

COUNCIL DECISION (EU) 2023/1794**of 18 September 2023****establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement on the adoption of its rules of procedure for the selection of the Chairperson****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on Government Procurement is a plurilateral agreement, within the framework of the World Trade Organization, which aims to mutually open government procurement markets among its Parties. The revised version of that Agreement entered into force on 6 April 2014 ('the Revised GPA').
- (2) Article XXI:1 of the Revised GPA establishes a Committee on Government Procurement ('the Committee') for the purpose of affording Parties the opportunity to consult on any matter relating to the operation of the Revised GPA or the furtherance of its objectives.
- (3) Article XXI:1 of the Revised GPA provides that the Committee is to elect its own Chairperson.
- (4) The draft rules of procedure for the selection of the Chairperson were distributed by the Committee on 12 May 2023.
- (5) It is appropriate to establish the position to be taken on the Union's behalf within the Committee on the adoption of its rules of procedure as those rules will be binding on the Union.
- (6) The draft rules of procedure for the selection of the Chairperson, distributed by the Committee on 12 May 2023, should therefore be adopted in order to regulate the functioning of the Committee,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Committee on Government Procurement established by the Agreement on Government Procurement shall be to support the adoption of its rules of procedure for the selection of the Chairperson.

The text of those rules of procedure is attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 18 September 2023.

For the Council
The President
L. PLANAS PUCHADES

**Rules of Procedure for the selection of the Chairperson of the WTO Committee on Government
Procurement (the 'Committee')**

- (1) The Parties shall select a Chairperson from among their representatives to the Committee on Government Procurement on a yearly basis.
 - (2) The Parties may decide to extend the term of the Chairperson, drawing on Chairperson's work plan for the following year.
 - (3) A candidate shall be selected as Chairperson on the basis of the candidate's capacity, experience, availability and competencies to undertake the attendant responsibilities. The Chairperson will serve in a personal capacity.
 - (4) The outgoing Chairperson shall hold consultations to facilitate the selection. If there is no Chairperson, the Parties may appoint, by consensus, an interim Chairperson or invite the Party that provided the previous Chairperson to hold such consultations.
 - (5) Prior to or during the course of the consultations, the candidate(s) for the position of the Chairperson shall be given an opportunity to present proposed plans to the Parties for the period of chairing the Committee.
 - (6) The appointment shall take place at the first regular Committee meeting of the year. If the office of Chairperson becomes vacant in the middle of a year, the Parties shall aim to find a replacement within the shortest possible delay.
 - (7) The appointment shall take effect at the end of the meeting provided in the preceding paragraph. If there is no Chairperson at that time, it shall take effect immediately.
 - (8) The Chairperson shall hold office until the end of the first regular meeting of the following calendar year, unless the Chairperson is no longer able to serve or resigns at an earlier time.
 - (9) If the Parties are unable to reach consensus on the selection of a Chairperson, so that the Committee is prevented from fulfilling its obligation to meet at least once a year, the Committee may appoint, by consensus, an interim Chairperson from among the candidates, or alternatively invite the Party that provided the previous Chairperson, to temporarily facilitate the meetings of the Committee until such time as a Chairperson can be appointed.
 - (10) The Parties may decide to complement these rules of procedure further. The rules of procedure may be reviewed within five years of their adoption.
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