
STATUTORY INSTRUMENTS

2021 No. 573

The Public Procurement (Agreement on Government Procurement) (Amendment) Regulations 2021

PART 2

AMENDMENT OF UNITED KINGDOM SECONDARY LEGISLATION

Amendments to the Concession Contracts Regulations 2016

- 3.**—(1) The Concession Contracts Regulations 2016⁽¹⁾ are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “GPA”, for “between certain parties to the World Trade Organisation signed in Marrakesh on 15th April 1994 as amended before IP completion day” substitute “signed at Marrakesh on 15th April 1994, as amended on or before the United Kingdom’s accession”;
 - (b) after the definition of “GPA” insert—
 - ““GPA party” means any country, state or separate customs territory that is—
 - (a) listed in Schedule 1A; or
 - (b) a member State of the EU;”.
- (3) In regulation 51 (duty owed to economic operators from certain other states)—
- (a) in the heading, for “certain other states” substitute “countries with whom the EU has an international agreement, other than the GPA”;
 - (b) in paragraph (1)(a), omit “Condition 1, Condition 2 or”;
 - (c) omit paragraphs (2), (2A) and (4).
- (4) After regulation 51 insert—

“Duty owed to economic operators from GPA parties

51A.—(1) The duty owed in accordance with regulation 50 is a duty owed also to an economic operator from a GPA party, but only where the agreement applies to the procurement concerned.

- (2) For the purposes of paragraph (1), the GPA applies to a procurement if—
- (a) the procurement may result in the award of a contract of any description; and
 - (b) at the relevant time—
 - (i) a GPA party has agreed with the United Kingdom that the GPA shall apply to a contract of that description; and
 - (ii) the economic operator is from that GPA party.

(3) In this regulation, “relevant time” means the date on which the contracting authority submitted a call for competition in respect of the contract to the UK e-notification service or would have done so if it has been required by these Regulations to do so.”.

(5) After Schedule 1 (activities constituting works) insert—

“SCHEDULE 1A

Regulation 2(1)

PARTIES TO THE GPA

Armenia
Australia
Canada
European Union
Hong Kong, China
Iceland
Israel
Japan
Korea, Republic of
Liechtenstein
Moldova, Republic of
Montenegro
Netherlands with respect to Aruba
New Zealand
Norway
the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
Singapore
Switzerland
Ukraine
United States”.