

POLICY NOTE

THE PUBLIC PROCUREMENT (AGREEMENT ON GOVERNMENT PROCUREMENT) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2023

SSI 2023/287

The Scottish Ministers made the above instrument in exercise of the powers conferred by section 1(1)(b)(i) of the Trade Act 2021 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

<p>This instrument makes amendments to Scottish procurement regulations for the purpose of reflecting the Republic of North Macedonia's accession to the World Trade Organisation's (WTO) Agreement on Government Procurement (GPA).</p>
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Policy Objectives

This instrument gives effect in Scotland to international obligations.

The Republic of North Macedonia will accede to the WTO's GPA and this instrument amends Scottish procurement regulations to reflect this change. Following normal protocol, the Republic of North Macedonia has six months to deposit its instrument of accession. Once its instrument has been deposited, the GPA enters into force for the acceding party 30 days later, which is when this instrument comes into effect.

This instrument inserts the Republic of North Macedonia into Schedules that list parties to the GPA in the Public Contracts (Scotland) Regulations 2015, the Concession Contracts (Scotland) Regulations 2016 and the Utilities Contracts (Scotland) Regulations 2016.

Economic operators from the Republic of North Macedonia will be afforded the same rights as economic operators from the United Kingdom for contracts covered by the United Kingdom's Appendix 1 to the GPA. The equal treatment duty in respect of economic operators from the Republic of North Macedonia applies to procurements that start on or after the date on which the GPA enters into force for the Republic of North Macedonia.

The UK Government is expected to make similar changes.

EU Alignment Consideration

Fundamentally, this instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU. The EU, like the UK is a party to the GPA and will be updating its regulations to fulfil this international obligation.

Consultation

There has been no consultation on this instrument as this is an international obligation which must be implemented. The Scottish Government does not have any substantive discretion in the matter.

Impact Assessments

Impact assessments have not been carried out in relation to this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Financial Effects

The Minister for Community Wealth and Public Finance confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Scottish Procurement and Property Directorate

18 October 2023