

52. The Singapore Green Label Scheme, administered by the Singapore Environment Council (SEC), presently covers 42 product categories. The qualifying criteria for each product category are drawn up after consultation with the industries concerned. The scheme is voluntary and is available for a number of products but not for food, beverages, and pharmaceutical products. From 1 January 2008, household air-conditioners and refrigerators that are sold in Singapore must be affixed with Energy labels containing energy efficiency information under the Environmental Protection and Management Act. The mandatory Energy Labelling Scheme, administered by the national Environment agency, helps consumers identify and select energy efficient appliances.

53. There are no specific labelling requirements for pre-packed genetically modified (GM) food products. The labelling of GM food is currently being discussed in the Sub-Committee on Labelling, under the Genetic Modification Advisory Committee (GMAC), which is following developments in international fora, such as the Codex Alimentarius.

(viii) Government procurement

54. The total value of procurement by the Singapore Government (excluding Ministry of Defence classified purchases) in FY2007 was S\$16.1 billion, roughly double the annual amounts between 2004 and 2007 (Table III.4). According to the authorities, open tendering procedures are used for about 85% of all tenders (based on contract value). The authorities do not monitor the proportion of local or foreign suppliers nor their success in the government procurement market and emphasize that tenders are awarded to suppliers on a non-discriminatory basis.

Table III.4
Value of the government procurement market, 2004-07
(S\$ billion and per cent)

	2004	2005	2006	2007
Total (S\$ billion)	8.1	7.7	7.9	16.1
<i>of which (%)</i>				
Construction	62	42	44	64
Services	20	43	36	23
General	18	15	20	13

Source: Data supplied by the MoF.

(a) Procurement policy

55. There have been no significant changes to government procurement policies and procedures since 2004. Singapore is a party to the WTO Agreement on Government Procurement (GPA), which entered into force in Singapore in January 1997. The Government Procurement Act entered into force in May 2002.³⁰ Procurement is generally carried out by individual ministries and agencies, although some centralized purchasing is carried out by the Ministry of Finance and other lead agencies. All government bodies are bound by the procurement rules and regulations set out by the Ministry of Finance, which aim to ensure fairness, openness, and competitiveness in government procurement activities.

³⁰ A set of subsidiary legislation under the Government Procurement Act has also been formalized: the Government Procurement (Challenge Proceedings) Regulations, Government Procurement (Application) Order, Government Procurement Regulations and the Government Procurement Act (Commencement) Notification. The subsidiary legislation clarifies the GPA obligations and sets down certain rules related to challenge proceedings. According to the authorities, there have been no amendments during the review period.

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56. As a Member of the GPA, Singapore maintains thresholds of SDR 130,000 for goods and services for ministries, and SDR 400,000 for statutory boards; for construction services, the threshold is SDR 5 million, both for ministries and boards.³¹ Singapore may maintain a 2.5% preference margin for the supply of goods and auxiliary services from other ASEAN members, up to a maximum value of US\$40,000 per tender.³² (=)

57. Singapore gives preferential treatment for government procurement under its bilateral FTAs. The thresholds are: S\$116,900 for all goods and services (subject to the bilateral schedule of commitments for services) under the FTA with New Zealand; S\$116,900 for most goods and services and S\$11.69 million for construction services under the Trans-Pacific SEP; S\$223,800 for goods and services except construction, under the FTA with Japan; and S\$107,024 for goods and services for Ministries (S\$948,220 for statutory boards); and S\$11,853,792 for construction services (both for Ministries and statutory boards) under the U.S. FTA. There is no agreement with Australia on procurement thresholds, but rather on the idea that the parties agree on the general principles of procurement (i.e. open, fair, transparent, and competitive process) and abide by a framework understanding of the procurement procedures to be applied.

(b) Procurement procedures (≡)

58. Procurement procedures are unchanged since the previous Review of Singapore.³³ Depending on the contract value, procurement may be carried out by "small value purchase", or through quotations or tenders. Purchases of goods and services up to a value of S\$3,000 may be made directly by the procuring agency, from known or regular suppliers. For goods and services between S\$3,000 and S\$70,000, purchase is through open quotations. Responsibility for such purchases lies with two officials in the procuring agency, one to invite, receive, evaluate, and recommend a supplier, and the other to approve the choice. All procurement above S\$70,000 is through competitive open tendering; valid exceptions include national security, protection of intellectual property rights or protection of works of art.

59. For purchases above the value of S\$70,000, the most common procurement method is open tendering. The tenders are published electronically on the Government Electronic Business System (GeBIZ) website.³⁴ Selective tendering, which may be used for complex projects, usually involves two stages: pre-qualification of interested suppliers, based on the technical merits of the offer; and invitation to qualified suppliers to tender. During the second stage, suppliers who did not qualify during the first stage are given an opportunity to do so. Details concerning pre-qualification are also published on the GeBIZ website. Limited tendering is usually permitted: when there has been no response to previous open or selective calls for tender; when there is only one supplier involved; to ensure compatibility with existing equipment; in cases of extreme urgency; and for the development of prototypes for research. The use of a limited tender must be approved by the Permanent Secretary or CEO of a government agency.

60. For administrative efficiency, all suppliers interested in participating in Singapore's government procurement programmes are required to register as GeBiz Trading Partners in order to

³¹ Notified in WTO document GPA/W/299, 18 December 2007.

³² Singapore has explained that this was not inconsistent with the GPA as no other ASEAN country was a party to the Agreement.

³³ For information on procedures, see SPRING Singapore online information. Viewed at: http://www.spring.gov.sg/Resources/HM_Resources/SMEGuides/document/Govt%20Procurement%20Guide%20SME%20ver2%20Apr2006.pdf.

³⁴ This is the Government's one-stop business centre where suppliers can transact electronically with all public sector agencies.

bid for tenders³⁵; (non-GeBiz Trading Partners can only view tender opportunities but cannot bid for them). Government Supplier Registration for general goods and services is not compulsory in order to bid for tenders although some tenders may require suppliers to be registered in order to qualify.

61. Although the Government has traditionally maintained the principles of openness, non-discrimination, and value for money in its procurement activities, it was pointed out in the previous Review that SMEs often failed to qualify for government tenders, because government agencies were not prepared to try them out due to the lack of track record.³⁶ According to the authorities, in 2004 and 2005, after several consultations with SMEs, the Government relaxed procurement rules to enable SMEs greater access to government procurement opportunities, including removal of the track record criterion for supplier registration.

62. The Government Procurement Adjudication Tribunal, established in 1998 to handle complaints of non-compliance with the Agreement on Government Procurement, has not received any complaints to date.

(ix) State trading

63. Singapore notified the Secretariat in 2007 that it does not maintain any state-trading enterprises within the working definition of Article XVII of GATT 1994 and paragraph 1 of the Understanding on the Interpretation of Article XVII.³⁷ The authorities also note that Singapore does not have any legislation relating to state trading in exports and imports.

(3) MEASURES DIRECTLY AFFECTING EXPORTS

(i) Procedures

64. Under the Regulation of Imports and Exports Act (1995), an export permit is required for all exports. For exports that are not controlled, exporters can obtain an export permit from Singapore Customs, through TradeNet, within three days of export. For controlled exports and goods exported by road and rail, export permits must be obtained before export.³⁸ In 90% of cases, a TradeNet declaration can be processed within ten minutes.

65. Under the Strategic Goods (Control) Act and related regulations³⁹, exporters of strategic goods must have a valid permit issued by Singapore Customs prior to export. These goods include arms, chemicals and biological material, and dual-use products, including nuclear-related materials. Singapore has expanded the strategic goods control list for export, trans-shipment and transit since 1 January 2008; the expanded list incorporates all the items listed under the four multilateral export control regimes (the Australia Group, Nuclear Suppliers Group, Missile Technology Control regime, and the Wassenaar Arrangement). Certificates are also necessary before export of certain goods subject to quotas and for goods requiring special documentation, such as agricultural products (required by the importing country). A trans-shipment permit is required for strategic goods and

³⁵ Government Supplier Registration is through the MoF-appointed DP Bureau (DP Information Group online information. Viewed at: <http://www.dpgroup.com.sg>).

³⁶ WTO (2004), p. 45.

³⁷ WTO document G/STR/N/11/SGP, 5 September 2007.

³⁸ The documents required include, *inter alia*, details of the company and exporter, its Central Registration Number, whether the goods are dutiable, or controlled exports, vessel details, and the f.o.b. value of the goods.

³⁹ Subsidiary legislation, the Strategic Goods (Control) Regulations 2004, was gazetted in January 2004 to put in place procedural guidelines for the administration of the Strategic Goods (Control) Act.

b

(JLV) scheme as follows: (i) FLFs and Singapore law firms (SLFs) will be allowed to form an enhanced JLV (EJLV), where the foreign law firms will be able to hire Singapore-qualified lawyers to advise on Singapore law; (ii) FLFs may hire up to one Singapore lawyer for every foreign lawyer, and the Singapore lawyers should have more than three years' experience; (iii) FLFs and SLFs may share profits in permitted JLV practice areas of cooperation, which will include the newly expanded scope of work for international arbitration. The foreign law firm will be allowed to share up to 49% of the profits of the constituent Singapore law firm in the permitted areas. The EJLV constituents will also be allowed to decide whether, and to what extent, to share profits; and (iv) the partners from the Singapore law firms will be allowed to concurrently hold partnership and administrative positions in the foreign law firms.

98. Since June 2004, U.S. and other foreign lawyers have been allowed to participate in international commercial arbitration, including cases involving Singapore law, once a notice of arbitration is issued, without a Singapore lawyer being present. Under the proposed reforms, this will be expanded to allow FLFs to participate wherever arbitration is contemplated: in the vetting and drafting of Singapore law agreements incorporating arbitration clauses, and advising parties on their legal rights and liabilities in such agreements both before and after the dispute is referred to arbitration. FLFs will practise Singapore law in the expanded areas of arbitration work through Singapore-qualified lawyers employed by the firm.

99. Under SAFTA, conditions on the establishment of joint ventures in Singapore involving Australian law firms have been eased, as Australian law firms enjoy the same conditions with respect to joint ventures as U.S. law firms. These conditions include requirements with respect to the number of foreign lawyers of the foreign law firm that must be resident in Singapore and their years of experience. The easing of these requirements allows Australian law firms to be more competitive compared with the larger U.K. law firms. The number of Australian universities whose law degrees are recognized in Singapore has increased from four to ten.

100. Singapore has made no commitments in the GATS with regard to legal services.

(c) Engineering and architecture services

101. Engineering and architecture firms operating as corporations, limited liability partnership and multi-discipline partnerships are required to be licenced and can be 100% foreign owned. In line with provisions in the FTA with the United States, and applicable to all foreign firms, Singapore has reduced the requirement that the chairman and two thirds of a firm's board of directors must be composed of engineers, architects or land surveyors registered with local professional bodies to a simple majority. Practicing engineers (in civil, mechanical, and electrical engineering) and architects must register with the Professional Engineers Board and the Board of Architects, respectively. Under amended legislation, local and foreign applicants applying to register with the Professional Engineers Board are required to meet qualifications requirements, pass prescribed examinations and have at least four years of practical experience. Applicants applying to register with the Board of Architects are also required to meet qualifications requirements and pass the prescribed examinations. Applicants who are graduates from the recognized universities are required to have at least two years of practical experience in architectural work in Singapore.

(d) Health services

102. The Government aims to strengthen Singapore's position as a world-class medical hub by developing its healthcare system into one that is on par with international standards of excellence. Launched in 2003, SingaporeMedicine is a multi-agency government-industry initiative to promote