

## ANNEX G

### DECISION OF THE COMMITTEE ON GOVERNMENT PROCUREMENT ON A WORK PROGRAMME ON SAFETY STANDARDS IN INTERNATIONAL PROCUREMENT\*

Decision of 30 March 2012

The Committee on Government Procurement,

*Noting* that Article XXII:8(a) of the Agreement on Government Procurement (Agreement) provides that the Parties shall adopt and periodically review a work programme, including a work programme on safety standards in international procurement;

*Noting* that Article X:1 of the Agreement provides that procuring entities "shall not prepare, adopt or apply any technical specification with the purpose or the effect of creating unnecessary obstacles to international trade";

*Noting* that Article III:2(a) of the Agreement does not prevent Parties from imposing or enforcing measures necessary to protect of public safety, provided that such measures are not applied in a manner that would constitute a means of arbitrary or unjustified discrimination or a disguised restriction on international trade;

*Recognizing* the need for a balanced approach between public safety and unnecessary obstacles to international trade;

*Recognizing* that diverging practices among the Parties as regards public safety may have an adverse effect on the performance of the Agreement;

*Hereby* adopts the following work programme with respect to safety standards:

1. **Initiation of Work Programme on Safety Standards in International Procurement:** At the first meeting of the Committee after the entry into force of the Protocol of Amendment to the Existing (1994) Agreement, the Committee shall initiate a Work Programme on Safety Standards in International Procurement.
2. The Work Programme shall examine topics with the view to sharing best practices on items that include:
  - (a) The manner in which public safety concerns are addressed in legislation, regulations and practices of the Parties and guidelines relating to the implementation of the Agreement by procuring entities;
  - (b) The relationship between the technical specifications provisions in Article X and protection of public safety in Article III of the Agreement and in the Parties' Annexes to Appendix 1;
  - (c) The best practices that may be adopted to protect public safety in light of the provisions on technical specifications and tender documentation in Article X.
3. The Committee shall develop the scope and timetable for the examination of each topic identified in paragraph 2. The Committee shall prepare a report that summarizes the outcome of its examination of these issues and lists the best practices identified in paragraph 2(c).

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\* Annex G to Appendix 2 of the Decision on the Outcomes of the Negotiations Under Article XXIV:7 of the Agreement on Government Procurement, adopted on 30 March 2012 (GPA/113, p. 447).