

**REPORT (2002) OF THE WORKING GROUP ON TRANSPARENCY IN
GOVERNMENT PROCUREMENT TO THE GENERAL COUNCIL**

1. The period covered in this report is October 2001 to November 2002. During the review period, the Working Group has continued its work pursuant to the mandate given to it by the Singapore and Doha Ministerial Declarations. The Group held three formal meetings, respectively on 29 May, 10-11 October and 29 November 2002, under the chairmanship of Ambassador Ronald Saborío Soto (Costa Rica) and an informal meeting on 12 March 2002. The meeting on 29 November 2002 was primarily to discuss the adoption of this report to the General Council. The reports of these meetings have been circulated in documents WT/WGTGP/M/14, 15 and 16.

2. At the May meeting, the Working Group reverted to the discussion of the issues under the agenda item "transparency-related provisions of the existing international instruments on government procurement and national procedures and practices". As agreed at the informal meeting of 12 March 2002, the principal focus of discussion under this agenda item were sub-items I to V which correspond to these headings of the Chairman's note "List of the Issues Raised and Points Made" of November 1999 (JOB(99)/6782), namely definition and scope of government procurement; publication of information on national legislation and procedures; information on procurement opportunities, tendering and qualification procedures; time-periods. To facilitate the discussion, the Group had before it a summary note on these matters prepared at its request by the Secretariat. This aimed to provide a more concise description of the work done than the note by the Chairman as well as to take into account subsequent discussion in the Group and papers relating to these sub-items (WT/WGTGP/W/32). A submission was made by Australia on procurement methods (WT/WGTGP/W/31). The Working Group heard views of a number of Members regarding items I to V. It also heard an exchange of views on the mandate of the Group and the experience of a number of Members in relation to transparency in government procurement.

3. At the October meeting, the Working Group resumed the discussion of the issues under the agenda item "transparency-related provisions of the existing international instruments on government procurement and national procedures and practices", the principal focus of discussion being sub-items VI to XII, namely transparency of decisions on qualification; transparency of decisions on contract awards; domestic review procedures; other matters related to transparency; information to be provided to other governments (notification); WTO dispute settlement procedures; and technical cooperation and special and differential treatment for developing countries. In addition to the note by the Secretariat summarizing the work of the Working Group on these items (WT/WGTGP/W/33), the Group had before it a communication by Canada on transparency of contract awards (WT/WGTGP/W/36). The Working Group heard views of a number of Members regarding sub-items VI to XII. At this meeting, the Group also addressed two communications submitted by the United States which contained, respectively, a proposal for a work plan to build on the progress of work in the Working Group (WT/WGTGP/W/35) and a note on capacity-building considerations relating to transparency in government procurement (WT/WGTGP/W/34); and a communication by Japan on its views on transparency in government procurement (WT/WGTGP/W/37). In addition, Australia presented a non-paper on the transparency of decisions on qualifications (JOB(02)/142).

4. The other substantive agenda item at the May and October meetings related to technical assistance and capacity-building pursuant to paragraph 26 of the Doha Declaration under which the Group heard oral reports by the Secretariat on the status of work in this respect and comments were made and questions put by delegations.

5. A Symposium on Transparency in Government Procurement was held in Geneva on 9 and 10 (a.m.) October 2002 which many capital-based experts including experts from the majority of least-developed countries attended.

6. The IMF, the World Bank, the United Nations represented by the United Nations Commission for International Trade Law (UNCITRAL) and UNCTAD have observer status in the Working Group. The ITC also attends the Working Group meetings. During the period covered in this report, the Working Group considered requests for observer status from OECD, SELA and OIC (the Organization for Islamic Conference) and agreed to revert to these requests in light of the consultations on this matter by the Chairman of the General Council.
