INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Addendum

Note Received from the Delegation of Finland

In accordance with the decision of the Committee on Government Procurement at its first meeting on 15 January 1981, that each Party would describe the main elements of its legislation in a note, and in response to the checklist subsequently issued for this purpose in GPR/4, the delegation of Finland has submitted the note which is reproduced hereunder.

1. Legislative, regulatory, administrative and other action taken as a result of the negotiation of the Agreement or currently in existence to ensure that the provisions of the Agreement are applied:

(a) Has the Agreement itself been incorporated into domestic law, and if so, how this has been done?

Reply

The Agreement has been incorporated in the domestic legislation on Government Procurement by a Decree (1103/80) which was signed by the President of the Republic on 19 December 1980. It should be pointed out that the Decree, according to the constitutional system of Finland, does not contain any substantive provisions, but simply states that the Agreement as such is in force in Finland.

(b) In what manner have the procedural requirements of Article V been provided for (inclusion in law or regulation)?

Reply

These provisions are included in the Decree on Government Procurement (1070/79), in the Ministry of Trade Decision implementing it (1071/79) and in a Ministry of Trade and Industry Circular, which have been notified to the Committee.

(c) Does a specific provision on national treatment and non-discrimination provision of Article II:1 exist in a law or regulation?
Reply

Provisions to this effect are included in the instruments enumerated under (b).

(d) Indicate details on the establishment of the threshold for purposes of public notices. Are tenders covered by the Agreement clearly identified as such and, if so, what methods are used?

Reply

For the moment, the only notices which are being published in the Virallinen Lehti (Official Gazette) are those covered by the Agreement. No specific procedures exist for the establishment of the threshold value for public notices. The current threshold value, FIM 730,000 has been notified to the entities concerned by the Ministry of Trade and Industry.

(e) In the case of selective tendering procedures, does a permanent list of suppliers exist or are these selected on a contract-by-contract basis?

Reply

Selective tendering in the meaning of the Agreement does not exist in Finland, and therefore no such lists are maintained.

(f) Provide a description of the main elements of the legislation including information as to the publication of this legislation, as required by Article VI:1 of the Agreement.

Reply

The relevant legislation comprises the instruments enumerated under (b). Of these the Ministry of Trade and Industry Circular relates directly to procurement under the Agreement. The basic elements of that Circular are the same as those of the operational Articles of the Agreement itself. The Decree and the Decision have been published in the Collection of Statutes of Finland. The Circular has been sent to all entities concerned. All these instruments have been notified to the Committee.

2. Information on:

(a) The name and address of the information centre(s), foreseen in Article III:10 of the Agreement.

Reply

The Ministry of Trade and Industry, Department of Trade, Aleksanterinkatu 10, SF-00170 Helsinki 17, Finland.
(b) Implementation, as appropriate, of the technical assistance requirements provided for in Article III:8 and 9 in relation to developing country Parties and to suppliers and tenderers in least-developed countries, foreseen in Article III:11 and 12.

Reply
See (a).

(c) Implementation of the requirements concerning annual publications of notices relating to selective tendering procedures, laid down in Article V:6(a).

Reply
See point 1(e).

(d) The establishment of contact points by entities.

Reply
The entities concerned have been instructed to establish contact points.

(e) The procedures for the hearing and review of complaints, as required by Article VI:5.

Reply
See (d).

(f) Action taken to inform entities not covered by the Agreement and the regional and local governments and authorities within a Party's territory of the objectives, principles and rules of the Agreement, in particular the rules on national treatment and non-discrimination, and the drawing to their attention of the overall benefits of liberalization of government procurement, as stipulated in Article I:2.

Reply
Information has been disseminated through seminars and the press.

(g) The date of the first publication of a notice of a proposed purchase made in accordance with Article V:3.

Reply
Virallinen Lehti (the Official Gazette) of 16 January 1981.

3. The threshold in national currency has been notified to the Committee on 27 January 1981.