

1 ARTICLE I OF THE AGREEMENT ON GOVERNMENT PROCUREMENT1

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1 ARTICLE I OF THE AGREEMENT ON GOVERNMENT PROCUREMENT

1.1 Text of Article I

Article I

Scope and Coverage

1. This Agreement applies to any law, regulation, procedure or practice regarding any procurement by entities covered by this Agreement, as specified in Appendix I.¹

(footnote original) ¹ For each Party, Appendix I is divided into five Annexes:

Annex 1 contains central government entities.

Annex 2 contains sub-central government entities.

Annex 3 contains all other entities that procure in accordance with the provisions of this Agreement.

Annex 4 specifies services, whether listed positively or negatively, covered by this Agreement.

Annex 5 specifies covered construction services.

Relevant thresholds are specified in each Party's Annexes.

2. This Agreement applies to procurement by any contractual means, including through such methods as purchase or as lease, rental or hire purchase, with or without an option to buy, including any combination of products and services.

3. Where entities, in the context of procurement covered under this Agreement, require enterprises not included in Appendix I to award contracts in accordance with particular requirements, Article III shall apply *mutatis mutandis* to such requirements.

4. This Agreement applies to any procurement contract of a value of not less than the relevant threshold specified in Appendix I.

1.2 General

1. The panel in *Korea – Procurement* provided a general overview of the scope and coverage of the Agreement on Government Procurement (GPA):

"The GPA establishes an agreed framework of rights and obligations among its Parties with respect to their national laws, regulations, procedures and practices in the area of government procurement.

The obligations under the Agreement apply to procurement:

- (a) by procuring entities that each Party has listed in Annexes 1 to 3 of Appendix I relating respectively to "central government entities," "sub-central government entities" and "other entities";
- (b) of all products; and
- (c) of services and construction services that are specified in lists found respectively in Annexes 4 and 5 of Appendix I.

Furthermore, GPA coverage under each of the Annexes is contingent upon certain threshold values being exceeded. These threshold values are expressed in terms of Special Drawing Rights (SDRs). GPA coverage under each of the Annexes is also contingent upon the various notes found in the Annexes."¹

1.3 Article I:1

1.3.1 Loose-leaf system for updating appendices

2. At its meeting of 4 June 1996, the Committee on Government Procurement decided to establish a loose-leaf system with legal effect to periodically update the Appendices to the GPA.² At its meeting on 24 February 1997, the Committee on Government Procurement agreed on the procedures for subsequent modifications to the loose-leaf system.³ With a view to providing a starting point for the loose-leaf system, the Secretariat circulated in document [GPA/W/35](#) of 5 February 1997 a draft set of Appendices that reflected the Appendices attached to the GPA as signed at Marrakesh and the subsequent rectifications, modifications and new concessions made under the procedures adopted by the Interim Committee and under the Agreement itself. An updated version was made available to parties in document [GPA/W/35/Rev.1](#) of 8 July 1999. The Procedures for Future Changes to the Loose-Leaf System for Appendices to the GPA are set out in document [GPA/W/110](#) of 7 March 2000.

3. In addition to being made available in hard-copy form, the loose-leaf system and future new or replacement pages are circulated to parties and other WTO Members in electronic form through the WTO Document Dissemination Facility. An up-to-date copy of the loose-leaf system is also available to the general public through the government procurement site on the WTO Home Page on the Internet.⁴

1.4 Article I:4

4. At its meeting of 27 February 1996, the Committee on Government Procurement decided on the "Modalities for Notifying Threshold Figures in National Currencies".⁵

Current as of: July 2022

¹ Panel Report, *Korea – Procurement*, paras. 2.7-2.9.

² [GPA/M/2](#), Section E.

³ [GPA/M/5](#), Section D.

⁴ [GPA/19](#), para. 7. See http://www.wto.org/english/tratop_e/gproc_e/appendices_e.htm.

⁵ [GPA/M/1](#), Section B. The text of the decision can be found in [GPA/1](#), Annex 3.