

CHAPTER 16

GOVERNMENT PROCUREMENT

Article 16.1: Objectives

The Parties recognise the importance of promoting the transparency of laws, regulations, and procedures, and developing cooperation among the Parties, regarding government procurement.

Article 16.2: Scope

1. This Chapter shall apply to the laws, regulations, and procedures of a Party regarding government procurement implemented by its central government entities, as defined or notified by that Party for the purposes of this Chapter.
2. Nothing in this Chapter shall require a Least Developed Country Party to undertake any obligation regarding transparency and cooperation. A Least Developed Country Party may benefit from cooperation among the Parties.

Article 16.3: Principles

The Parties recognise the role of government procurement in furthering the economic integration of the region so as to promote growth and employment. Where government procurement is expressly open to international competition, each Party, to the extent possible and as appropriate, shall conduct its government procurement in accordance with generally accepted government procurement principles as applied by that Party.

Article 16.4: Transparency

1. Each Party shall:
 - (a) make publicly available its laws and regulations; and
 - (b) endeavour to make publicly available its procedures, regarding government procurement, which may include information on where tender opportunities are published.

- 2 To the extent possible and as appropriate, each Party endeavours to make available and update the information referred to in paragraph 1 through electronic means.
3. Each Party may specify in Annex 16A (Paper or Electronic Means Utilised by Parties for the Publication of Transparency Information) the paper or electronic means utilised by that Party to publish the information referred to in paragraph 1.
4. Each Party endeavours to make the information referred to in paragraph 1 available in the English language.

Article 16.5: Cooperation

The Parties endeavour to cooperate on matters relating to government procurement with a view to achieving a better understanding of each Party's respective government procurement systems. Such cooperation may include:

- (a) exchanging information, to the extent possible, on Parties' laws, regulations, and procedures, and any modifications thereof;
- (b) providing training, technical assistance, or capacity building to Parties, and sharing information on these initiatives;
- (c) sharing information, where possible, on best practices, including those in relation to small and medium enterprises, including micro enterprises; and
- (d) sharing information, where possible, on electronic procurement systems.

Article 16.6: Review

The Parties may review this Chapter within the period stipulated in Article 20.8 (General Review) with a view to improving this Chapter in the future to facilitate government procurement, as agreed by the Parties.

Article 16.7: Contact Points

Each Party shall, within 30 days of the date of entry into force of this Agreement for that Party, designate one or more contact points to facilitate cooperation and information sharing under this Chapter and notify the other Parties of the relevant details of that contact point or those contact points. Each Party shall promptly notify the other Parties of any change regarding the relevant details of its contact point or contact points.

Article 16.8: Non-Application of Dispute Settlement

Dispute settlement mechanisms in this Agreement shall not apply to any matter arising under this Chapter.