

Publication

International Procurement Instrument (IPI)

From [Office of Government Procurement \(/en/organisation/office-of-government-procurement/\)](/en/organisation/office-of-government-procurement/)

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The International Procurement Instrument (IPI) [link \(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R1031&from=EN\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R1031&from=EN) is an EU Regulation that came into effect in August 2022. While it is primarily a trade instrument it has significant procurement-related provisions.

The purpose of the Instrument is to restrict access to the EU internal market, including the area of public contracts, for third countries **(1)** that have placed constraints on access to their markets for EU operators.

Actions in the area of procurement – whether in the conduct of competitions or the award of contracts would only occur after the imposition of an IPI measure on a specific third country by the European Commission, which in itself is a lengthy process. At present, no actions in this area have been taken by the European Commission.

At this time, it is sufficient, in both procurement documents and draft contracts, to make a general reference to the IPI and its provisions as an informational addition to procurement legislation.

A sample text is available in OGP's template documents, following consultation with the Chief State Solicitor's Office.

(1.0) The scope of this Regulation applies to third countries which are not party to the WTO Agreement on Government Procurement (GPA) or any EU trade agreements that include provisions on public procurement.

(1.1) Covered Procurement – The IPI does not apply. Where a third country is a Party to the WTO Agreement on Government Procurement or has concluded a trade agreement with the Union that includes provisions on public procurement, any measures relating to restrictive practices in public procurement would follow the consultation mechanisms set out in those agreements.

(1.2) Non-covered Procurement – The IPI may apply. Where a third country is not covered by the arrangements set out in the previous paragraph the EU may decide to apply the provisions of the IPI to address restrictive practices.

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