



Exclusion System Summary

World Trade Organization's Agreement on Government Procurement 2012



Note: Unlike most jurisdictions surveyed, the Agreement on Government Procurement 2012 (GPA 2012") is a binding international treaty ratified by 21 Parties comprising 48 members of the World Trade Organization ("WTO") (as of January 1, 2021). The text of the GPA 2012 is a flexible legal framework providing for minimum requirements that Parties' nationa

Means Available to the Supplier

Judicial review in conformity with the domestic law of the reviewing country or independent administrative review under which suppliers may:

- x Obtain the evidentiary record.
- x Make a written submission to the independent review body.
- x Request a public in-person hearing with the independent review body.
- x Call witnesses to an in-person hearing to testify on the supplier's behalf.

Duration of Appeal ProcessThe GPA 2012 provides only that domestic review procedures must be "timely, effective, transparent and non-discriminatory." (GPA 2012, Art. XVIII:1)

Legal Representation :

- x A supplier may be represented by counsel. Art. XVIII:6 of the GPA 2012 explicitly ensures the right to be represented.

Subsequent Modification of Exclusion Decision :

- x Not addressed by the GPA 2012

III. Substantive Grounds for Government- Wide Exclusion:

Exclusion Grounds : Yes

Art. VIII:4 of the GPA 2012 provides a nonexhaustive list of exclusion grounds on which a Party and its procuring entities may exclude a supplier, subject to there being supporting evidence:

Scope of Exclusion: