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Our ref: PS/0879

Mr David Rees AM
Chair of the External Affairs and Additional Legislation Committee
National Assembly for Wales
Cardiff, CF99 1NA

3rd April 2019

Dear David,

Agreement on Government Procurement (the GPA)

Thank you for your letter dated 21 March seeking clarification on the potential impact a gap in GPA membership could have on UK (including Welsh) suppliers.

As you say, during a gap, as a matter of international law, UK suppliers will not have guaranteed access to government procurements, and associated rights and remedies as provided for in the GPA.

In practice, during a short gap, we anticipate UK suppliers will still have access and be entitled to bid for procurement opportunities in the majority of those GPA jurisdictions which are the most important for UK suppliers. This is because UK suppliers will continue to have access to markets under the domestic laws or policies in those jurisdictions. GPA jurisdictions will not have the necessary time to amend their laws or policies as this would take longer than the gap, and would be of no benefit to them. They would also have to immediately unpick those amendments to grant the UK guaranteed access once the UK accedes as an independent party.

Therefore the impact of a short gap is likely to be marginal. Officials continue to work on mitigations to address this. In addition, guidance has been published for UK businesses. This will be updated as necessary before exit day. For further information please follow this link: <https://www.gov.uk/government/publications/government-procurement-agreement-uk-participation-after-eu-exit/bidding-for-government-contracts-overseas-in-a-no-deal-brex>

Thank you for signalling that our engagement with you on the GPA has improved. I can assure you we will continue to engage fully on matters relating to the GPA, including on the process of updating the lists of entities in the UK's schedules to the GPA following accession.

Yours sincerely,

Oliver Dowden CBE MP