



Joint Minutes of the Third Meeting of the Committee on Government Procurement under the Agreement between the European Union and Japan for an Economic Partnership

Tokyo and Brussels (by video-conference), 3 December 2021

The third meeting of the Committee on Government Procurement under the Agreement between the European Union (“EU”) and Japan for an Economic Partnership (“EPA”) took place on 3rd December, 2021, by video-conference.

In this meeting, Japan and the EU provided updates on the topics discussed in the second meeting and exchanged views on some topics relating to government procurement, allowing for a fruitful discussion on matters related to Chapter 10 of the EPA. On Japan side, participants from MOFA, METI and the Mission of Japan to the European Union were represented; and there were participants from DG TRADE, DG GROW, DG CNECT as well as the EU Delegation in Tokyo from the EU side.

The enclosed meeting agenda was adopted (cf. annex).

Japan provided the EU with updates on measures to improve operation of the JETRO website, Japan’s designated single point of access, including official guidance provided to procurement entities. Japan expressed its concern about information on TED, the EU’s designated single point of access, namely two procurement notices from Denmark and Hungary respectively. The EU explained that, whereas a verification of the Danish case had resulted in the finding that the notice had been in line with GPA/EPA requirements, one tender in Hungary in particular had involved an administrative error. Both sides confirmed that they would continue to exchange views to promote mutual understanding on this topic. Both parties confirmed that they would hold a follow-up meeting at the early timing of next year, where both sides exchange views on the website with a focus on possible ways to improve it.

The EU gave a presentation on “Access2Markets”, the EU’s newly launched internet tool. Japan welcomed the EU’s efforts to include Japan as a second country (after Canada) into this tool, and both will continue to explore ways to cooperate on this topic.

Upon a request from the EU, Japan gave an explanation on how Japan implements Paragraph 1 of Article 10.12. on domestic review bodies, in particular the requirement of legal and professional qualifications equivalent to judges, lawyers or other legal experts, and on Article 10.12.5 and 6 concerning the adjudication of damages. Touching upon the Government Procurement Challenge System (CHANS), Japan explained contents of “Establishment of the Council of Government Procurement Review” and actual practices of the Government Procurement Review Board, through which Japan ensures the implementation of the Article. Japan will provide further information in writing and share related documents on how Japan implements the paragraph 5 and 6 of the Article with the EU.

The EU shared its views on how the Mutual Recognition Agreement could be fully utilized in the context of Government Procurement, referring to subparagraph (a) of paragraph 2 of Article 10.9. Both sides confirmed that further discussion would be needed to deepen cooperation over this topic. Both sides also confirmed that they would exchange information on “environment friendly technical specifications” set out in the Article 10.8

The EU explained developments inside the EU in the field of a legal framework relating to digital IDs, and expressed its hope that both parties will make the best possible use of digital IDs in the context of government procurement. The EU insisted that the use of digital IDs should in any case not result in a factual exclusion of bidders from the other Party. Japan will provide the EU with updates on the latest situation in Japan as relevant. Both parties shared the view that this topic is a new possible field of Japan-EU cooperation and confirmed that both parties would continue discussion.

Japan and the EU reconfirmed the importance of following up upon discussion of the committee held on an annual basis, and concurred that in between the annual meetings, the EU Delegation to Japan would continue to follow up directly with the Ministry of Foreign Affairs of Japan on government procurement issues.

While the EU expressed its concern that some tenders done by a municipal government had required potential bidders to submit a request for participation on a short notice, Japan asked the EU to identify specific tenders that fall within the remit of the GPA or EPA. Once the EU provides such information, Japan agreed to investigate the matter.
