

1. Measures related to the WTO Agreement on Government Procurement (Reference Materials III-1)

(1) Current status of the number of countries and regions participating in the WTO Agreement on Government Procurement

Originally there were 23 countries and regions participating in the WTO Agreement on Government Procurement. As of January 1, 2008, parties to the Agreement were 40 countries and regions.

(Note) Parties to the Agreement on Government Procurement (as of January 1, 2008)

Japan, Canada, European Community (EC), Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom, Bulgaria, Romania, Hong Kong China, Iceland, Israel, Korea, Liechtenstein Netherlands with respect to Aruba, Norway, Singapore, Switzerland, and the United States

(2) The Working Group on Transparency in Government Procurement (Reference Materials III-2)

In December 1996, the first Ministerial Conference since the founding of the World Trade Organization (WTO) was held in Singapore, with ministers and officials from 127 countries participating. At this first Ministerial Conference, it was decided to establish a Working Group on Transparency in Government Procurement.

In response to this, since the first meeting was held in May 1997, further formal meetings, a number of informal meetings and friends meetings have taken place.

The Working Group on Transparency in Government Procurement, in which WTO members other than signatory nations (as mentioned above) to the WTO Agreement on Government Procurement can also take part, was established to study transparency in members' government procurement practices and to specify elements which could be included in a future multilateral agreement on government procurement.

At the third WTO Ministerial Conference in Seattle, discussions were conducted on launching negotiations towards forming an agreement concerning transparency in government procurement, based on the discussions of the Working Group.

In addition, at the fourth WTO Ministerial Conference in Doha (Qatar) in November 2001, the Ministerial Declaration decided that parties would keep studying on transparency in government procurement and negotiate about multilateral rules after the fifth Conference. However, the General Council on July, 2004 decided that negotiation will not be initiated in this Doha Round.

2. Economic Partnership Agreement

In many of the economic partnership agreements (EPAs) that Japan has signed and concluded to date, an independent chapter is devoted to providing relevant rules for government procurement. While the Agreement on Government Procurement in Annex and procedure to the WTO Agreement (GPA) has thus far been signed by 40 countries and regions, it is meaningful to designate rules for government procurement in EPAs, especially when the EPA partner has not signed the GPA. It is also meaningful to designate such rules even with a signatory of the GPA, with expected benefits including the lowering of the threshold applied under the GPA and the expansion of applicable entities. The following are those EPAs already in effect that contain a chapter for government procurement (among the signatories of such EPAs, only Singapore is a party to the GPA).

(1) Japan-Singapore Economic Agreement for a New Age Partnership

This is Japan's first bilateral free trade agreement, which entered into force in November 2002.

While both Singapore and Japan are parties of the GPA, this agreement includes more obligations than the GPA, in the area of goods and services procurement. To be specific, both countries have agreed to give suppliers in the other country more opportunities for tendering by lowering the application threshold for the GPA from 130,000 SDR to 100,000 SDR.

(2) Japan-Mexico Economic Partnership Agreement

This Agreement entered into force in April 2005.

Regarding government procurement covered by the Agreement, both countries promise in the Agreement that the goods and services of the partner country as well as their providers are subject to treatment no less favorable than that accorded to domestic goods, services, and suppliers. Although there were cases in the past where Japanese companies were excluded from Mexico's government procurement on grounds that the Free Trade Agreement (FTA) was not yet concluded (Mexico had not concluded the GPA), it was determined by the conclusion of the Agreement- made it possible for Japanese companies, too, to enjoy national treatment.

(3) Japan-Chile Economic Partnership Agreement

This agreement entered into force in September 2007. Japan has agreed with Chile, which is not a signatory of the GPA, on detailed and mutually applicable procurement procedures

including the national treatment and non-discrimination, as well as the procedures related to information disclosure after successful bids and filing complaints, etc. In addition, the Agreement also contains provisions concerning the establishment of a committee on government procurement.

(4) Others

While the Japan-Thailand Economic Partnership Agreement (which entered into force in November 2007) does not regulate the procedures of government procurement as a whole, it contains the provisions concerning the exchange of information and the establishment of a committee on government procurement.

3. Action Program measures

(1) Government Procurement Seminar

The Ministry of Foreign Affairs holds a seminar on government procurement each year, based on the Action Program on Government Procurement adopted at the 20th Meeting of the Action Program Committee in February 1994 and on the Procedures for Government Procurement on Products (Operational Guidelines) adopted at the 21st Meeting of the Action Program Committee held in March 1994. In 2007, the seminar was held on 27 April (with 66 domestic and 32 foreign suppliers participating).

The above two voluntary measures also call for the other ministries and agencies to hold seminars on government procurement as necessary. In 2007, the following seminars were held.

Table III-1 Government Procurement Seminars in Japanese Ministries and Agencies in 2007

Procurement Organization	Date	Content
National Public Safety Commission (National Police Agency)	23 May 2007	Government Procurement Seminar, Government Procurement Annual Meeting (Telecommunications)
Ministry of Internal Affairs and Communications	16 May 2007	Government Procurement Seminar, Government Procurement Annual Meeting (Telecommunications, Medical Technology)
Ministry of Education, Culture, Sports, Science and Technology	17 May 2007	Government Procurement Seminar, Government Procurement Annual Meeting (Telecommunications, Medical Technology)
Ministry of Health, labor, and Welfare	17 May 2007	Government Procurement Seminar, Government Procurement Annual Meeting (Medical Technology)
Ministry of Land, Infrastructure, and Transport	10 May 2007	Government Procurement Seminar, Government Procurement Annual Meeting (Telecommunications)
Ministry of Defense	25 May 2007	Government Procurement Seminar, Government Procurement Annual Meeting (Medical Technology)

(2) Voluntary Review Meeting

In 2007, by means of questionnaire survey, the opinions of suppliers were solicited concerning implementation and utilization of voluntary measures. In addition, a voluntary review, a follow-up to the voluntary measures based on statistics, etc., was held on 28 November and gave consideration to the results of the survey (Reference Materials III-3). The Voluntary Review Meeting drew up the Government Initiative on Future Management of Government Procurement (Reference Materials III-4) based upon the reviews above.

From FY2001, among the opinions and requests gathered by the questionnaire survey, the government picked up those ① from many respondents, ② considered important to improve the current measures, and ③ considered necessary information to the public, and released

responses from the government on the website: <http://www.kantei.go.jp/> (Reference Material III-5).

(3) Action Program Committee

In the 40 Action Program Committee held on 25 December 2007, the state of the implementation of the voluntary measures reviewed at the Voluntary Review Meeting was confirmed, and the Government Initiative on Future Management of Government Procurement drawn by the Voluntary Review Meeting was approved.

(4) Thresholds

Thresholds, which vary according to types of contract specified in the WTO Agreement on Government Procurement, are obtained by converting the applied standard values (in SDR) into the national currency (The Standard Values are revised every two fiscal years.).

The thresholds in the voluntary measures related to government procurement as formulated by the Action Program Committee are revised according to these notifications. The current thresholds applicable are in Reference Material III-6.