

GENERAL AGREEMENT ON

RESTRICTED

GPR/M/42

18 October 1991

TARIFFS AND TRADE

Special Distribution

Committee on Government Procurement

MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 1991

Chairman: Mr. David Hayes (United Kingdom)

1. The following agenda was adopted:

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A. Trondheim electronic toll collection system

2. The Chairman recalled that the meeting had been called following a request by the United States pursuant to Article VII:7 of the Agreement (ref. documents GPR/W/108 and GPR/W/110) regarding a procurement conducted by the Government of Norway for electronic toll collection equipment for the city of Trondheim. This matter had previously been brought to the attention of the Committee during its meeting of 20 June 1991 (ref. document GPR/M/40), under Article VII:6 of the Agreement. The representative of the United States recalled that at the Committee meeting of 20 June 1991, he had sought the good offices of the Committee to find a solution to the dispute but that in the absence of such a successful conciliation, his country would seek the immediate establishment of a panel. The Norwegian delegate had, at that time, requested that the delay of three months for further conciliation efforts, as provided for in Article VII:7, be respected. Since this delay had now passed, the United States requested the establishment of a panel at the present meeting of the Committee. The delegate of the United States referred to the minutes of the meeting of 20 June and to the letter contained in document GPR/W/110 for the factual and legal basis of the United States complaint.

3. The delegate of Norway also referred to the statement of his country's position at the meeting of 20 June and repeated that since the tendering procedure effected by the Norwegian Government in this case was for a Research and Development project it was, in their view, fully consistent with the Agreement on Government Procurement, in particular with Art. V:16(e). He did not agree with the United States claim as contained in document GPR/W/110 that the Trondheim procurement conflict was similar

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to an earlier dispute between the two parties in 1990 regarding the procurement by Norway of similar equipment for the city of Oslo. He nevertheless agreed to the establishment of a panel. The Committee then established the panel and the Chairman proposed the following terms of reference for consideration by both parties:

"To examine, in the light of the relevant provisions of this Agreement, the matter referred to the Committee by the United States in document GPR/W/110; to consult regularly with the parties to the dispute and give full opportunity for them to develop a mutually satisfactory solution; and to make a statement concerning the facts of the matter as they relate to the application of this Agreement and to make such findings as will assist the Committee in making recommendations or giving rulings on the matter."

B. Other business

(i) Korea's request for accession

4. The Chairman informed the members of the Committee that he had received a letter from the delegation of the Republic of Korea requesting accession to the Agreement on Government Procurement and to the negotiations. The text of the letter was reproduced in document GPR/W/109. He proposed that if by 7 October 1991 he or the secretariat had not received comments to the contrary from the Signatories, the Republic of Korea would be deemed to have been invited to participate in the next Informal Group on Negotiations which will be held from 16 through 18 October 1991, pending its formal accession to the Agreement on Government Procurement. It was so decided.

(ii) Sonar mapping panel case

5. The Chairman referred to the panel which was established during the meeting of the Committee on 12 July 1991 (GPR/M/41) to examine a complaint by the European Community regarding procurement by the United States National Science Foundation of a Sonar Mapping System. He informed the meeting that the composition and the terms of reference had been decided upon and could be found in document GPR/61. He further announced that the first substantive meeting between the Parties and the panelists would take place in the week of 28 October 1991.

(iii) Informal Group on Negotiations

6. The Chairman drew the attention of the Committee to the three informal negotiating papers that he had distributed a few weeks previously to the participants of the Informal Group on Negotiations, with a view to helping the negotiations forward. He recalled that the next meeting of the Informal Group would be from 16 through 18 October 1991, followed by a formal Committee meeting.