

**The third Trade Specialised Committee on Public Procurement under the EU-UK
Trade and Cooperation Agreement
London, 16 November 2023 & via videoconference**

Joint Minutes

The third meeting of the Trade Specialised Committee on Public Procurement (TSC PP) under the Trade and Cooperation Agreement (TCA) between the European Union (EU) and the United Kingdom (UK) took place on 16 November 2023 in London (with some participants connecting via videoconference).

Following the opening remarks from both the UK and the EU, the two Parties presented latest developments in the area of public procurement and discussed implementation issues.

Agenda Item 2 - Update on the latest developments in the EU and the United Kingdom

The Parties discussed their latest legislative and policy developments.

The UK gave a presentation on the Procurement Act 2023 and explained what it sees as the benefits of the new regime such as encouraging flexibility and innovation in procurements, improving transparency, and removing barriers to small and medium-sized enterprises. The Parties agreed that the EU might follow up with questions in writing.

The EU presented its approach to sustainable procurement, focusing on ways to foster strategic procurement by developing collective intelligence and providing support for big buyers. In its presentation, the EU also presented the draft procurement provisions of the proposal for the Net Zero Industry Act, which is currently undergoing the EU legislative process.

Agenda Item 3 – Implementation issues

Following last year's TSC PP, the EU raised concern about the UK Carbon Reduction Plans and whether this policy could lead to discrimination of EU companies in bidding for contracts in the UK. The EU asked about the implementation of the policy.

The UK raised concerns with the cloud cyber certification scheme in one EU Member State. Following last year's TSC PP, where the UK set out concerns with the scheme's engagement of TCA and Agreement on Government Procurement (GPA) provisions on non-discrimination, and access to public procurement, the EU Member State in question brought forward clarifications. The UK considers that not all their concerns were addressed in the clarification. The UK asked about some aspects of the revised scheme that, in its view, could lead to discrimination of UK companies in bidding for contracts in that EU Member State, and stated that any exceptions from non-discrimination obligations should be specific, limited and targeted at specific risks in the least trade restrictive manner possible.

The EU restated its position that the Scheme in question is fully in line with the EU's international commitments, including those under the TCA, and that the provisions in question allegedly discriminating against non-EU companies were covered by the security and general exceptions of the GPA and the TCA.

The UK also enquired about a further cloud certification scheme being developed at EU-level, noting significant stakeholder interest. The UK requested an update on the scheme's development. In reference to a scheme being developed at EU-level, the EU maintained it was not in a position to comment whilst the draft proposal is not yet published. When a proposal is mature, the Trade Specialised Committees will be the appropriate forum to discuss.

Attachments

1. Final agenda
2. List of participants

Attachment 1 – Final agenda

The third Trade Specialised Committee on Public Procurement under the UK-EU Trade and Cooperation Agreement

**London, Thursday 16 November 2023
10:00 – 12:00 (GMT) / 11.00 – 13.00 (CET)**

Agenda
(London and via videoconference)

1.	Opening remarks and adoption of the agenda
2.	Update on the latest developments in the EU and the United Kingdom
3.	Implementation issues
4.	Closing

Attachment 2 - List of participants of the third Trade Specialised Committee on Public Procurement under the EU-UK Trade and Cooperation Agreement

EU Delegation

- EU Co-Chair of the Trade Specialised Committee on Public Procurement
- European Commission Officials (DG TRADE, DG GROW, DG CNECT and the Secretariat-General)
- EU Officials from Delegation of the European Union to the UK
- Representatives of EU Member States

UK Delegation

- UK Co-Chair of the Trade Specialised Committee on Public Procurement
- UK Government Officials from the Cabinet Office, FCDO, DSIT
- UK Government Officials from UK Mission to the European Union
- Scottish Government Officials
- Northern Ireland Executive Officials
- Welsh Government Officials