

WORLD TRADE ORGANIZATION

RESTRICTED

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Committee on Government Procurement

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MODIFICATIONS TO APPENDIX I OF THE AGREEMENT ON GOVERNMENT PROCUREMENT RELATING TO JAPAN POST PROPOSED BY JAPAN IN GPA/W/255, DATED 4 MARCH 2003

Communication from the European Community

The following communication, dated 13 October 2003, has been received from the Permanent Delegation of the European Commission with the request that it be circulated to the Committee on Government Procurement.

The European Community (EC) hereby withdraws its objections contained in GPA/W/262, dated 4 April 2003, against the modifications of Appendix I of the WTO Agreement on Government Procurement proposed by Japan in GPA/W/255, dated 4 March 2003, relating to Japan Post.

The EC understands that the notification results from Japan Post becoming legally independent from the competent ministry, and agrees that such entities should be covered under Annex 3 rather than Annex 1 of Appendix I of the Agreement. In this respect, the EC notes that, pursuant to general note 3 to Annex 3 of Appendix I of Japan, the Agreement does not apply to contracts which entities in Group A of Annex 3 award for the purpose of "their" daily profit-making activities which are exposed to competitive forces in the market. The present acceptance of the proposed modifications is without prejudice to the question which activities, if any, of Japan Post are directly exposed to competition on markets to which access is not restricted.

Furthermore, the EC notes Japan's unilateral engagement to maintain the Annex 1 threshold.
