members. In October 2002, Israel had had substantive bilateral consultations with Chinese Taipei which could move towards a mutual agreement in the near future. He hoped that this would be an agreement that could be accepted by Israel's authorities and industries, and at the same time be supported by the Parties to the Agreement.

33. Concluding this sub-item, the Chairman noted that Parties were making good progress in their consultations with Chinese Taipei and that, though some further work needed to be done, he hoped that Chinese Taipei's accession process would be concluded shortly. He encouraged delegations which still had outstanding issues to try to make as much progress as possible in their consultations with the delegation of Chinese Taipei. He was available to consult and offer his good offices to facilitate the process.

- *Panama*

34. The Chairman recalled that the Committee had agreed at the May 2002 meeting to seek plurilateral consultations with Panama before the present meeting. The Secretariat had been informed by the delegation of Panama that it should not be included in the plurilateral consultations that were scheduled for 8 October 2002.

- *Bulgaria*

35. The representative of Bulgaria said her delegation expected to be able to provide additional detailed information shortly regarding amendments to the national public procurement legislation. At the February 2002 plurilateral meeting held on Bulgaria's accession to the Agreement, her delegation had made a request that Parties provided information pertaining to export opportunities in their markets so as to enable Bulgaria to assess its existing and potential export capabilities. This request had been made pursuant to the Marrakesh Decision on Accession to the Agreement on Government Procurement of 1994 and the Protocol of Accession of Bulgaria to the WTO. Since then, it had been reiterated in the Committee on Government Procurement, in bilateral contacts with Parties to the Agreement, in the Workshop on Accession to the Agreement on Government Procurement, and also in the context of the preparation of the Technical Assistance Plan of the Secretariat for 2003. So far, no such information had been provided by Parties. Bulgaria continued to expect the provision of this information, which would facilitate its accession to the Agreement. Her delegation was ready to work with Parties towards that objective.

36. The representative of Canada said that her delegation had one further follow-up question for Bulgaria.⁹ The representative of the United States said it had a couple of further questions which would be submitted shortly.

- *Slovenia*

37. The representative of Slovenia said that his Government considered it important that the legislative amendments be adopted by the Parliament before Slovenia submitted its offer. Among other things, the amendments would involve the definition of the entities in Slovenia. This would contribute to a clear understanding of the entities that would be listed in Slovenia's offer.

- *Albania*

38. The Chairman said that Albania had received questions from the European Community; Hong Kong, China; Switzerland; Canada; and the United States (GPA/SPEC/26, GPA/W/169, GPA/W/174, GPA/W/178 and GPA/W/209, respectively).¹⁰

⁹ Subsequently circulated in document GPA/W/219.

¹⁰ Albania's replies to the questions put by the European Community; Hong Kong, China; Switzerland; and Canada have been subsequently circulated in documents GPA/W/238-241, respectively.

- *Moldova*

39. The Chairman said that the questions received from Hong Kong, China had been circulated in GPA/W/206.

- *Jordan*

40. The representative of Jordan said that a study assessing the impact of Jordan's accession to the Agreement and using statistical data for the years 1997-2000 had been finalized in August 2002. Concurrently, the Engineers Association and the Contractors Association, both private sector institutions, had also submitted an impact assessment study, as related to their respective sectors. Both studies had been reviewed and analysed by a national committee consisting of members from both the private and public sectors. The national committee would be responsible for preparing the initial entity offer after coordination with different stakeholders. After its completion, the initial entity offer would be presented to the Prime Minister's office for final approval. Concerning modernization of procurement system, he said that the proposed public procurement legislation was to take the form of a bye-law; that the Government Tenders Directorate and the General Supplies Department would remain independent entities; and that a high-level procurement committee, linked to the Prime Minister's office, would be established.

41. The representatives of the United States, Israel, Canada, and the European Community, noted the good progress being made by Jordan in its accession process, and said they looked forward to receiving Jordan's initial entity offer before the end of 2002.

- *Kyrgyz Republic*

42. The Chairman said that the replies to the Checklist of Issues had been circulated in GPA/W/197, dated 10 June 2002. Further questions raised by the delegation of the United States had been circulated in GPA/W/201. The representative of the European Community said that his delegation would be submitting questions to the Kyrgyz Republic in the near future.

- *Georgia*

43. The Chairman said that no developments had taken place with regard to Georgia's accession since the May 2002 meeting.¹¹ The representative of Canada said that her delegation would submit questions to Georgia in the near future.¹²

- *Lithuania*

44. The Chairman said no developments had taken place with respect to the accession of Lithuania since the May 2002 meeting.

(ii) *Other newly acceded WTO Members*

- *Oman*

45. The Chairman said no developments had been reported in respect of Oman's accession to the Agreement since the February 2002 meeting.

¹¹ In a communication dated 8 October 2002, Georgia applied for accession (GPA/71).

¹² Subsequently communicated in GPA/W/220, dated 6 November 2002.

- *Croatia*

46. The Chairman said that no developments had been reported in respect of Croatia's accession to the Agreement since the February 2002 meeting.

- *China*

47. The representative of China said that new legislation on government procurement had been adopted in June 2002 and would be enacted on 1 January 2003.

- *Mongolia*

48. The Chairman said that no developments had been reported regarding the accession of Mongolia since the September 2001 meeting.

(iii) *Streamlining of accession process*

49. The Chairman said that, as agreed at the May 2002 meeting, the Committee had held informal consultations on streamlining the accession process at which Parties had an exchange of views on how to improve and accelerate the procedures for acceding countries, including those with economies in transition and developing countries. It had been agreed to revert to a number of suggestions made in this context at the next Committee meeting. The issues raised at the informal meeting could form the basis of further discussions on this matter.

50. The Committee agreed to revert to the matter of accessions at its next meeting.

D. REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

51. The Chairman said that Iceland had recently notified its implementing legislation (GPA/69). In accordance with the procedures agreed for the review of implementing legislation, the Committee agreed that delegations that wished to put questions to Iceland should do so by 16 December 2002¹³, and that Iceland should provide its answers by 16 February 2003.

52. The Chairman recalled that at the May 2002 meeting, the delegation of the Kingdom of Netherlands with respect to Aruba had been invited to submit its notification of the implementing legislation in accordance with the requirements in GPA/1/Add.1. The representative of the Netherlands said that he had been informed by the Aruban authorities that no progress had been made in this respect.

E. NEGOTIATIONS UNDER ARTICLE XXIV:7

53. The Chairman reported on the informal meeting held on the Article XXIV:7 negotiations on 7 October 2002. The Group had pursued the Article-by-Article review of the Agreement on the basis of the proposals by various delegations compiled in the Secretariat note "Suggested Drafting Changes to the 1994 Agreement", dated 23 September 2002 (Job No. 7423). Delegations also had available to them a non-paper by Korea relating to amendment to Article XXIV:6(b) (Job No. 5669); a non-paper by Japan proposing amendments to a number of Articles (Job No. 6846); a non-paper by Chinese Taipei suggesting drafting changes to selected Articles of the Agreement (Job No. 7872); a non-paper by Norway on amendments to Article VII (Job No. 7935); an explanatory note by Japan relating to its proposal on Article XXIV:6(b) circulated earlier in Job No. 6846 (Job No. 7823); and an explanatory note by Japan relating to its proposal on Article I:2 concerning BOT or equivalent contracts also circulated earlier in Job No. 6846 (Job No. 7790). Furthermore, the informal Group had before it a

¹³ No questions had been put to Iceland as of the date of issue of this document.

note by the Secretariat summarizing the discussion of the issues in relation to basket 1 of the work programme (Job No. 7496); an annotated agenda relating to basket 2 issues (Job No. 7478); and annotated agenda relating to basket 3 issues (Job No. 7448). The Group had a focused discussion on basket 2 issues, relating to tendering procedures, technical specifications and related definitions, and basket 3 issues relating to information and review as regards obligations of entities, information and review as regards obligations of Parties, enforcement, institutions, and statistical reporting. It also had reverted briefly to basket 1 issues relating to basic principles, scope and coverage and related definitions, exceptions, developing countries and accessions. The Group had also considered elements 2 and 3 of its work programme, relating to expansion of coverage and elimination of discriminatory measures. It had been informed by the delegations of Canada and Japan that they expected shortly to be in a position to table ideas on possible approaches regarding the negotiations in these areas, as envisaged in the decision on timetable and work programme of February 2002.¹⁴ As regards documentation regarding the work done at this meeting, the Chairman had suggested that the Secretariat be requested, once more to update the two-column text, namely "Suggested Drafting Changes to the 1994 Agreement", in the light of the proposals recently submitted and the detailed comments made and clarifications sought at the present meeting¹⁵; update the note on the discussion of the issues in relation to basket 1 of the work programme; and prepare notes on the discussion of the issues in relation to baskets 2 and 3, based on the responses given by delegations at the present meeting to the issues raised in the annotated agendas relating to each of these baskets.¹⁶ The work programme encouraged the tabling of all proposals relating to the review of the text of the Agreement no later than 1 September 2002. The delegation of Norway had foreshadowed tabling, in the near future, a non-paper relating to the note in the Agreement on tied aid and Japan on electronic procurement. A number of delegations had reserved the right to come forward with further proposals or respond to future proposals. Regarding the next steps, the Chairman recalled that the Committee had agreed at the February 2002 meeting that it would hold four informal meetings in 2002 and suggested the week of 9 December 2002 for the fourth informal meeting in 2002.¹⁷ As regards the work on the text of the Agreement, the Chairman recalled that it had been envisaged at the February meeting that work would start at the fourth meeting of 2002 on the basis of a text by the Chairman. However, a number of delegations had indicated that it would be their intention to work intensively together in the coming weeks on issues in baskets 1 and 2 in order to seek to narrow differences. Given the very large number of proposals still on the table and the many outstanding differences, some more important than others, the Chairman had encouraged such work. It was important that delegations were in a position to share the fruits of this further work in good time before the next meeting in order to make that meeting productive. With regard to basket 3, the Chairman had said that it was his plan to seek to prepare a text for the consideration of the Group on all the elements other than that concerning Article XXIV:6, where further discussion was clearly necessary. With regard to elements 2 and 3 of the work programme the Chairman had said that in addition to the papers that the delegations of Canada and Japan had already foreshadowed, he encouraged other delegations to put forward, before the next meeting, their ideas on possible approaches to the negotiations in these areas. Finally, as regards the meeting schedule for 2003, the Chairman had suggested that it would be necessary to step up the intensity of activity and to use different formats in addition to the informal Group if the Committee was to have provisional agreement on the text by the Cancun Ministerial Conference next September, as the Committee had previously agreed. He had said delegations would have to be ready to make themselves available at relatively short notice and, at times, for extended consultations. Nonetheless, he had considered it useful if the Secretariat were to pencil in at least three meetings for the Committee prior to Cancun, to be coordinated as usual with meetings of the Working Group on Transparency in Government Procurement, and had suggested that the Committee revert to this matter at the next meeting.

¹⁴ The submission by Japan was subsequently circulated as Job No. 8223.

¹⁵ Subsequently circulated as Job No. 8957.

¹⁶ Subsequently circulated as Job Nos. 7496/Rev.1, 9018 and 9034, respectively.

¹⁷ This meeting was subsequently postponed to February 2003.

54. The representative of Korea said his delegation had no objection in principle to working intensively on the issues in baskets 1 and 2 in order to seek to narrow differences and to help to expedite work. With regard to basket 3, he sought clarification as to whether there was any plan to actually discuss Article XXIV:6 in the 2003 meetings, since further discussion on this article was clearly necessary. The Chairman said that he believed it was important that the next meeting should focus on baskets 1 and 2, as otherwise there was the risk that discussions would develop too broadly. He noted that some progress had been made at this informal meeting on the issue of Article XXIV:6, with papers tabled, for instance, by the delegations of Korea and Japan (Job Nos. 5669 and 7823, respectively). Noting that this was one of the difficult issues, he encouraged delegations to continue to work on it and to revert to it in 2003.

55. The Chairman said that at the next meeting the Group should try to put together a list of the more substantive issues that would require further discussion. He encouraged delegations to give due consideration to the issues that might appear on that list.

56. The Committee agreed to proceed as suggested by the Chairman.

F. OTHER BUSINESS

(i) *Revision of the Decision on Procedures for Circulation and Derestriction of Documents*

57. The Chairman said that at the May 2002 meeting, it was agreed that the Committee would update its Decision on Circulation and Derestriction of Documents (GPA/1/Add.2) in order to reflect the WTO procedures adopted on 14 May 2002 (WT/L/452). After a brief discussion, the Committee adopted the revised Decision on the basis of a draft text circulated by the Secretariat (GPA/72).

(ii) *Response to the letter received from the Chairman of the Committee on Trade and Development*

58. The Chairman drew attention to his response, on behalf of the Committee, to a letter that he had received from the Chairman of the Committee on Trade and Development (CTD) requesting that the CTD be kept informed of discussions or developments relating to special and differential treatment taking place in the Committee on Government Procurement.

(iii) *Letter from the Chairman of the Committee to WTO Members with observer status in the Committee*

59. The Chairman said that, as agreed by the Committee at the May 2002 meeting, he had written a letter, on behalf of the Committee, to the WTO Members with observer status in the Committee inviting them to make written contributions on how the relevant provisions and decisions on developing countries and accessions could be improved.

(iv) *Letter from the Chairman of the Committee to WTO Members*

60. The representative of Israel, supported by the representative of the European Community, suggested that the Chairman send a letter to all WTO Members informing them about the Article XXIV:7 negotiations and encouraging them to become observers to the Committee. Since the beginning of the review, the atmosphere had changed in the WTO because of the Doha Development Round and there might be more interest by other WTO Members to join in this process.

61. After a brief discussion, the Committee agreed that the Chairman would write a letter to all WTO Members, with a view to bringing them up to date on the Article XXIV:7 negotiations and inviting any contributions they might have with respect to this process.

G. ANNUAL REPORT

62. The Committee considered its report to the General Council on the basis of a draft text prepared by the Secretariat which was revised in light of comments by delegations and subsequently adopted (GPA/73).

H. DATE OF THE NEXT MEETING

63. The Committee agreed to hold its next meeting in early 2003.¹⁸

¹⁸ Subsequently scheduled for 6 February 2003.