



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Public Procurement (Agreement on Government Procurement) (Amendment) (No. 2) Regulations 2021**

**DATE**            **02 November 2021**

**BY**                **Rebecca Evans MS, Minister for Finance and Local Government**

### **THE PUBLIC PROCUREMENT (AGREEMENT ON GOVERNMENT PROCUREMENT) (THRESHOLDS) (AMENDMENT) REGULATIONS 2021**

#### **Policy Overview of the SI:**

It is necessary for procurement legislation (detailed below) to be amended so as to effect domestic implementation of the Agreement on Government Procurement (GPA) under the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021.

#### **The Law which is being amended:**

**(“the Procurement Regulations”)**

#### **The purpose of the amendments**

This instrument updates the public procurement reviewable financial thresholds in England, Wales and Northern Ireland which govern the procedures for the award of public contracts for goods, works and services. This instrument also changes the calculation of the estimated value of a procurement so as to include VAT. These changes stem from the UK’s obligations under the WTO Agreement on Government Procurement (GPA).

The thresholds and methodology for calculating contract value used in the Procurement Regulations apply to all procurements covered by those Regulations. No distinction is made between procurements that fall within the scope of the GPA and those that do not. This approach is taken as it would be complex and impractical to have different thresholds and calculation methodologies for GPA and non-GPA procurements, and also to account for differences within GPA procurements by reference to the different offers made by the UK to

different GPA members. The SI takes the same approach and thus applies the GPA related changes across all procurements covered by the Procurement Regulations. The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here:

<https://www.legislation.gov.uk/uksi/2021/1221/contents/made>

### **Any impact the SI may have on the Welsh Ministers' executive competence**

The SI has no impact on the Welsh Ministers' executive competence.

### **Any impact the SI may have on the legislative competence of the Senedd**

The SI has no impact on the Senedd's legislative competence.

### **Why consent was given**

There is no divergence between the Welsh Government and the UK Government on the policy for the adjustments and there is no discretion about how the GPA obligations are implemented. We are content for the UK Government to make these Regulations for Wales.

The Welsh Government considers it appropriate that the UK Government legislates on its behalf in this instance.