
ANNEX A

No. 814. GENERAL AGREEMENT ON TARIFFS AND TRADE AND AGREEMENTS CONCLUDED UNDER THE AUSPICES OF THE CONTRACTING PARTIES THERETO¹

XXXII. DECLARATION ON THE PROVISIONAL ACCESSION OF TUNISIA TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.² DONE AT TOKYO ON 12 NOVEMBER 1959³

TWELFTH PROCÈS-VERBAL EXTENDING THE ABOVE-MENTIONED DECLARATION. DONE AT GENEVA ON 27 NOVEMBER 1979⁴

DEFINITIVE SIGNATURES (S), RATIFICATION and ACCEPTANCE (A)

The signatures were affixed and the instruments were deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

1 July 1980 S

CZECHOSLOVAKIA

(With effect from 1 July 1980.)

25 November 1980

AUSTRIA

(With effect from 25 November 1980. Signature affixed on 6 June 1980.)

21 January 1981 S

SPAIN

(With effect from 21 January 1981.)

19 March 1981 A

FEDERAL REPUBLIC OF GERMANY

(With effect from 19 March 1981.)

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1 to 14, as well as annex A in volumes 905, 930, 945, 948, 954, 959, 972, 974, 997, 1028, 1031, 1050, 1078, 1080, 1129, 1176, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193 and 1194.

² *Ibid.*; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

³ *Ibid.*, vol. 362, p. 328; for subsequent actions, see references in Cumulative Indexes Nos. 4 to 14, as well as annex A in volumes 945, 954, 997, 1031, 1050, 1078, 1129 and 1176.

⁴ *Ibid.*, vol. 1176, p. 2.

- L. PROTOCOL FOR THE ACCESSION OF YUGOSLAVIA TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 20 JULY 1966²
- LII. PROTOCOL FOR THE ACCESSION OF THE REPUBLIC OF KOREA TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 2 MARCH 1967³
- LXV. PROTOCOL FOR THE ACCESSION OF THE UNITED ARAB REPUBLIC TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 27 FEBRUARY 1970⁴
- LXVII. PROTOCOL FOR THE ACCESSION OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 11 AUGUST 1971⁵

DEFINITIVE SIGNATURES

Affixed on:

21 January 1981

SPAIN

(With effect from 21 January 1981.)

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vol. 572, p. 296, and annex A in volumes 590, 620, 651, 741 and 759.

³ *Ibid.*, vol. 595, p. 342, and annex A in volumes 620, 651, 741 and 759.

⁴ *Ibid.*, vol. 735, p. 294, and annex A in volumes 741, 753, 771 and 788.

⁵ *Ibid.*, vol. 798, p. 284, and annex A in volumes 807, 834, 874 and 905.

LXIX. ARRANGEMENT CONCERNING CERTAIN DAIRY PRODUCTS. DONE AT GENEVA ON
12 JANUARY 1970¹

WITHDRAWAL

Notification received on:

17 July 1980

CANADA

(With effect from 15 September 1980.)

LXX. PROTOCOL FOR THE ACCESSION OF THE PEOPLE'S REPUBLIC OF BANGLADESH
TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.² DONE AT GENEVA ON
7 NOVEMBER 1972³

DEFINITIVE SIGNATURE

Affixed on:

21 January 1981

SPAIN

(With effect from 21 January 1981.)

¹ United Nations, *Treaty Series*, vol. 738, p. 322, and annex A in volumes 771, 779 and 788.

² *Ibid.*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

³ *Ibid.*, vol. 856, p. 198, and annex A in volumes 874, 884, 893, 905, 945, 959, 997 and 1031.

LXXI. PROTOCOL RELATING TO TRADE NEGOTIATIONS AMONG DEVELOPING COUNTRIES.
DONE AT GENEVA ON 8 DECEMBER 1971¹

PROTOCOL FOR THE ACCESSION OF ROMANIA TO THE ABOVE-MENTIONED PROTOCOL.
DONE AT GENEVA ON 3 MARCH 1978²

✓ OPTIONAL SIGNATURE

Affixed on:

21 January 1981

SPAIN

(The Protocol entered into force in respect of all Contracting Parties to the Protocol of 8 December 1971 relating to trade negotiations among developing countries (with the exception of the Republic of Korea)³ on 15 September 1978, pursuant to paragraph 5 of the Protocol for the accession of Romania.)

LXXII. PROTOCOL RELATING TO MILK FAT. DONE AT GENEVA ON 2 APRIL 1973⁴

✓ WITHDRAWAL

Notification received on:

22 September 1980

CANADA

(With effect from 22 September 1980.)

— TERMINATION

Upon the above-mentioned withdrawal by Canada, and as all the other participants in the said Protocol have accepted the International Dairy Arrangement, done at Geneva on 12 April 1979⁵ which provides in its paragraph 1 (*d*) of article VIII that such acceptance carries denunciation of the said Protocol, the latter is considered as terminated on 22 September 1980.

¹ United Nations, *Treaty Series*, vol. 858, p. 176, and annex A in volumes 884, 945, 954, 997, 1031, 1129 and 1176.

² *Ibid.*, vol. 1129, p. 330, and annex A in volume 1176.

³ See footnote 2 in United Nations, *Treaty Series*, vol. 1129, p. 330.

⁴ United Nations, *Treaty Series*, vol. 884, p. 94, and annex A in volume 905.

⁵ *Ibid.*, vol. 1186, No. A-814, LXXXIV.

LXXIII. PROTOCOL FOR THE ACCESSION OF HUNGARY TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 8 AUGUST 1973²

DEFINITIVE SIGNATURE

Affixed on:

21 January 1981

SPAIN

(With effect from 21 January 1981.)

LXXV. ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES. CONCLUDED AT GENEVA ON 20 DECEMBER 1973³

DEFINITIVE SIGNATURE

Affixed on:

1 July 1980

CZECHOSLOVAKIA

(With effect from 1 July 1980.)

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vol. 893, p. 236, and annex A in volumes 905, 945, 954 and 959.

³ *Ibid.*, vol. 930, p. 166, and annex A in volumes 954, 959, 972, 997, 1031, 1050, 1078, 1129 and 1176.

LXXVIII. DECLARATION ON THE PROVISIONAL ACCESSION OF COLOMBIA TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ SIGNED AT GENEVA ON 23 JULY 1975²

SECOND PROCÈS-VERBAL EXTENDING THE ABOVE-MENTIONED DECLARATION. DONE AT GENEVA ON 14 NOVEMBER 1978³

ACCEPTANCE

Instrument deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

1 May 1980

FEDERAL REPUBLIC OF GERMANY

(With effect from 1 May 1980.)

DEFINITIVE SIGNATURES

Affixed on:

24 July 1980

ROMANIA

(With effect from 24 July 1980.)

7 November 1980

CHILE

(With effect from 7 November 1980.)

ACCEPTANCE

Letter of acceptance deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

19 March 1981

CUBA

(With effect from 19 March 1981.)

Certified statements were registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vol. 1028, p. 420, and annex A in volumes 1031, 1050, 1078, 1129 and 1176.

³ *Ibid.*, vol. 1129, p. 372, and annex A in volume 1176.

THIRD PROCÈS-VERBAL¹ EXTENDING THE DECLARATION ON THE PROVISIONAL ACCESSION OF COLOMBIA TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE OF 23 JULY 1975.^{2, 3} DONE AT GENEVA ON 10 NOVEMBER 1980

Authentic texts: English, French and Spanish.

Registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

The parties to the Declaration of 23 July 1975 on the Provisional Accession of Colombia to the General Agreement on Tariffs and Trade (hereinafter referred to as "the Declaration" and "the General Agreement", respectively),

Acting pursuant to paragraph 4 of the Declaration,

Agree that:

1. The validity of the Declaration is extended by changing the date in paragraph 4 to "31 December 1981".

2. This Procès-Verbal shall be deposited with the Director-General to the Contracting Parties to the General Agreement. It shall be open for acceptance, by signature or otherwise, by Colombia and by the participating governments. It shall become effective between the Government of Colombia and any participating government as soon as it shall have been accepted by the Government of Colombia and such government.

3. The Director-General shall furnish a certified copy of this Procès-Verbal and a notification of each acceptance thereof to the Government of Colombia and to each contracting party to the General Agreement.

DONE at Geneva this tenth day of November, one thousand nine hundred and eighty in a single copy in the English, French and Spanish languages, each text being authentic.

¹ Came into force on 26 December 1980 between Colombia and Japan which had accepted it by definitive signature on the dates indicated, in accordance with paragraph 2:

| <i>State</i> | <i>Date of acceptance by signature</i> |
|----------------|--|
| Colombia | 17 December 1980 |
| Japan | 26 December 1980 |

Subsequently, the Procès-Verbal came into force in respect of the following States on the dates of acceptance by signature or letter of acceptance as indicated below, in accordance with paragraph 2:

| <i>State</i> | <i>Date of acceptance by signature (s) or letter (l)</i> |
|--------------------------------------|--|
| Spain | 21 January 1981 s |
| (With effect from 21 January 1981.) | |
| Poland | 27 February 1981 s |
| (With effect from 27 February 1981.) | |
| Finland | 10 March 1981 s |
| (With effect from 10 March 1981.) | |
| Chile | 12 March 1981 s |
| (With effect from 12 March 1981.) | |
| Cuba | 19 March 1981 l |
| (With effect from 19 March 1981.) | |
| Romania | 5 May 1981 s |
| (With effect from 5 May 1981.) | |

² United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

³ *Ibid.*, vol. 1028, p. 420, and annex A in volumes 1031, 1050, 1078, 1129 and 1176.

For the Argentine
Republic:

Pour la République
Argentine :

Por la República
Argentina:

For the Commonwealth
of Australia:

Pour le Commonwealth
d'Australie :

Por el Commonwealth
de Australia:

For the Republic
of Austria:

Pour la République
d'Autriche :

Por la República
de Austria:

For the People's
Republic
of Bangladesh:

Pour la République
populaire
du Bangladesh :

Por la República
Popular
de Bangladesh:

For Barbados:

Pour la Barbade :

Por Barbados:

For the Kingdom
of Belgium:

Pour le Royaume
de Belgique :

Por el Reino
de Bélgica:

For the People's Republic
of Benin:

Pour la République
populaire du Bénin :

Por la República Popular
de Benin:

For the Federative
Republic
of Brazil:

Pour la République
fédérative
du Brésil :

Por la República
Federativa
del Brasil:

For the Socialist Republic
of the Union
of Burma:

Pour la République
socialiste de l'Union
birmane :

Por la República Socialista
de la Unión
Birmana:

For the Republic
of Burundi:

Pour la République
du Burundi :

Por la República
de Burundi:

For the United Republic
of Cameroon:

Pour la République-
Unie du Cameroun :

Por la República Unida
del Camerún:

For Canada:

Pour le Canada :

Por el Canadá:

For the Central African
Republic:

Pour la République
centrafricaine :

Por la República
Centroafricana:

For the Republic
of Chad:

Pour la République
du Tchad :

Por la República
del Chad:

For the Republic
of Chile:

Pour la République
du Chili :

Por la República
de Chile:

[MANUEL TRUCCO
12 March 1981]

For the People's Republic
of the Congo:

Pour la République
populaire du Congo :

Por la República Popular
del Congo:

| | | |
|---|---|--|
| For the Republic of Cuba: | Pour la République de Cuba : | Por la República de Cuba: |
| For the Republic of Cyprus: | Pour la République de Chypre : | Por la República de Chipre: |
| For the Czechoslovak Socialist Republic: | Pour la République socialiste tchécoslovaque : | Por la República Socialista Checoslovaca: |
| For the Kingdom of Denmark: | Pour le Royaume du Danemark : | Por el Reino de Dinamarca: |
| For the Dominican Republic: | Pour la République dominicaine : | Por la República Dominicana: |
| For the Arab Republic of Egypt: | Pour la République arabe d'Égypte : | Por la República Árabe de Egipto: |
| For the Republic of Finland: | Pour la République de Finlande : [PAAVO KAARLEHTO 10 March 1981] | Por la República de Finlandia: |
| For the French Republic: | Pour la République française : | Por la República Francesa: |

| | | |
|--------------------------------------|---|---------------------------------------|
| For the Gabonese Republic: | Pour la République gabonaise : | Por la República Gabonesa: |
| For the Republic of the Gambia: | Pour la République de Gambie : | Por la República de Gambia: |
| For the Federal Republic of Germany: | Pour la République fédérale d'Allemagne : | Por la República Federal de Alemania: |
| For the Republic of Ghana: | Pour la République du Ghana : | Por la República de Ghana: |
| For the Hellenic Republic: | Pour la République hellénique : | Por la República Helénica: |
| For the Republic of Guyana: | Pour la République de Guyane : | Por la República de Guyana: |
| For the Republic of Haiti: | Pour la République d'Haïti : | Por la República de Haití: |
| For the Hungarian People's Republic: | Pour la République populaire hongroise : | Por la República Popular Húngara: |

For the Republic
of Iceland:

Pour la République
d'Islande :

Por la República
de Islandia:

For the Republic
of India:

Pour la République
de l'Inde :

Por la República
de la India:

For the Republic
of Indonesia:

Pour la République
d'Indonésie :

Por la República
de Indonesia:

For Ireland:

Pour l'Irlande :

Por Irlanda:

For the State
of Israel:

Pour l'Etat
d'Israël :

Por el Estado
de Israel:

For the Italian
Republic:

Pour la République
italienne :

Por la República
Italiana:

For the Republic
of the Ivory Coast:

Pour la République
de Côte d'Ivoire :

Por la República
de la Costa de Marfil:

For Jamaica:

Pour la Jamaïque :

Por Jamaica:

For Japan:

Pour le Japon :
[FUMIHIKO SUZUKI
26 December 1980]

Por el Japón:

For the Republic
of Kenya:

Pour la République
du Kenya :

Por la República
de Kenya:

For the Republic
of Korea:

Pour la République
de Corée :

Por la República
de Corea:

For the State
of Kuwait:

Pour l'Etat
du Koweït :

Por el Estado
de Kuwait:

For the Grand Duchy
of Luxembourg:

Pour le Grand-Duché
de Luxembourg :

Por el Gran Ducado
de Luxemburgo:

For the Democratic
Republic
of Madagascar:

Pour la République
démocratique
de Madagascar :

Por la República
Democrática
de Madagascar:

For the Republic
of Malawi:

Pour la République
du Malawi :

Por la República
de Malawi:

For Malaysia:

Pour la Malaisie :

Por Malasia:

For the Republic
of Malta:

Pour la République
de Malte :

Por la República
de Malta:

For the Islamic Republic
of Mauritania:

Pour la République
islamique de Mauritanie :

Por la República Islámica
de Mauritania:

For Mauritius:

Pour Maurice :

Por Mauricio:

For the Kingdom
of the Netherlands:

Pour le Royaume
des Pays-Bas :

Por el Reino
de los Países Bajos:

For New Zealand:

Pour la Nouvelle-Zélande :

Por Nueva Zelandia:

For the Republic
of Nicaragua:

Pour la République
du Nicaragua :

Por la República
de Nicaragua:

For the Republic
of the Niger:

Pour la République
du Niger :

Por la República
del Níger:

For the Federal
Republic
of Nigeria:

Pour la République
fédérale du
Nigeria :

Por la República
Federal
de Nigeria:

For the Kingdom
of Norway:

Pour le Royaume
de Norvège :

Por el Reino
de Noruega:

For the Islamic Republic
of Pakistan:

Pour la République
islamique du Pakistan :

Por la República Islámica
del Pakistán:

For the Republic
of Peru:

Pour la République
du Pérou :

Por la República
del Perú:

For the Republic
of the Philippines:

Pour la République
des Philippines :

Por la República
de Filipinas:

For the Polish People's
Republic:

Pour la République
populaire de Pologne :
[KRZYSZTOFOWICZ
27 February 1981]

Por la República
Popular Polaca:

For the Portuguese
Republic:

Pour la République
portugaise :

Por la República
Portuguesa:

For the Socialist Republic
of Romania:

Pour la République
socialiste de Roumanie :
[L. PAUNESCU
5 May 1981]

Por la República Socialista
de Rumania:

For the Rwandese
Republic:

Pour la République
rwandaïse :

Por la República
Rwandesa:

For the Republic
of Senegal:

Pour la République
du Sénégal :

Por la República
del Senegal:

For the Republic
of Sierra Leone:

Pour la République
de Sierra Leone :

Por la República
de Sierra Leona:

| | | |
|---|---|---|
| For the Republic of Singapore: | Pour la République de Singapour : | Por la República de Singapur: |
| For the Republic of South Africa: | Pour la République sud-africaine : | Por la República de Sudáfrica: |
| For the Spanish State: | Pour l'Etat espagnol : [F. BENITO 21 January 1981] | Por el Estado Español: |
| For the Democratic Socialist Republic of Sri Lanka: | Pour la République socialiste démocratique de Sri Lanka : | Por la República Socialista Democrática de Sri Lanka: |
| For the Republic of Suriname: | Pour la République du Suriname : | Por la República de Suriname: |
| For the Kingdom of Sweden: | Pour le Royaume de Suède : | Por el Reino de Suecia: |
| For the Swiss Confederation: | Pour la Confédération suisse : | Por la Confederación Suíza: |
| For the United Republic of Tanzania: | Pour la République-Unie de Tanzanie : | Por la República Unida de Tanzania: |

For the Togolese
Republic:

Pour la République
togolaise :

Por la República
Togolesa:

For the Republic
of Trinidad and Tobago:

Pour la République
de Trinité-et-Tobago :

Por la República
de Trinidad y Tabago:

For the Republic
of Tunisia:

Pour la République
tunisienne :

Por la República
de Túnez:

For the Republic
of Turkey:

Pour la République
turque :

Por la República
de Turquía:

For the Republic
of Uganda:

Pour la République
de l'Ouganda :

Por la República
de Uganda:

For the United Kingdom
of Great Britain
and Northern Ireland:

Pour le Royaume-Uni
de Grande-Bretagne
et d'Irlande du Nord :

Por el Reino Unido
de Gran Bretaña
e Irlanda del Norte:

For the United States
of America:

Pour les Etats-Unis
d'Amérique :

Por los Estados Unidos
de América:

For the Republic
of the Upper Volta:

Pour la République
de Haute-Volta :

Por la República
del Alto Volta:

For the Eastern Republic
of Uruguay:

Pour la République
orientale
de l'Uruguay :

Por la República
Oriental
del Uruguay:

For the Socialist
Federal Republic
of Yugoslavia:

Pour la République
fédérative socialiste
de Yougoslavie :

Por la República
Federativa Socialista
de Yugoslavia:

For the Republic
of Zaïre:

Pour la République
du Zaïre :

Por la República
del Zaïre:

For the Republic
of Zimbabwe:

Pour la République
du Zimbabwe :

Por la República
de Zimbabwe:

For the European
Economic Community:

Pour la Communauté
économique européenne :

Por la Comunidad
Económica Europea:

For the Republic
of Colombia:

Pour la République
de Colombie :
[FELIPE JARAMILLO
17 December 1980]

Por la República
de Colombia:

LXXX. PROTOCOL EXTENDING THE ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES.¹ DONE AT GENEVA ON 14 DECEMBER 1977²

DEFINITIVE SIGNATURE (S) and RATIFICATIONS

The signature was affixed and the instruments deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

1 July 1980 S

CZECHOSLOVAKIA

(With effect from 1 July 1980.)

1 September 1980

EGYPT

(With effect from 1 September 1980. Signature affixed on 14 February 1978.)

22 October 1980

ARGENTINA

(With effect from 22 October 1980. Letter of acceptance, subject to ratification, deposited on 18 February 1980.)

¹ United Nations, *Treaty Series*, vol. 930, p. 166.

² *Ibid.*, vol. 1078, p. 288, and annex A in volumes 1129 and 1176.

LXXXII. PROTOCOL FOR THE ACCESSION OF THE PHILIPPINES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 26 NOVEMBER 1979²
OPTIONAL DEFINITIVE SIGNATURES (S)³ and OPTIONAL RATIFICATION³

The signatures were affixed and the instrument was deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

1 July 1980 S

CZECHOSLOVAKIA

6 April 1981

AUSTRIA

(Signature affixed on 20 October 1980.)

21 January 1981 S

SPAIN

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vol. 1176, p. 526.

³ The Protocol entered into force for all Contracting Parties on 27 December 1979, pursuant to paragraph 7 of the Protocol.

LXXXIII. AGREEMENT ON IMPLEMENTATION OF ARTICLE VI OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 12 APRIL 1979²

DEFINITIVE SIGNATURES (S) and ACCEPTANCE (A)

The signatures were affixed and the instrument deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

25 June 1980 A

ROMANIA

(With effect from 25 July 1980. With a declaration that the Agreement will apply retroactively from 16 July 1980.)

11 July 1980 S

INDIA

(With effect from 10 August 1980.)

29 July 1980 S

CZECHOSLOVAKIA

(With effect from 28 August 1980.)

16 September 1980 S

YUGOSLAVIA

(With effect from 16 October 1980.)

Certified statements were registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vol. 1186, No. A-814, LXXXIII.

LXXXIV. INTERNATIONAL DAIRY ARRANGEMENT. DONE AT GENEVA ON 12 APRIL 1979¹

DEFINITIVE SIGNATURE (S) and ACCEPTANCE (A)

The signature was affixed and the instrument deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

18 July 1980 S

URUGUAY

(With effect from 18 July 1980.)

27 October 1980 A

ROMANIA

(With effect from 27 October 1980.)

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXIV.

MODIFICATION of minimum price levels under article 3 (3) of the Protocol regarding Certain Milk Powders¹ annexed to the International Dairy Arrangement of 12 April 1979¹

Decided by the Committee established in terms of article VII (2) (a) and effected by the first procès-verbal drawn up accordingly by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on 26 September 1980, with effect from noon, 1 October 1980.

MODIFICATION des niveaux des prix minimaux en vertu du paragraphe 3 de l'article 3 du Protocole concernant certaines poudres de lait¹ annexé à l'Arrangement international relatif au secteur laitier du 12 avril 1979¹

Décidée par le Comité institué conformément à l'article VII, paragraphe 2, a, et effectuée par le premier procès-verbal dressé en conséquence par le Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce le 26 septembre 1980, avec effet à 12 heures le 1^{er} octobre 1980.

FIRST PROCÈS-VERBAL RELATING TO THE INTERNATIONAL DAIRY ARRANGEMENT.¹ DONE AT GENEVA ON 26 SEPTEMBER 1980

I, the undersigned, Olivier Long, Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade,² hereby certify that the Committee of the Protocol regarding Certain Milk Powders,¹ established in terms of article VII:2(a) of the International Dairy Arrangement, done at Geneva on 12 April 1979, has decided on 26 September 1980, under article 3:3 of the Protocol regarding Certain Milk Powders, that the levels of the minimum prices specified in that article be modified to US\$ 500 per metric ton for skimmed milk powder, US\$ 800 per metric ton for whole milk powder and US\$ 500 per metric ton for buttermilk powder.

The schedule of price differentials according to milk fat content set forth in annex *Ib* to the Protocol regarding Certain Milk Powders has consequently been modified. It is annexed to this Procès-Verbal.

This decision shall take effect at noon on 1 October 1980.

IN WITNESS WHEREOF I have signed the present Procès-Verbal on 26 September 1980.

[Signed]

OLIVIER LONG
Director-General
Geneva

ANNEX. PROTOCOL REGARDING CERTAIN MILK POWDERS

SCHEDULE OF PRICE DIFFERENTIALS ACCORDING TO MILK FAT CONTENT

| Milk fat content (%) | Minimum price (US\$/metric ton) |
|--------------------------------------|---------------------------------|
| Less than 2 | 500 |
| Equal to or more than 2, less than 3 | 512 |
| Equal to or more than 3, less than 4 | 524 |
| Equal to or more than 4, less than 5 | 536 |
| Equal to or more than 5, less than 6 | 548 |

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXIV.

² *Ibid.*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

¹ Nations Unies, *Recueil des Traités*, vol. 1186, n° A-814, LXXXIV.

| <i>Milk fat content (%)</i> | <i>Minimum price (US\$/metric ton)</i> |
|--|--|
| Equal to or more than 6, less than 7 | 560 |
| Equal to or more than 7, less than 8 | 572 |
| Equal to or more than 8, less than 9 | 584 |
| Equal to or more than 9, less than 10 | 596 |
| Equal to or more than 10, less than 11 | 608 |
| Equal to or more than 11, less than 12 | 620 |
| Equal to or more than 12, less than 13 | 632 |
| Equal to or more than 13, less than 14 | 644 |
| Equal to or more than 14, less than 15 | 656 |
| Equal to or more than 15, less than 16 | 668 |
| Equal to or more than 16, less than 17 | 680 |
| Equal to or more than 17, less than 18 | 692 |
| Equal to or more than 18, less than 19 | 704 |
| Equal to or more than 19, less than 20 | 716 |
| Equal to or more than 20, less than 21 | 728 |
| Equal to or more than 21, less than 22 | 740 |
| Equal to or more than 22, less than 23 | 752 |
| Equal to or more than 23, less than 24 | 764 |
| Equal to or more than 24, less than 25 | 776 |
| Equal to or more than 25, less than 26 | 788 |
| Equal to or more than 26, less than 27 | 800 |
| Equal to or more than 27, less than 28 | 812 |
| Equal to or more than .., less than | .. |

PREMIER PROCÈS-VERBAL RELATIF À L'ARRANGEMENT INTERNATIONAL RELATIF AU SECTEUR LAITIER¹. FAIT À GENÈVE LE 26 SEPTEMBRE 1980

Je, soussigné, Olivier Long, Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce², certifie que le Comité du Protocole concernant certaines poudres de lait¹, institué conformément à l'article VII, paragraphe 2, *a*, de l'Arrangement international relatif au secteur laitier, fait à Genève le 12 avril 1979, a décidé le 26 septembre 1980, conformément aux dispositions du paragraphe 3 de l'article 3 du Protocole concernant certaines poudres de lait, que les niveaux des prix minimaux spécifiés dans ledit article seraient portés à 500 dollars des Etats-Unis la tonne métrique pour le lait écrémé en poudre, à 800 dollars des Etats-Unis la tonne métrique pour le lait entier en poudre et à 500 dollars des Etats-Unis la tonne métrique pour le babeurre en poudre.

La liste des écarts de prix suivant la teneur en matières grasses laitières figurant à l'annexe *Ib* du Protocole concernant certaines poudres de lait est modifiée en conséquence. Elle est annexée au présent Procès-verbal.

Cette décision prendra effet à la date du 1^{er} octobre 1980 à 12 heures.

EN FOI DE QUOI j'ai signé le présent Procès-verbal le 26 septembre 1980.

[Signé]

OLIVIER LONG
Directeur général
Genève

¹ Nations Unies, *Recueil des Traités*, vol. 1186, n° A-814, XXXIV.

² *Ibid.*, vol. 55, p. 187; pour les faits ultérieurs, voir les références données dans les Index cumulatifs n°s 1, 2, 10, et 12 à 14, ainsi que l'annexe A des volumes 959, 972, 974, 1050 et 1080.

MODIFICATION of minimum price levels under article 3 (3) of the Protocol regarding Milk Fat¹ annexed to the International Dairy Arrangement of 12 April 1979¹

Decided by the Committee established in terms of article VII (2) (a) and effected by the second procès-verbal drawn up accordingly by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on 26 September 1980, with effect from noon, 1 October 1980.

MODIFICATION des niveaux des prix minimaux en vertu du paragraphe 3 de l'article 3 du Protocole concernant les matières grasses¹ annexé à l'Arrangement international relatif au secteur laitier du 12 avril 1979¹

Décidée par le Comité institué conformément à l'article VII, paragraphe 2, a, et effectuée par le deuxième procès-verbal dressé en conséquence par le Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce le 26 septembre 1980, avec effet à 12 heures le 1^{er} octobre 1980.

SECOND PROCÈS-VERBAL RELATING TO THE INTERNATIONAL DAIRY ARRANGEMENT.¹
DONE AT GENEVA ON 26 SEPTEMBER 1980

I, the undersigned, Olivier Long, Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade,² hereby certify that the Committee of the Protocol regarding Milk Fat,¹ established in terms of article VII:2(a) of the International Dairy Arrangement, done at Geneva on 12 April 1979, has decided on 26 September 1980, under article 3:3 of the Protocol regarding Milk Fat, that the levels of the minimum prices specified in that article be modified to US\$ 1,200 per metric ton for anhydrous milk fat and US\$ 1,000 per metric ton for butter.

The schedule of price differentials according to milk fat content set forth in annex IIB to the Protocol regarding Milk Fat has consequently been modified. It is annexed to this Procès-Verbal.

This decision shall take effect at noon on 1 October 1980.

IN WITNESS WHEREOF I have signed the present Procès-Verbal on 26 September 1980.

[Signed]

OLIVIER LONG
Director-General
Geneva

ANNEX. PROTOCOL REGARDING MILK FAT

SCHEDULE OF PRICE DIFFERENTIALS ACCORDING TO MILK FAT CONTENT

| Milk fat content (%) | Minimum price (US\$/metric ton) |
|--|---------------------------------|
| Equal to or more than ... less than .. | .. |
| Equal to or more than ... less than .. | .. |
| Equal to or more than 79, less than 80 | 990 |
| Equal to or more than 80, less than 82 | 1,000 |
| Equal to or more than 82, less than 83 | 1,020 |

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXIV.

² *Ibid.*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

¹ Nations Unies, *Recueil des Traités*, vol. 1186, n° A-814, LXXXIV.

| <i>Milk fat content (%)</i> | <i>Minimum price (US\$/metric ton)</i> |
|--|--|
| Equal to or more than 83, less than 84 | 1,030 |
| Equal to or more than 84, less than 85 | 1,040 |
| Equal to or more than 85, less than 86 | 1,050 |
| Equal to or more than 86, less than 87 | 1,060 |
| Equal to or more than 87, less than 88 | 1,070 |
| Equal to or more than 88, less than 89 | 1,080 |
| Equal to or more than 89, less than 90 | 1,090 |
| Equal to or more than 90, less than 91 | 1,100 |
| Equal to or more than 91, less than 92 | 1,110 |
| Equal to or more than 92, less than 93 | 1,120 |
| Equal to or more than 93, less than 94 | 1,130 |
| Equal to or more than 94, less than 95 | 1,140 |
| Equal to or more than 95, less than 96 | 1,150 |
| Equal to or more than 96, less than 97 | 1,160 |
| Equal to or more than 97, less than 98 | 1,170 |
| Equal to or more than 98, less than 99 | 1,180 |
| Equal to or more than 99, less than 99.5 | 1,190 |
| Equal to or more than 99.5 | 1,200 |

DEUXIÈME PROCÈS-VERBAL RELATIF À L'ARRANGEMENT INTERNATIONAL RELATIF AU SECTEUR LAITIER¹. FAIT À GENÈVE LE 26 SEPTEMBRE 1980

Je, soussigné, Olivier Long, Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce², certifie que le Comité du Protocole concernant les matières grasses laitières¹, institué conformément à l'article VII, paragraphe 2, a, de l'Arrangement international relatif au secteur laitier, fait à Genève le 12 avril 1979, a décidé le 26 septembre 1980, conformément aux dispositions du paragraphe 3 de l'article 3 du Protocole concernant les matières grasses laitières, que les niveaux des prix minimaux spécifiés dans ledit article seraient portés à 1 200 dollars des Etats-Unis la tonne métrique pour les matières grasses laitières anhydres et à 1 000 dollars des Etats-Unis la tonne métrique pour le beurre.

La liste des écarts de prix suivant la teneur en matières grasses laitières figurant à l'annexe IIb du Protocole concernant les matières grasses laitières est modifiée en conséquence. Elle est annexée au présent Procès-verbal.

Cette décision prendra effet à la date du 1^{er} octobre 1980 à 12 heures.

EN FOI DE QUOI j'ai signé le présent Procès-verbal le 26 septembre 1980.

[Signé]

OLIVIER LONG
Directeur général
Genève

¹ Nations Unies, *Recueil des Traités*, vol. 1186, n° A-814, XXXIV.

² *Ibid.*, vol. 55, p. 187; pour les faits ultérieurs, voir les références données dans les Index cumulatifs n°s 1, 2, 10, et 12 à 14, ainsi que l'annexe A des volumes 959, 972, 974, 1050 et 1080.

ANEXO. PROTOCOLO RELATIVO A LAS MATERIAS GRASAS LÁCTEAS

LISTA DE DIFERENCIAS DE PRECIO SEGÚN EL CONTENIDO DE MATERIAS GRASAS LÁCTEAS

| <i>Contenido de materias grasas lácteas (%)</i> | <i>Precio mínimo (dólares EE. UU./tonelada métrica)</i> |
|---|---|
| Igual o superior a ... inferior a .. | .. |
| Igual o superior a ... inferior a .. | .. |
| Igual o superior a 79, inferior a 80 | 990 |
| Igual o superior a 80, inferior a 82 | 1.000 |
| Igual o superior a 82, inferior a 83 | 1.020 |
| Igual o superior a 83, inferior a 84 | 1.030 |
| Igual o superior a 84, inferior a 85 | 1.040 |
| Igual o superior a 85, inferior a 86 | 1.050 |
| Igual o superior a 86, inferior a 87 | 1.060 |
| Igual o superior a 87, inferior a 88 | 1.070 |
| Igual o superior a 88, inferior a 89 | 1.080 |
| Igual o superior a 89, inferior a 90 | 1.090 |
| Igual o superior a 90, inferior a 91 | 1.100 |
| Igual o superior a 91, inferior a 92 | 1.110 |
| Igual o superior a 92, inferior a 93 | 1.120 |
| Igual o superior a 93, inferior a 94 | 1.130 |
| Igual o superior a 94, inferior a 95 | 1.140 |
| Igual o superior a 95, inferior a 96 | 1.150 |
| Igual o superior a 96, inferior a 97 | 1.160 |
| Igual o superior a 97, inferior a 98 | 1.170 |
| Igual o superior a 98, inferior a 99 | 1.180 |
| Igual o superior a 99, inferior a 99,5 | 1.190 |
| Igual o superior a 99,5, | 1.200 |

MODIFICATION of minimum price levels under article 3 (3) of the Protocol regarding Certain Cheeses¹ annexed to the International Dairy Arrangement of 12 April 1979¹

Decided by the Committee established in terms of article VII (2) (a) and effected by the Third Procès-Verbal drawn up accordingly by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on 26 September 1980, with effect from noon, 1 October 1980.

MODIFICATION des niveaux des prix minimaux en vertu du paragraphe 3 de l'article 3 du Protocole concernant certains fromages¹ annexé à l'Arrangement international relatif au secteur laitier du 12 avril 1979¹

Décidée par le Comité institué conformément à l'article VII, paragraphe 2, a, et effectuée par le troisième procès-verbal dressé en conséquence par le Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce le 26 septembre 1980, avec effet à 12 heures le 1^{er} octobre 1980.

THIRD PROCÈS-VERBAL RELATING TO THE INTERNATIONAL DAIRY ARRANGEMENT.¹
DONE AT GENEVA ON 26 SEPTEMBER 1980

I, the undersigned, Olivier Long, Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade,² hereby certify that the Committee of the Protocol

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXIV.

² *Ibid.*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

¹ Nations Unies, *Recueil des Traités*, vol. 1186, n° A-814, LXXXIV.

regarding Certain Cheeses,¹ established in terms of article VII:2(a) of the International Dairy Arrangement, done at Geneva on 12 April 1979, has decided on 26 September 1980, under article 3:3 of the Protocol regarding Certain Cheeses, that the level of the minimum price specified in that article be modified to US\$ 900 per metric ton.

This decision shall take effect at noon on 1 October 1980.

IN WITNESS WHEREOF I have signed the present Procès-Verbal on 26 September 1980.

[Signed]

OLIVIER LONG
Director-General
Geneva

TROISIÈME PROCÈS-VERBAL RELATIF À L'ARRANGEMENT INTERNATIONAL RELATIF AU SECTEUR LAITIÈRE¹. FAIT À GENÈVE LE 26 SEPTEMBRE 1980

Je, soussigné, Olivier Long, Directeur général des Parties Contractantes à l'Accord général sur les tarifs douaniers et le commerce², certifie que le Comité du Protocole concernant certains fromages¹, institué conformément à l'article VII, paragraphe 2, a, de l'Arrangement international relatif au secteur laitier, fait à Genève le 12 avril 1979, a décidé le 26 septembre 1980, conformément aux dispositions du paragraphe 3 de l'article 3 du Protocole concernant certains fromages, que le niveau du prix minimal spécifié dans ledit article serait porté à 900 dollars des Etats-Unis la tonne métrique.

Cette décision prendra effet à la date du 1^{er} octobre 1980 à 12 heures.

EN FOI DE QUOI j'ai signé le présent Procès-verbal le 26 septembre 1980.

[Signé]

OLIVIER LONG
Directeur général
Genève

[SPANISH TEXT — TEXTE ESPAGNOL]

TERCERA ACTA RELATIVA AL ACUERDO INTERNACIONAL DE LOS PRODUCTOS LÁCTEOS.
HECHA EN GINEBRA EL 26 DE SEPTIEMBRE DE 1980

Yo, el infrascrito, Olivier Long, Director General de las Partes Contratantes del Acuerdo General sobre Aranceles Aduaneros y Comercio, certifico que el Comité del Protocolo relativo a determinados quesos, establecido de conformidad con el párrafo 2, apartado a), del artículo VII del Acuerdo Internacional de los Productos Lácteos, hecho en Ginebra el 12 de abril de 1979, decidió el 26 de septiembre de 1980, de conformidad

¹ Nations Unies, *Recueil des Traités*, vol. 1186, n° A-814, LXXXIV.

² *Ibid.*, vol. 55, p. 187; pour les faits ultérieurs, voir les références données dans les Index cumulatifs n°s 1, 2, 10, et 12 à 14, ainsi que l'annexe A des volumes 959, 972, 974, 1050 et 1080.

con lo dispuesto en el párrafo 3 del artículo 3 del Protocolo relativo a determinados quesos, que el nivel del precio mínimo estipulado en dicho artículo pasaría a ser de 900 dólares de los Estados Unidos la tonelada métrica.

Esta decisión surtirá efecto a partir de las 12 horas del día 1.º de octubre de 1980.

EN FE DE LO CUAL firmo la presente acta con fecha 26 de septiembre de 1980.

[Signed — Signé]

OLIVIER LONG
Director General
Ginebra

Authentic texts of the modifications: English, French and Spanish.

Certified statements were registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

Textes authentiques des modifications : anglais, français et espagnol.

Les déclarations certifiées ont été enregistrées par le Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce, agissant au nom des parties, le 12 juin 1981.

LXXXV. AGREEMENT ON TRADE IN CIVIL AIRCRAFT. DONE AT GENEVA ON 12 APRIL 1979¹

RATIFICATION, ACCEPTANCE (A) and APPROVAL (AA)

Instruments deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

25 June 1980 A

✓ ROMANIA

(With effect from 25 July 1980. With a declaration that the Agreement will apply retroactively from 16 July 1980.)

14 April 1981 AA

✓ NETHERLANDS

(With effect from 14 May 1981, for the Kingdom in Europe and the Netherlands Antilles. A declaration of provisional application to the Netherlands Antilles, and therefore to the Kingdom as a whole, had been deposited on 19 September 1980. Signature affixed on 17 December 1979.)

7 May 1981

✓ BELGIUM

(With effect from 6 June 1981. Signature affixed on 17 December 1979.)

APPLICATION of article 2 of the Agreement in respect of Romania

Notification under article 9,7 effected with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

24 July 1980

✓ UNITED STATES OF AMERICA

(For such time as the United States accords non-discriminatory treatment to the products of Romania.)

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXV.

LXXXVI. AGREEMENT ON INTERPRETATION AND APPLICATION OF ARTICLES VI, XVI AND XXIII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹ DONE AT GENEVA ON 12 APRIL 1979²

DEFINITIVE SIGNATURE

Affixed on:

11 July 1980

INDIA

(With effect from 10 August 1980.)

INVOCATION of article 19.9 with respect to India

Effected with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

8 August 1980

UNITED STATES OF AMERICA

“The United States wishes to invoke the provisions of article 19.9 of the Agreement with respect to India. Accordingly, until such time as the United States informs you of the contrary, the United States does not consent to the application of the aforementioned Agreement between the United States and India and therefore does not consider itself to be bound by any of the obligations of the Agreement with respect to India.”

RATIFICATION

Instrument deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

12 March 1981

CHILE

(With effect from 11 April 1981. Signature affixed on 25 October 1979.)

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vol. 1186, No. A-814, LXXXVI.

LXXXVII. AGREEMENT ON TECHNICAL BARRIERS TO TRADE. DONE AT GENEVA ON 12 APRIL 1979¹

DEFINITIVE SIGNATURES (S), RATIFICATIONS and ACCEPTANCES (A)

The signatures were affixed and the instruments deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

3 September 1980 S

REPUBLIC OF KOREA

(With effect from 3 October 1980.)

27 October 1980 A

ROMANIA

(With effect from 26 November 1980.)

13 February 1981 S

PHILIPPINES

(With effect from 15 March 1981.)

17 February 1981 A

TUNISIA

(With effect from 19 March 1981.)

With the following declaration:

“The Tunisian authorities confirm the terms of acceptance, in accordance with the provisions of paragraph 2 of article 15 of the Agreement, as agreed with the Parties to the Agreement in the Committee on Technical Barriers to Trade on 4 February 1981.”

12 March 1981

CHILE

(With effect from 11 April 1981. Signature affixed on 25 October 1979.)

7 May 1981

BELGIUM

(With effect from 6 June 1981. Signature affixed on 17 December 1979.)

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXVII.

LXXXVIII. ARRANGEMENT REGARDING BOVINE MEAT. CONCLUDED AT GENEVA ON
12 APRIL 1979¹

ACCEPTANCES

*Instruments deposited with the Director-General to the Contracting Parties to the
General Agreement on Tariffs and Trade on:*

25 June 1980

✓ ROMANIA

(With effect from 25 June 1980. With a declaration that the Arrangement will apply
retroactively from 16 June 1980.)

✓ 21 October 1980

TUNISIA

(With effect from 21 October 1980.)

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXVIII.

LXXXIX. AGREEMENT ON IMPORT LICENSING PROCEDURES. DONE AT GENEVA ON 12 APRIL 1979¹

DEFINITIVE SIGNATURES (*S*), RATIFICATION and ACCEPTANCE (*A*)

The signatures were affixed and the instruments deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

25 June 1980 *A*

ROMANIA

(With effect from 25 July 1980. With a declaration that the Agreement will apply retroactively from 16 July 1980.)

11 July 1980 *S*

INDIA

(With effect from 10 August 1980.)

9 December 1980 *S*

CZECHOSLOVAKIA

(With effect from 8 January 1981.)

12 March 1981

CHILE

(With effect from 11 April 1981. Signature affixed on 25 October 1979.)

30 March 1981 *S*

PHILIPPINES

(With effect from 29 April 1981.)

With the following declaration:

“On signing the Agreement on Import Licensing Procedures, the delegation of the Philippines wishes to notify the Committee on Import Licensing that it has specific difficulties with the requirements of sub-paragraphs (*d*) and (*e*) of article 2 of the Agreement and that, as provided in footnote 1 to the article, it will delay the application of these sub-paragraphs by not more than two years.”

¹ United Nations, *Treaty Series*, vol. 1186, No. A-814, LXXXIX.

XC. GENEVA (1979) PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.¹
DONE AT GENEVA ON 30 JUNE 1979²

DEFINITIVE SIGNATURE (S), RATIFICATIONS and ACCEPTANCE (A)

The signature was affixed and the instruments deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

16 June 1980 S

CZECHOSLOVAKIA

(With effect from 16 June 1980.)

25 June 1980 A

ROMANIA

(With effect from 25 June 1980. With a declaration that the Protocol will apply retroactively from 16 June 1980.)

7 November 1980

FEDERAL REPUBLIC OF GERMANY

(With effect from 7 November 1980. Signature affixed on 17 December 1979. With a declaration of application to Berlin (West).)

7 May 1981

BELGIUM

(With effect from 7 May 1981. Signature affixed on 17 December 1979.)

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vols. 1187 to 1193, No. A-814, XC.

PROTOCOL SUPPLEMENTARY TO THE GENEVA (1979) PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE OF 30 JUNE 1979.¹ DONE AT GENEVA ON 22 NOVEMBER 1979²

DEFINITIVE SIGNATURE (S), RATIFICATIONS and ACCEPTANCE (A)

The signature was affixed and the instruments deposited with the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade on:

29 October 1980

EGYPT

(With effect from 29 October 1980. Signature affixed on 22 November 1979.)

6 January 1981 S

REPUBLIC OF KOREA

(With effect from 6 January 1981.)

12 March 1981

CHILE

(With effect from 12 March 1981. Signature affixed on 22 November 1979.)

7 May 1981 A

BELGIUM

(With effect from 7 May 1981.)

Certified statements were registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

² *Ibid.*, vol. 1194, No. A-814, XC (a)

XCI. AGREEMENT¹ ON IMPLEMENTATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE² (WITH ANNEXES). DONE AT GENEVA ON 12 APRIL 1979

Authentic texts: English, French and Spanish.

Registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

General Introductory Commentary

1. The primary basis for customs value under this Agreement is "transaction value" as defined in Article 1. Article 1 is to be read together with Article 8 which provides, *inter alia*, for adjustments to the price actually paid or payable in cases where certain specific elements which are considered to form a part of the value for customs purposes are incurred by the buyer but are not included in the price actually paid or payable for the imported goods. Article 8 also provides for the inclusion in the transaction value of certain considerations which may pass from the buyer to the seller in the form of specified goods or services rather than in the form of money. Articles 2 to 7, inclusive, provide methods of determining the customs value whenever it cannot be determined under the provisions of Article 1.

¹ Came into force on 1 January 1981 in respect of the following States or organization, which had accepted or acceded to it by that date, in accordance with article 24:

| State or organization | Date of definitive signature (s), acceptance by letter (l) or of deposit of an instrument of ratification or of acceptance (A) |
|---|--|
| Austria | 9 December 1980 |
| Canada* | 17 December 1979 s |
| European Economic Community | 17 December 1979 s |
| Finland | 24 October 1980 |
| Hungary | 18 July 1980 s |
| India* | 11 July 1980 s |
| Japan | 25 April 1980 A |
| Norway | 24 October 1980 A |
| Romania | 25 June 1980 A |
| Sweden | 1 October 1980 |
| Switzerland | 17 December 1979 s |
| United Kingdom of Great Britain and Northern Ireland | 17 December 1979 l |
| (In respect of the territories for which it has international responsibility except for Antigua, Bermuda, Brunei, Cayman Islands, Montserrat, St. Kitts-Nevis and Sovereign Base Areas Cyprus.) | |
| United States of America | 30 December 1980 A |

Subsequently, the Agreement came into force for the following State on the thirtieth day following the date of its acceptance of or accession to the Agreement, in accordance with article 24:

| State | Date of definitive signature (s) |
|-------------------------------------|--|
| Republic of Korea* | 6 January 1981 s |
| (With effect from 5 February 1981.) | |

* See p. 234 of this volume for the text of the declarations made upon signature.

² United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

2. Where the customs value cannot be determined under the provisions of Article 1 there should normally be a process of consultation between the customs administration and importer with a view to arriving at a basis of value under the provisions of Articles 2 or 3. It may occur, for example, that the importer has information about the customs value of identical or similar imported goods which is not immediately available to the customs administration in the port of importation. On the other hand, the customs administration may have information about the customs value of identical or similar imported goods which is not readily available to the importer. A process of consultation between the two parties will enable information to be exchanged, subject to the requirements of commercial confidentiality, with a view to determining a proper basis of value for customs purposes.

3. Articles 5 and 6 provide two bases for determining the customs value where it cannot be determined on the basis of the transaction value of the imported goods or of identical or similar imported goods. Under Article 5.1 the customs value is determined on the basis of the price at which the goods are sold in the condition as imported to an unrelated buyer in the country of importation. The importer also has the right to have goods which are further processed after importation valued under the provisions of Article 5 if he so requests. Under Article 6 the customs value is determined on the basis of the computed value. Both these methods present certain difficulties and because of this the importer is given the right, under the provisions of Article 4, to choose the order of application of the two methods.

4. Article 7 sets out how to determine the customs value in cases where it cannot be determined under the provisions of any of the preceding Articles.

AGREEMENT ON IMPLEMENTATION OF ARTICLE VII OF THE
GENERAL AGREEMENT ON TARIFFS AND TRADE

PREAMBLE

Having regard to the Multilateral Trade Negotiations, the Parties to this Agreement (hereinafter referred to as "Parties"),

Desiring to further the objectives of the General Agreement on Tariffs and Trade (hereinafter referred to as "General Agreement" or "GATT") and to secure additional benefits for the international trade of developing countries;

Recognizing the importance of the provisions of Article VII of the General Agreement and desiring to elaborate rules for their application in order to provide greater uniformity and certainty in their implementation;

Recognizing the need for a fair, uniform and neutral system for the valuation of goods for customs purposes that precludes the use of arbitrary or fictitious customs values;

Recognizing that the basis for valuation of goods for customs purposes should, to the greatest extent possible, be the transaction value of the goods being valued;

Recognizing that customs value should be based on simple and equitable criteria consistent with commercial practices and that valuation procedures should be of general application without distinction between sources of supply;

Recognizing that valuation procedures should not be used to combat dumping;

Hereby agree as follows:

PART I - RULES ON CUSTOMS VALUATION

Article 1

1. The customs value of imported goods shall be the transaction value, that is the price actually paid or payable for the goods when sold for export to the country of importation adjusted in accordance with the provisions of Article 8, provided:

- (a) that there are no restrictions as to the disposition or use of the goods by the buyer other than restrictions which:
 - (i) are imposed or required by law or by the public authorities in the country of importation;
 - (ii) limit the geographical area in which the goods may be resold; or
 - (iii) do not substantially affect the value of the goods;
 - (b) that the sale or price is not subject to some condition or consideration for which a value cannot be determined with respect to the goods being valued;
 - (c) that no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with the provisions of Article 8; and
 - (d) that the buyer and seller are not related, or where the buyer and seller are related, that the transaction value is acceptable for customs purposes under the provisions of paragraph 2 of this Article.
2. (a) In determining whether the transaction value is acceptable for the purposes of paragraph 1, the fact that the buyer and the seller are related within the meaning of Article 15 shall not in itself be grounds for regarding the transaction value as unacceptable. In such case the circumstances surrounding the sale shall be examined and the transaction value shall be accepted provided that the relationship did not influence the price. If, in the light of information provided by the importer or otherwise, the customs administration has grounds for considering that the relationship influenced the price, it shall communicate its grounds to the importer and he shall be given a reasonable opportunity to respond. If the importer so requests, the communication of the grounds shall be in writing.

- (b) In a sale between related persons, the transaction value shall be accepted and the goods valued in accordance with the provisions of paragraph 1 whenever the importer demonstrates that such value closely approximates to one of the following occurring at or about the same time:
- (i) the transaction value in sales to unrelated buyers of identical or similar goods for export to the same country of importation;
 - (ii) the customs value of identical or similar goods as determined under the provisions of Article 5;
 - (iii) the customs value of identical or similar goods as determined under the provisions of Article 6;
 - (iv) the transaction value in sales to unrelated buyers for export to the same country of importation of goods which would be identical to the imported goods except for having a different country of production provided that the sellers in any two transactions being compared are not related.

In applying the foregoing tests, due account shall be taken of demonstrated differences in commercial levels, quantity levels, the elements enumerated in Article 8 and costs incurred by the seller in sales in which he and the buyer are not related that are not incurred by the seller in sales in which he and the buyer are related.

- (c) The tests set forth in paragraph 2(b) are to be used at the initiative of the importer and only for comparison purposes. Substitute values may not be established under the provisions of paragraph 2(b).

Article 2

1. (a) If the customs value of the imported goods cannot be determined under the provisions of Article 1, the customs value shall be the transaction value of identical goods sold for export to the same country of importation and exported at or about the same time as the goods being valued.
- (b) In applying this Article, the transaction value of identical goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the customs value. Where no such sale is found, the transaction value of identical goods sold at a different commercial level and/or in different quantities, adjusted to take account of differences attributable to commercial level and/or to quantity, shall be used, provided that such adjustments can be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustment, whether the adjustment leads to an increase or a decrease in the value.

2. Where the costs and charges referred to in Article 8.2 are included in the transaction value, an adjustment shall be made to take account of significant differences in such costs and charges between the imported goods and the identical goods in question arising from differences in distances and modes of transport.

3. If, in applying this Article, more than one transaction value of identical goods is found, the lowest such value shall be used to determine the customs value of the imported goods.

Article 3

1. (a) If the customs value of the imported goods cannot be determined under the provisions of Articles 1 and 2, the customs value shall be the transaction value of similar goods sold for export to the same country of importation and exported at or about the same time as the goods being valued.
- (b) In applying this Article, the transaction value of similar goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the customs value. Where no such sale is found, the transaction value of similar goods sold at a different commercial level and/or in different quantities, adjusted to take account of differences attributable to commercial level and/or to quantity, shall be used, provided that such adjustments can be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustment, whether the adjustment leads to an increase or a decrease in the value.

2. Where the costs and charges referred to in Article 8.2 are included in the transaction value, an adjustment shall be made to take account of significant differences in such costs and charges between the imported goods and the similar goods in question arising from differences in distances and modes of transport.

3. If, in applying this Article, more than one transaction value of similar goods is found, the lowest such value shall be used to determine the customs value of the imported goods.

Article 4

If the customs value of the imported goods cannot be determined under the provisions of Articles 1, 2 and 3 the customs value shall be determined under the provisions of Article 5 or, when the customs value cannot be determined under that Article, under the provisions of Article 6 except that, at the request of the importer, the order of application of Articles 5 and 6 shall be reversed.

Article 5

1. (a) If the imported goods or identical or similar imported goods are sold in the country of importation in the condition as imported, the customs value of the imported goods under the provisions of this

Article shall be based on the unit price at which the imported goods or identical or similar imported goods are so sold in the greatest aggregate quantity, at or about the time of the importation of the goods being valued, to persons who are not related to the persons from whom they buy such goods, subject to deductions for the following:

- (i) either the commissions usually paid or agreed to be paid or the additions usually made for profit and general expenses in connexion with sales in such country of imported goods of the same class or kind;
 - (ii) the usual costs of transport and insurance and associated costs incurred within the country of importation;
 - (iii) where appropriate, the costs and charges referred to in Article 8.2; and
 - (iv) the customs duties and other national taxes payable in the country of importation by reason of the importation or sale of the goods.
- (b) If neither the imported goods nor identical nor similar imported goods are sold at or about the time of importation of the goods being valued, the customs value shall, subject otherwise to the provisions of paragraph 1(a) of this Article, be based on the unit price at which the imported goods or identical or similar imported goods are sold in the country of importation in the condition as imported at the earliest date after the importation of the goods being valued but before the expiration of ninety days after such importation.

2. If neither the imported goods nor identical nor similar imported goods are sold in the country of importation in the condition as imported, then, if the importer so requests, the customs value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons in the country of importation who are not related to the persons from whom they buy such goods, due allowance being made for the value added by such processing and the deductions provided for in paragraph 1(a) of this Article.

Article 6

1. The customs value of imported goods under the provisions of this Article shall be based on a computed value. Computed value shall consist of the sum of:

- (a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;
- (b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to the country of importation;

- (c) the cost or value of all other expenses necessary to reflect the valuation option chosen by the Party under Article 8.2.

2. No Party may require or compel any person not resident in its own territory to produce for examination, or to allow access to, any account or other record for the purposes of determining a computed value. However, information supplied by the producer of the goods for the purposes of determining the customs value under the provisions of this Article may be verified in another country by the authorities of the country of importation with the agreement of the producer and provided they give sufficient advance notice to the government of the country in question and the latter does not object to the investigation.

Article 7

1. If the customs value of the imported goods cannot be determined under the provisions of Articles 1 to 6, inclusive, the customs value shall be determined using reasonable means consistent with the principles and general provisions of this Agreement and of Article VII of the General Agreement and on the basis of data available in the country of importation.

2. No customs value shall be determined under the provisions of this Article on the basis of:

- (a) the selling price in the country of importation of goods produced in such country;
- (b) a system which provides for the acceptance for customs purposes of the higher of two alternative values;
- (c) the price of goods on the domestic market of the country of exportation;
- (d) the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of Article 6;
- (e) the price of the goods for export to a country other than the country of importation;
- (f) minimum customs values; or
- (g) arbitrary or fictitious values.

3. If he so requests, the importer shall be informed in writing of the customs value determined under the provisions of this Article and the method used to determine such value.

Article 8

1. In determining the customs value under the provisions of Article 1, there shall be added to the price actually paid or payable for the imported goods:

- (a) the following, to the extent that they are incurred by the buyer but are not included in the price actually paid or payable for the goods:

- (i) commissions and brokerage, except buying commissions;
 - (ii) the cost of containers which are treated as being one for customs purposes with the goods in question;
 - (iii) the cost of packing whether for labour or materials;
- (b) the value, apportioned as appropriate, of the following goods and services where supplied directly or indirectly by the buyer free of charge or at reduced cost for use in connection with the production and sale for export of the imported goods, to the extent that such value has not been included in the price actually paid or payable:
- (i) materials, components, parts and similar items incorporated in the imported goods;
 - (ii) tools, dies, moulds and similar items used in the production of the imported goods; .
 - (iii) materials consumed in the production of the imported goods;
 - (iv) engineering, development, artwork, design work, and plans and sketches undertaken elsewhere than in the country of importation and necessary for the production of the imported goods;
- (c) royalties and licence fees related to the goods being valued that the buyer must pay, either directly or indirectly, as a condition of sale of the goods being valued, to the extent that such royalties and fees are not included in the price actually paid or payable;
- (d) the value of any part of the proceeds of any subsequent resale, disposal or use of the imported goods that accrues directly or indirectly to the seller.
2. In framing its legislation, each Party shall provide for the inclusion in or the exclusion from the customs value, in whole or in part, of the following:
- (a) the cost of transport of the imported goods to the port or place of importation;
 - (b) loading, unloading and handling charges associated with the transport of the imported goods to the port or place of importation; and
 - (c) the cost of insurance.
3. Additions to the price actually paid or payable shall be made under this Article only on the basis of objective and quantifiable data.

4. No additions shall be made to the price actually paid or payable in determining the customs value except as provided in this Article.

Article 9

1. Where the conversion of currency is necessary for the determination of the customs value, the rate of exchange to be used shall be that duly published by the competent authorities of the country of importation concerned and shall reflect as effectively as possible, in respect of the period covered by each such document of publication, the current value of such currency in commercial transactions in terms of the currency of the country of importation.

2. The conversion rate to be used shall be that in effect at the time of exportation or the time of importation, as provided by each Party.

Article 10

All information which is by nature confidential or which is provided on a confidential basis for the purposes of customs valuation shall be treated as strictly confidential by the authorities concerned who shall not disclose it without the specific permission of the person or government providing such information, except to the extent that it may be required to be disclosed in the context of judicial proceedings.

Article 11

1. The legislation of each Party shall provide in regard to a determination of customs value for the right of appeal, without penalty, by the importer or any other person liable for the payment of the duty.

2. An initial right of appeal without penalty may be to an authority within the customs administration or to an independent body, but the legislation of each Party shall provide for the right of appeal without penalty to a judicial authority.

3. Notice of the decision on appeal shall be given to the appellant and the reasons for such decision shall be provided in writing. He shall also be informed of his rights of any further appeal.

Article 12

Laws, regulations, judicial decisions and administrative rulings of general application giving effect to this Agreement shall be published in conformity with Article X of the General Agreement by the country of importation concerned.

Article 13

If, in the course of determining the customs value of imported goods, it becomes necessary to delay the final determination of such customs value, the importer shall nevertheless be able to withdraw his goods from customs if, where so required, he provides sufficient guarantee in the form of a surety, a deposit or some other appropriate instrument, covering the ultimate payment of customs duties for which the goods may be liable. The legislation of each Party shall make provisions for such circumstances.

Article 14

The notes at Annex I to this Agreement form an integral part of this Agreement and the Articles of this Agreement are to be read and applied in conjunction with their respective notes. Annexes II and III also form an integral part of this Agreement.

Article 15

1. In this Agreement:

- (a) "customs value of imported goods" means the value of goods for the purposes of levying ad valorem duties of customs on imported goods;
- (b) "country of importation" means country or customs territory of importation; and
- (c) "produced" includes grown, manufactured and mined.

- 2. (a) In this Agreement "identical goods" means goods which are the same in all respects, including physical characteristics, quality and reputation. Minor differences in appearance would not preclude goods otherwise conforming to the definition from being regarded as identical.
- (b) In this Agreement "similar goods" means goods which, although not alike in all respects, have like characteristics and like component materials which enable them to perform the same functions and to be commercially interchangeable. The quality of the goods, their reputation and the existence of a trademark are among the factors to be considered in determining whether goods are similar.
- (c) The terms "identical goods" and "similar goods" do not include, as the case may be, goods which incorporate or reflect engineering, development, artwork, design work, and plans and sketches for which no adjustment has been made under Article 8.1(b)(iv) because such elements were undertaken in the country of importation.
- (d) Goods shall not be regarded as "identical goods" or "similar goods" unless they were produced in the same country as the goods being valued.
- (e) Goods produced by a different person shall be taken into account only when there are no identical goods or similar goods, as the case may be, produced by the same person as the goods being valued.

3. In this Agreement "goods of the same class or kind" means goods which fall within a group or range of goods produced by a particular industry or industry sector, and includes identical or similar goods.

4. For the purposes of this Agreement, persons shall be deemed to be related only if:

- (a) they are officers or directors of one another's businesses;
- (b) they are legally recognized partners in business;
- (c) they are employer and employee;
- (d) any person directly or indirectly owns, controls or holds 5 per cent or more of the outstanding voting stock or shares of both of them;
- (e) one of them directly or indirectly controls the other;
- (f) both of them are directly or indirectly controlled by a third person;
- (g) together they directly or indirectly control a third person; or
- (h) they are members of the same family.

5. Persons who are associated in business with one another in that one is the sole agent, sole distributor or sole concessionaire, however described, of the other shall be deemed to be related for the purposes of this Agreement if they fall within the criteria of paragraph 4 of this Article.

Article 16

Upon written request, the importer shall have the right to an explanation in writing from the customs administration of the country of importation as to how the customs value of his imported goods was determined.

Article 17

Nothing in this Agreement shall be construed as restricting or calling into question the rights of customs administrations to satisfy themselves as to the truth or accuracy of any statement, document or declaration presented for customs valuation purposes.

PART II - ADMINISTRATION, CONSULTATION AND DISPUTE SETTLEMENT

Institutions

Article 18

There shall be established under this Agreement:

1. A Committee on Customs Valuation (hereinafter referred to as the Committee) composed of representatives from each of the Parties. The Committee shall elect its own Chairman and shall normally meet once a year, or as is

otherwise envisaged by the relevant provisions of this Agreement, for the purpose of affording Parties the opportunity to consult on matters relating to the administration of the customs valuation system by any Party as it might affect the operation of this Agreement or the furtherance of its objectives and carrying out such other responsibilities as may be assigned to it by the Parties. The GATT secretariat shall act as the secretariat to the Committee.

2. A Technical Committee on Customs Valuation (hereinafter referred to as the Technical Committee) under the auspices of the Customs Cooperation Council, which shall carry out the responsibilities described in Annex II to this Agreement and shall operate in accordance with the rules of procedure contained therein.

Consultation

Article 19

1. If any Party considers that any benefit accruing to it, directly or indirectly, under this Agreement is being nullified or impaired, or that the achievement of any objective of this Agreement is being impeded, as a result of the actions of another Party or of other Parties, it may, with a view to reaching a mutually satisfactory solution of the matter, request consultations with the Party or Parties in question. Each Party shall afford sympathetic consideration to any request from another Party for consultations.
2. The Parties concerned shall initiate requested consultations promptly.
3. Parties engaged in consultations on a particular matter affecting the operation of this Agreement shall attempt to conclude such consultations within a reasonably short period of time. The Technical Committee shall provide, upon request, advice and assistance to Parties engaged in consultations.

Dispute settlement

Article 20

1. If no mutually satisfactory solution has been reached between the Parties concerned in consultations under Article 19 above, the Committee shall meet at the request of any party to the dispute, within thirty days of receipt of such a request, to investigate the matter, with a view to facilitating a mutually satisfactory solution.
2. In investigating the matter and in selecting its procedures, the Committee shall take into account whether the issues in dispute relate to commercial policy considerations or to questions requiring detailed technical consideration. The Committee may request on its own initiative that the Technical Committee carry out an examination, as provided in paragraph 4 below, of any question requiring technical consideration. Upon the request of any party to the dispute that considers the issues to relate to questions of a technical nature, the Committee shall request the Technical Committee to carry out such an examination.
3. During any phase of a dispute settlement procedure, competent bodies and experts in matters under consideration may be consulted; appropriate information and assistance may be requested from such bodies and experts. The

Committee shall take into consideration the results of any work of the Technical Committee that pertain to the matter in dispute.

Technical issues

4. When the Technical Committee is requested under the provisions of paragraph 2 above, it shall examine the matter and report to the Committee no later than three months from the date the technical issue was referred to it, unless the period is extended by mutual agreement between the parties to the dispute.

Panel proceedings

5. In cases where the matter is not referred to the Technical Committee, the Committee shall establish a panel upon the request of any party to the dispute if no mutually satisfactory solution has been reached within three months from the date of the request to the Committee to investigate the matter. Where the matter is referred to the Technical Committee, the Committee shall establish a panel upon the request of any party to the dispute if no mutually satisfactory solution has been reached within one month from the date when the Technical Committee presents its report to the Committee.

6. (a) When a panel is established, it shall be governed by the procedures as set forth in Annex III.
- (b) If the Technical Committee has made a report on the technical aspects of the matter in dispute, the panel shall use this report as the basis for its consideration of the technical aspects of the matter in dispute.

Enforcement

7. After the investigation is completed or after the report of the Technical Committee or panel is presented to the Committee, the Committee shall give the matter prompt consideration. With respect to panel reports, the Committee shall take appropriate action normally within thirty days of receipt of the report. Such action shall include:

- (i) a statement concerning the facts of the matter; and
- (ii) recommendations to one or more Parties or any other ruling which it deems appropriate.

8. If a Party to which recommendations are addressed considers itself unable to implement them, it should promptly furnish reasons in writing to the Committee. In that event, the Committee shall consider what further action may be appropriate.

9. If the Committee considers that the circumstances are serious enough to justify such action, it may authorize one or more Parties to suspend the application to any other Party or Parties of such obligations under this Agreement as it determines to be appropriate in the circumstances.

10. The Committee shall keep under surveillance any matter on which it has made recommendations or given rulings.

11. If a dispute arises between Parties relating to rights and obligations under this Agreement, Parties should complete the dispute settlement procedures under this Agreement before availing themselves of any rights which they have under the GATT, including invoking Article XXIII thereof.

PART III - SPECIAL AND DIFFERENTIAL TREATMENT

Article 21

1. Developing country Parties may delay application of its provisions for a period not exceeding five years from the date of entry into force of this Agreement for such countries. Developing country Parties who choose to delay application of this Agreement shall notify the Director-General to the CONTRACTING PARTIES to the GATT accordingly.

2. In addition to paragraph 1 above, developing country Parties may delay application of Article 1.2(b)(iii) and Article 6 for a period not exceeding three years following their application of all other provisions of this Agreement. Developing country Parties that choose to delay application of the provisions specified in this paragraph shall notify the Director-General to the CONTRACTING PARTIES to the GATT accordingly.

3. Developed country Parties shall furnish, on mutually agreed terms, technical assistance to developing country Parties that so request. On this basis developed country Parties shall draw up programmes of technical assistance which may include, inter alia, training of personnel, assistance in preparing implementation measures, access to sources of information regarding customs valuation methodology, and advice on the application of the provisions of this Agreement.

PART IV - FINAL PROVISIONS

Acceptance and accession

Article 22

1. This Agreement shall be open for acceptance by signature or otherwise by governments contracting parties to the GATT and by the European Economic Community.

2. This Agreement shall be open for acceptance by signature or otherwise by governments having provisionally acceded to the GATT, on terms related to the effective application of rights and obligations under this Agreement, which take into account rights and obligations in the instruments providing for their provisional accession.

3. This Agreement shall be open to accession by any other government on terms, related to the effective application of rights and obligations under this Agreement, to be agreed between that government and the Parties, by the

deposit with the Director-General to the CONTRACTING PARTIES to the GATT of an instrument of accession which states the terms so agreed.

4. In regard to acceptance, the provisions of Article XXVI:5(a) and (b) of the General Agreement would be applicable.

Reservations

Article 23

Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Parties.

Entry into force

Article 24

This Agreement shall enter into force on 1 January 1981 for the governments* which have accepted or acceded to it by that date. For each other government it shall enter into force on the thirtieth day following the date of its acceptance or accession to this Agreement.

National legislation

Article 25

1. Each government accepting or acceding to this Agreement shall ensure, not later than the date of entry into force of this Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of this Agreement.

2. Each Party shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulations.

Review

Article 26

The Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof. The Committee shall annually inform the CONTRACTING PARTIES to the GATT of developments during the period covered by such reviews.

Amendments

Article 27

The Parties may amend this Agreement, having regard, *inter alia*, to the experience gained in its implementation. Such an amendment, once the Parties have concurred in accordance with procedures established by the Committee, shall not come into force for any Party until it has been accepted by such Party.

*The term "governments" is deemed to include the competent authorities of the European Economic Community.

WithdrawalArticle 28

Any Party may withdraw from this Agreement. The withdrawal shall take effect upon the expiration of sixty days from the date on which written notice of withdrawal is received by the Director-General to the CONTRACTING PARTIES to the GATT. Any Party may, upon the receipt of such notice, request an immediate meeting of the Committee.

SecretariatArticle 29

This Agreement shall be serviced by the GATT secretariat except in regard to those responsibilities specifically assigned to the Technical Committee, which will be serviced by the secretariat of the Customs Co-operation Council.

DepositArticle 30

This Agreement shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT, who shall promptly furnish to each Party and each contracting party to the GATT a certified copy thereof and of each amendment thereto pursuant to Article 27, and a notification of each acceptance thereof or accession thereto pursuant to Article 22 and of each withdrawal therefrom pursuant to Article 28.

RegistrationArticle 31

This Agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twelfth day of April nineteen hundred and seventy-nine in a single copy, in the English, French and Spanish languages, each text being authentic.

ANNEX IINTERPRETATIVE NOTESGeneral NoteSequential application of valuation methods

1. Articles 1 to 7, inclusive, define how the customs value of imported goods is to be determined under the provisions of this Agreement. The methods of valuation are set out in a sequential order of application. The primary method for customs valuation is defined in Article 1 and imported goods are to be valued in accordance with the provisions of this Article whenever the conditions prescribed therein are fulfilled.

2. Where the customs value cannot be determined under the provisions of Article 1, it is to be determined by proceeding sequentially through the succeeding Articles to the first such Article under which the customs value can be determined. Except as provided in Article 4, it is only when the customs value cannot be determined under the provisions of a particular Article that the provisions of the next Article in the sequence can be used.

3. If the importer does not request that the order of Articles 5 and 6 be reversed, the normal order of the sequence is to be followed. If the importer does so request but it then proves impossible to determine the customs value under the provisions of Article 6, the customs value is to be determined under the provisions of Article 5, if it can be so determined.

4. Where the customs value cannot be determined under the provisions of Articles 1 to 6, inclusive, it is to be determined under the provisions of Article 7.

Use of generally accepted accounting principles

1. "Generally accepted accounting principles" refers to the recognized consensus or substantial authoritative support within a country at a particular time as to which economic resources and obligations should be recorded as assets and liabilities, which changes in assets and liabilities should be recorded, how the assets and liabilities and changes in them should be measured, what information should be disclosed and how it should be disclosed, and which financial statements should be prepared. These standards may be broad guidelines of general application as well as detailed practices and procedures.

2. For the purposes of this Agreement, the customs administration of each party shall utilize information prepared in a manner consistent with generally accepted accounting principles in the country which is appropriate for the Article in question. For example, the determination of usual profit and general expenses under the provisions of Article 5 would be carried out utilizing information prepared in a manner consistent with generally accepted accounting principles of the country of importation. On the other hand, the determination of usual profit and general expenses under the provisions of Article 6 would be carried out utilizing information prepared in a manner consistent with generally accepted accounting principles of the country of production. As a further example, the determination of an element provided for in Article 8.1(b)(ii) undertaken in the country of importation would be carried out utilizing information in a manner consistent with the generally accepted accounting principles of that country.

Note to Article 1

Price actually paid or payable

The price actually paid or payable is the total payment made or to be made by the buyer to or for the benefit of the seller for the imported goods. The payment need not necessarily take the form of a transfer of money. Payment may be made by way of letters of credit or negotiable instruments. Payment may be made directly or indirectly. An example of an indirect payment would be the settlement by the buyer, whether in whole or in part, of a debt owed by the seller.

Activities undertaken by the buyer on his own account, other than those for which an adjustment is provided in Article 8, are not considered to be an indirect payment to the seller, even though they might be regarded as of benefit to the seller. The costs of such activities shall not, therefore, be added to the price actually paid or payable in determining the customs value.

The customs value shall not include the following charges or costs, provided that they are distinguished from the price actually paid or payable for the imported goods:

- (a) charges for construction, erection, assembly, maintenance or technical assistance, undertaken after importation on imported goods such as industrial plant, machinery or equipment;
- (b) the cost of transport after importation;
- (c) duties and taxes of the country of importation.

The price actually paid or payable refers to the price for the imported goods. Thus the flow of dividends or other payments from the buyer to the seller that do not relate to the imported goods are not part of the customs value.

Paragraph 1(a)(iii)

Among restrictions which would not render a price actually paid or payable unacceptable are restrictions which do not substantially affect the value of the goods. An example of such restrictions would be the case where a seller requires a buyer of automobiles not to sell or exhibit them prior to a fixed date which represents the beginning of a model year.

Paragraph 1(b)

If the sale or price is subject to some condition or consideration for which a value cannot be determined with respect to the goods being valued, the transaction value shall not be acceptable for customs purposes. Some examples of this include:

- (a) the seller establishes the price of the imported goods on condition that the buyer will also buy other goods in specified quantities;
- (b) the price of the imported goods is dependent upon the price or prices at which the buyer of the imported goods sells other goods to the seller of the imported goods;
- (c) the price is established on the basis of a form of payment extraneous to the imported goods, such as where the imported goods are semi-finished goods which have been provided by the seller on condition that he will receive a specified quantity of the finished goods.

However, conditions or considerations relating to the production or marketing of the imported goods shall not result in rejection of the trans-

action value. For example, the fact that the buyer furnishes the seller with engineering and plans undertaken in the country of importation shall not result in rejection of the transaction value for the purposes of Article 1. Likewise, if the buyer undertakes on his own account, even though by agreement with the seller, activities relating to the marketing of the imported goods, the value of these activities is not part of the customs value nor shall such activities result in rejection of the transaction value.

Paragraph 2

1. Paragraphs 2(a) and 2(b) provide different means of establishing the acceptability of a transaction value.

2. Paragraph 2(a) provides that where the buyer and the seller are related, the circumstances surrounding the sale shall be examined and the transaction value shall be accepted as the customs value provided that the relationship did not influence the price. It is not intended that there should be an examination of the circumstances in all cases where the buyer and the seller are related. Such examination will only be required where there are doubts about the acceptability of the price. Where the customs administration have no doubts about the acceptability of the price, it should be accepted without requesting further information from the importer. For example, the customs administration may have previously examined the relationship, or it may already have detailed information concerning the buyer and the seller, and may already be satisfied from such examination or information that the relationship did not influence the price.

3. Where the customs administration is unable to accept the transaction value without further inquiry, it should give the importer an opportunity to supply such further detailed information as may be necessary to enable it to examine the circumstances surrounding the sale. In this context, the customs administration should be prepared to examine relevant aspects of the transaction, including the way in which the buyer and seller organize their commercial relations and the way in which the price in question was arrived at, in order to determine whether the relationship influenced the price. Where it can be shown that the buyer and seller, although related under the provisions of Article 15, buy from and sell to each other as if they were not related, this would demonstrate that the price had not been influenced by the relationship. As an example of this, if the price had been settled in a manner consistent with the normal pricing practices of the industry in question or with the way the seller settles prices for sales to buyers who are not related to him, this would demonstrate that the price had not been influenced by the relationship. As a further example, where it is shown that the price is adequate to ensure recovery of all costs plus a profit which is representative of the firm's overall profit realized over a representative period of time (e.g. on an annual basis) in sales of goods of the same class or kind, this would demonstrate that the price had not been influenced.

4. Paragraph 2(b) provides an opportunity for the importer to demonstrate that the transaction value closely approximates to a "test" value previously accepted by the customs administration and is therefore acceptable under the provisions of Article 1. Where a test under paragraph 2(b) is met, it is not necessary to examine the question of influence under paragraph 2(a). If the customs administration has already sufficient information to be satisfied, without further detailed inquiries, that one of the tests provided in paragraph 2(b) has been met, there is no reason for it to require the importer to demonstrate that the test can be met. In paragraph 2(b) the term

"unrelated buyers" means buyers who are not related to the seller in any particular case.

Paragraph 2(b)

A number of factors must be taken into consideration in determining whether one value "closely approximates" to another value. These factors include the nature of the imported goods, the nature of the industry itself, the season in which the goods are imported, and, whether the difference in values is commercially significant. Since these factors may vary from case to case, it would be impossible to apply a uniform standard such as a fixed percentage, in each case. For example, a small difference in value in a case involving one type of goods could be unacceptable while a large difference in a case involving another type of goods might be acceptable in determining whether the transaction value closely approximates to the "test" values set forth in Article 1.2(b).

Note to Article 2

1. In applying Article 2, the customs administration shall, wherever possible, use a sale of identical goods at the same commercial level and in substantially the same quantities as the goods being valued. Where no such sale is found, a sale of identical goods that takes place under any one of the following three conditions may be used:

- (a) a sale at the same commercial level but in different quantities;
- (b) a sale at a different commercial level but in substantially the same quantities; or
- (c) a sale at a different commercial level and in different quantities.

2. Having found a sale under any one of these three conditions adjustments will then be made, as the case may be, for:

- (a) quantity factors only;
- (b) commercial level factors only; or
- (c) both commercial level and quantity factors.

3. The expression "and/or" allows the flexibility to use the sales and make the necessary adjustments in any one of the three conditions described above.

4. For the purposes of Article 2, the transaction value of identical imported goods means a customs value, adjusted as provided for in paragraphs 1(b) and 2 of this Article, which has already been accepted under Article 1.

5. A condition for adjustment because of different commercial levels or different quantities is that such adjustment, whether it leads to an increase or a decrease in the value, be made only on the basis of demonstrated evidence that clearly establishes the reasonableness and accuracy of the

adjustment, e.g. valid price lists containing prices referring to different levels or different quantities. As an example of this, if the imported goods being valued consist of a shipment of 10 units and the only identical imported goods for which a transaction value exists involved a sale of 500 units, and it is recognized that the seller grants quantity discounts, the required adjustment may be accomplished by resorting to the seller's price list and using that price applicable to a sale of 10 units. This does not require that a sale had to have been made in quantities of 10 as long as the price list has been established as being bona fide through sales at other quantities. In the absence of such an objective measure, however, the determination of a customs value under the provisions of Article 2 is not appropriate.

Note to Article 3

1. In applying Article 3, the customs administration shall, wherever possible, use a sale of similar goods at the same commercial level and in substantially the same quantities as the goods being valued. Where no such sale is found, a sale of similar goods that takes place under any one of the following three conditions may be used:

- (a) a sale at the same commercial level but in different quantities;
- (b) a sale at a different commercial level but in substantially the same quantities; or
- (c) a sale at a different commercial level and in different quantities.

2. Having found a sale under any one of these three conditions adjustments will then be made, as the case may be, for:

- (a) quantity factors only;
- (b) commercial level factors only; or
- (c) both commercial level and quantity factors.

3. The expression "and/or" allows the flexibility to use the sales and make the necessary adjustments in any one of the three conditions described above.

4. For the purposes of Article 3, the transaction value of similar imported goods means a customs value, adjusted as provided for in paragraphs 1(b) and 2 of this Article, which has already been accepted under Article 1.

5. A condition for adjustment because of different commercial levels or different quantities is that such adjustment, whether it leads to an increase or a decrease in the value, be made only on the basis of demonstrated evidence that clearly establishes the reasonableness and accuracy of the adjustment, e.g. valid price lists containing prices referring to different levels or different quantities. As an example of this, if the imported goods being valued consist of a shipment of 10 units and the only similar imported goods for which a transaction value exists involved a sale of 500 units, and it is recognized that the seller grants quantity discounts, the required adjustment may be accomplished by resorting to the seller's price list and

using that price applicable to a sale of 10 units. This does not require that a sale had to have been made in quantities of 10 as long as the price list has been established as being bona fide through sales at other quantities. In the absence of such an objective measure, however, the determination of a customs value under the provisions of Article 3 is not appropriate.

Note to Article 5

1. The term "unit price at which ... goods are sold in the greatest aggregate quantity" means the price at which the greatest number of units is sold in sales to persons who are not related to the persons from whom they buy such goods at the first commercial level after importation at which such sales take place.

2. As an example of this, goods are sold from a price list which grants favourable unit prices for purchases made in larger quantities.

| <u>Sale quantity</u> | <u>Unit price</u> | <u>Number of sales</u> | <u>Total quantity sold at each price</u> |
|----------------------|-------------------|---|--|
| 1-10 units | 100 | 10 sales of 5 units 5 sales of 3 units | 65 |
| 11-25 units | 95 | 5 sales of 11 units | 55 |
| over 25 units | 90 | 1 sale of 30 units 1 sale of 50 units | 80 |

The greatest number of units sold at a price is 80; therefore, the unit price in the greatest aggregate quantity is 90.

3. As another example of this, two sales occur. In the first sale 500 units are sold at a price of 95 currency units each. In the second sale 400 units are sold at a price of 90 currency units each. In this example, the greatest number of units sold at a particular price is 500; therefore, the unit price in the greatest aggregate quantity is 95.

4. A third example would be the following situation where various quantities are sold at various prices.

(a) Sales

| <u>Sale quantity</u> | <u>Unit price</u> |
|----------------------|-------------------|
| 40 units | 100 |
| 30 units | 90 |
| 15 units | 100 |
| 50 units | 95 |
| 25 units | 105 |
| 35 units | 90 |
| 5 units | 100 |

(b) Totals

| <u>Total quantity sold</u> | <u>Unit price</u> |
|----------------------------|-------------------|
| 65 | 90 |
| 50 | 95 |
| 60 | 100 |
| 25 | 105 |

In this example, the greatest number of units sold at a particular price is 65; therefore, the unit price in the greatest aggregate quantity is 90.

5. Any sale in the importing country, as described in paragraph 1 above, to a person who supplies directly or indirectly free of charge or at reduced cost for use in connection with the production and sale for export of the imported goods any of the elements specified in Article 8.1(b), should not be taken into account in establishing the unit price for the purposes of Article 5.

6. It should be noted that "profit and general expenses" referred to in Article 5.1 should be taken as a whole. The figure for the purposes of this deduction should be determined on the basis of information supplied by or on behalf of the importer unless his figures are inconsistent with those obtaining in sales in the country of importation of imported goods of the same class or kind. Where the importer's figures are inconsistent with such figures, the amount for profit and general expenses may be based upon relevant information other than that supplied by or on behalf of the importer.

7. The "general expenses" include the direct and indirect costs of marketing the goods in question.

8. Local taxes payable by reason of the sale of the goods for which a deduction is not made under the provisions of Article 5.1(a)(iv) shall be deducted under the provisions of Article 5.1(a)(i).

9. In determining either the commissions or the usual profits and general expenses under the provisions of Article 5.1, the question whether certain goods are "of the same class or kind" as other goods must be determined on a case-by-case basis by reference to the circumstances involved. Sales in the country of importation of the narrowest group or range of imported goods of the same class or kind, which includes the goods being valued, for which the necessary information can be provided, should be examined. For the purposes of Article 5, "goods of the same class or kind" includes goods imported from the same country as the goods being valued as well as goods imported from other countries.

10. For the purposes of Article 5.1(b), the "earliest date" shall be the date by which sales of the imported goods or of identical or similar imported goods are made in sufficient quantity to establish the unit price.

11. Where the method in Article 5.2 is used, deductions made for the value added by further processing shall be based on objective and quantifiable data relating to the cost of such work. Accepted industry formulas, recipes, methods of construction, and other industry practices would form the basis of the calculations.

12. It is recognized that the method of valuation provided for in Article 5.2 would normally not be applicable when, as a result of the further processing, the imported goods lose their identity. However, there can be instances where, although the identity of the imported goods is lost, the value added by the processing can be determined accurately without unreasonable difficulty. On the other hand, there can also be instances where the imported goods maintain their identity but form such a minor element in the goods sold in the country of importation that the use of this valuation method would be unjustified. In view of the above, each situation of this type must be considered on a case-by-case basis.

Note to Article 6

1. As a general rule, customs value is determined under this Agreement on the basis of information readily available in the country of importation. In order to determine a computed value, however, it may be necessary to examine the costs of producing the goods being valued and other information which has to be obtained from outside the country of importation. Furthermore, in most cases the producer of the goods will be outside the jurisdiction of the authorities of the country of importation. The use of the computed value method will generally be limited to those cases where the buyer and seller are related, and the producer is prepared to supply to the authorities of the country of importation the necessary costings and to provide facilities for any subsequent verification which may be necessary.

2. The "cost or value" referred to in Article 6.1(a) is to be determined on the basis of information relating to the production of the goods being valued supplied by or on behalf of the producer. It is to be based upon the commercial accounts of the producer, provided that such accounts are consistent with the generally accepted accounting principles applied in the country where the goods are produced.

3. The "cost or value" shall include the cost of elements specified in Article 8.1(a)(ii) and (iii). It shall also include the value, apportioned as appropriate under the provisions of the relevant note to Article 8, of any element specified in Article 8.1(b) which has been supplied directly or indirectly by the buyer for use in connection with the production of the imported goods. The value of the elements specified in Article 8.1(b)(iv) which are undertaken in the country of importation shall be included only to the extent that such elements are charged to the producer. It is to be understood that no cost or value of the elements referred to in this paragraph shall be counted twice in determining the computed value.

4. The "amount for profit and general expenses" referred to in Article 6.1(b) is to be determined on the basis of information supplied by or on behalf of the producer unless his figures are inconsistent with those usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to the country of importation.

5. It should be noted in this context that the "amount for profit and general expenses" has to be taken as a whole. It follows that if, in any particular case, the producer's profit figure is low and his general expenses are high, his profit and general expenses taken together may nevertheless be consistent with that usually reflected in sales of goods of the same class or kind. Such a situation might occur, for example, if a product were being launched in the country of importation and the producer accepted a nil or low profit to offset high general expenses associated with the launch. Where the producer can demonstrate that he is taking a low profit on his sales of the imported goods because of particular commercial circumstances, his actual profit figures should be taken into account provided that he has valid commercial reasons to justify them and his pricing policy reflects usual pricing policies in the branch of industry concerned. Such a situation might occur, for example, where producers have been forced to lower prices temporarily because of an unforeseeable drop in demand, or where they sell goods to complement a range of goods being produced in the country of importation and accept a low profit to maintain competitiveness. Where the producer's own figures for profit and general expenses are not consistent with those usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to the country of importation, the amount for profit and general expenses may be based upon relevant information other than that supplied by or on behalf of the producer of the goods.

6. Where information other than that supplied by or on behalf of the producer is used for the purposes of determining a computed value, the authorities of the importing country shall inform the importer, if the latter so requests, of the source of such information, the data used and the calculations based upon such data, subject to the provisions of Article 10.

7. The "general expenses" referred to in Article 6.1(b) covers the direct and indirect costs of producing and selling the goods for export which are not included under Article 6.1(a).

8. Whether certain goods are "of the same class or kind" as other goods must be determined on a case-by-case basis with reference to the circumstances involved. In determining the usual profits and general expenses under the provisions of Article 6, sales for export to the country of importation of the narrowest group or range of goods, which includes the goods being valued, for which the necessary information can be provided, should be examined. For the purposes of Article 6, "goods of the same class or kind" must be from the same country as the goods being valued.

Note to Article 7

1. Customs values determined under the provisions of Article 7 should, to the greatest extent possible, be based on previously determined customs values.

2. The methods of valuation to be employed under Article 7 should be those laid down in Articles 1 to 6, inclusive, but a reasonable flexibility

in the application of such methods would be in conformity with the aims and provisions of Article 7.

3. Some examples of reasonable flexibility are as follows:

- (a) Identical goods - the requirement that the identical goods should be exported at or about the same time as the goods being valued could be flexibly interpreted; identical imported goods produced in a country other than the country of exportation of the goods being valued could be the basis for customs valuation; customs values of identical imported goods already determined under the provisions of Articles 5 and 6 could be used.
- (b) Similar goods - the requirement that the similar goods should be exported at or about the same time as the goods being valued could be flexibly interpreted; similar imported goods produced in a country other than the country of exportation of the goods being valued could be the basis for customs valuation; customs values of similar imported goods already determined under the provisions of Articles 5 and 6 could be used.
- (c) Deductive method - the requirement that the goods shall have been sold in the "condition as imported" in Article 5.1(a) could be flexibly interpreted; the "ninety days" requirement could be administered flexibly.

Note to Article 8

Paragraph 1(a)(i)

The term "buying commissions" means fees paid by an importer to his agent for the service of representing him abroad in the purchase of the goods being valued.

Paragraph 1(b)(ii)

1. There are two factors involved in the apportionment of the elements specified in Article 8.1(b)(ii) to the imported goods - the value of the element itself and the way in which that value is to be apportioned to the imported goods. The apportionment of these elements should be made in a reasonable manner appropriate to the circumstances and in accordance with generally accepted accounting principles.

2. Concerning the value of the element, if the importer acquires the element from a seller not related to him at a given cost, the value of the element is that cost. If the element was produced by the importer or by a person related to him, its value would be the cost of producing it. If the element had been previously used by the importer, regardless of whether it had been acquired or produced by such importer, the original cost of acquisition or production would have to be adjusted downward to reflect its use in order to arrive at the value of the element.

3. Once a value has been determined for the element, it is necessary to apportion that value to the imported goods. Various possibilities exist. For

example, the value might be apportioned to the first shipment if the importer wishes to pay duty on the entire value at one time. As another example, the importer may request that the value be apportioned over the number of units produced up to the time of the first shipment. As a further example, he may request that the value be apportioned over the entire anticipated production where contracts or firm commitments exist for that production. The method of apportionment used will depend upon the documentation provided by the importer.

4. As an illustration of the above, an importer provides the producer with a mould to be used in the production of the imported goods and contracts with him to buy 10,000 units. By the time of arrival of the first shipment of 1,000 units, the producer has already produced 4,000 units. The importer may request the customs administration to apportion the value of the mould over 1,000 units, 4,000 units or 10,000 units.

Paragraph 1(b)(iv)

1. Additions for the elements specified in Article 8.1(b)(iv) should be based on objective and quantifiable data. In order to minimize the burden for both the importer and customs administration in determining the values to be added, data readily available in the buyer's commercial record system should be used in so far as possible.

2. For those elements supplied by the buyer which were purchased or leased by the buyer, the addition would be the cost of the purchase or the lease. No addition shall be made for those elements available in the public domain, other than the cost of obtaining copies of them.

3. The ease with which it may be possible to calculate the values to be added will depend on a particular firm's structure and management practice, as well as its accounting methods.

4. For example, it is possible that a firm which imports a variety of products from several countries maintains the records of its design centre outside the country of importation in such a way as to show accurately the costs attributable to a given product. In such cases, a direct adjustment may appropriately be made under the provisions of Article 8.

5. In another case, a firm may carry the cost of the design centre outside the country of importation as a general overhead expense without allocation to specific products. In this instance, an appropriate adjustment could be made under the provisions of Article 8 with respect to the imported goods by apportioning total design centre costs over total production benefiting from the design centre and adding such apportioned cost on a unit basis to imports.

6. Variations in the above circumstances will, of course, require different factors to be considered in determining the proper method of allocation.

7. In cases where the production of the element in question involves a number of countries and over a period of time, the adjustment should be limited to the value actually added to that element outside the country of importation.

Paragraph 1(c)

1. The royalties and licence fees referred to in Article 8.1(c) may include, among other things, payments in respect to patents, trademarks and copy-rights. However, the charges for the right to reproduce the imported goods in the country of importation shall not be added to the price actually paid or payable for the imported goods in determining the customs value.

2. Payments made by the buyer for the right to distribute or resell the imported goods shall not be added to the price actually paid or payable for the imported goods if such payments are not a condition of the sale for export to the country of importation of the imported goods.

Paragraph 3

Where objective and quantifiable data do not exist with regard to the additions required to be made under the provisions of Article 8, the transaction value cannot be determined under the provisions of Article 1. As an illustration of this, a royalty is paid on the basis of the price in a sale in the importing country of a litre of a particular product that was imported by the kilogram and made up into a solution after importation. If the royalty is based partially on the imported goods and partially on other factors which have nothing to do with the imported goods (such as when the imported goods are mixed with domestic ingredients and are no longer separately identifiable, or when the royalty cannot be distinguished from special financial arrangements between the buyer and the seller), it would be inappropriate to attempt to make an addition for the royalty. However, if the amount of this royalty is based only on the imported goods and can be readily quantified, an addition to the price actually paid or payable can be made.

Note to Article 9

For the purposes of Article 9, "time of importation" may include the time of entry for customs purposes.

Note to Article 11

1. Article 11 provides the importer with the right to appeal against a valuation determination made by the customs administration for the goods being valued. Appeal may first be to a higher level in the customs administration, but the importer shall have the right in the final instance to appeal to the judiciary.

2. "Without penalty" means that the importer shall not be subject to a fine or threat of fine merely because he chose to exercise his right of appeal. Payment of normal court costs and lawyers' fees shall not be considered to be a fine.

3. However, nothing in Article 11 shall prevent a Party from requiring full payment of assessed customs duties prior to an appeal.

Note to Article 15Paragraph 4

For the purposes of this Article, the term "persons" includes legal persons, where appropriate.

Paragraph 4(e)

For the purposes of this Agreement, one person shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter.

ANNEX IITechnical Committee on Customs Valuation

1. In accordance with Article 18 of this Agreement, the Technical Committee shall be established under the auspices of the Customs Co-operation Council with a view, at the technical level, towards uniformity in interpretation and application of this Agreement.

2. The responsibilities of the Technical Committee shall include the following:

- (a) to examine specific technical problems arising in the day-to-day administration of the customs valuation systems of Parties and to give advisory opinions on appropriate solutions based upon the facts presented;
- (b) to study, as requested, valuation laws, procedures and practices as they relate to this Agreement and to prepare reports on the results of such studies;
- (c) to prepare and circulate annual reports on the technical aspects of the operation and status of this Agreement;
- (d) to furnish such information and advice on any matters concerning the valuation of imported goods for customs purposes as may be requested by any Party or the Committee. Such information and advice may take the form of advisory opinions, commentaries or explanatory notes;
- (e) to facilitate, as requested, technical assistance to Parties with a view to furthering the international acceptance of this Agreement; and
- (f) to exercise such other responsibilities as the Committee may assign to it.

General

3. The Technical Committee shall attempt to conclude its work on specific matters, especially those referred to it by Parties or the Committee, in a reasonably short period of time.

4. The Technical Committee shall be assisted as appropriate in its activities by the Secretariat of the Customs Co-operation Council.

Representation

5. Each Party shall have the right to be represented on the Technical Committee. Each Party may nominate one delegate and one or more alternates to be its representatives on the Technical Committee. Such a Party so represented on the Technical Committee is hereinafter referred to as a member of the Technical Committee. Representatives of members of the Technical Committee may be assisted by advisers. The GATT secretariat may also attend such meetings with observer status.

6. Members of the Customs Co-operation Council who are not Parties may be represented at meetings of the Technical Committee by one delegate and one or more alternates. Such representatives shall attend meetings of the Technical Committee as observers.

7. Subject to the approval of the Chairman of the Technical Committee, the Secretary-General of the Customs Co-operation Council (hereinafter referred to as "the Secretary-General") may invite representatives of governments which are neither Parties nor members of the Customs Co-operation Council and representatives of international governmental and trade organizations to attend meetings of the Technical Committee as observers.

8. Nominations of delegates, alternates and advisers to meetings of the Technical Committee shall be made to the Secretary-General.

Technical Committee meetings

9. The Technical Committee shall meet as necessary but at least two times a year. The date of each meeting shall be fixed by the Technical Committee at its preceding session. The date of the meeting may be varied either at the request of any member of the Technical Committee concurred in by a simple majority of the members of the Technical Committee or, in cases requiring urgent attention, at the request of the Chairman.

10. The meetings of the Technical Committee shall be held at the headquarters of the Customs Co-operation Council unless otherwise decided.

11. The Secretary-General shall inform all members of the Technical Committee and those included under paragraphs 6 and 7 at least thirty days in advance, except in urgent cases, of the opening date of each session of the Technical Committee.

Agenda

12. A provisional agenda for each session shall be drawn up by the Secretary-General and circulated to the members of the Technical Committee and to those included under paragraphs 6 and 7 at least thirty days in advance of the session, except in urgent cases. This agenda shall comprise all items whose inclusion has been approved by the Technical Committee during its preceding session, all items included by the Chairman on his own initiative, and all items whose inclusion has been requested by the Secretary-General, by the Committee or by any member of the Technical Committee.

13. The Technical Committee shall determine its agenda at the opening of each session. During the session the agenda may be altered at any time by the Technical Committee.

Officers and conduct of business

14. The Technical Committee shall elect from among the delegates of its members a Chairman and one or more Vice-Chairmen. The Chairman and Vice-Chairmen shall each hold office for a period of one year. The retiring Chairman and Vice-Chairmen are eligible for re-election. A Chairman or Vice-Chairman who ceases to represent a member of the Technical Committee shall automatically lose his mandate.

15. If the Chairman is absent from any meeting or part thereof, a Vice-Chairman shall preside. In that event, the latter shall have the same powers and duties as the Chairman.

16. The Chairman of the meeting shall participate in the proceedings of the Technical Committee as such and not as the representative of a member of the Technical Committee.

17. In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting, direct the discussion, accord the right to speak, and, pursuant to these rules, have control of the proceedings. The Chairman may also call a speaker to order if his remarks are not relevant.

18. During discussion of any matter a delegation may raise a point of order. In this event, the Chairman shall immediately state his ruling. If this ruling is challenged, the Chairman shall submit it to the meeting for decisions and it shall stand unless overruled.

19. The Secretary-General, or officers of the Secretariat designated by him, shall perform the secretarial work of meetings of the Technical Committee.

Quorum and voting

20. Representatives of a simple majority of the members of the Technical Committee shall constitute a quorum.

21. Each member of the Technical Committee shall have one vote. A decision of the Technical Committee shall be taken by a majority comprising at least two thirds of the members present. Regardless of the outcome of the vote on a particular matter, the Technical Committee shall be free to make a full report to the Committee and to the Customs Co-operation Council on that matter indicating the different views expressed in the relevant discussions.

Languages and records

22. The official languages of the Technical Committee shall be English, French and Spanish. Speeches or statements made in any of these three languages shall be immediately translated into the other official languages unless all delegations agree to dispense with translation. Speeches or statements made in any other language shall be translated into English, French and Spanish, subject to the same conditions, but in that event the delegation concerned shall provide the translation into English, French or Spanish. Only English, French and Spanish shall be used for the official documents of the Technical Committee. Memoranda and correspondence for the consideration of the Technical Committee must be presented in one of the official languages.

23. The Technical Committee shall draw up a report of all its sessions and, if the Chairman considers it necessary, minutes or summary records of its meetings. The Chairman or his designee shall report on the work of the Technical Committee at each meeting of the Committee and at each meeting of the Customs Co-operation Council.

ANNEX III

Ad hoc panels

1. Ad hoc panels established by the Committee under this Agreement shall have the following responsibilities:

- (a) to examine the matter referred to it by the Committee;
- (b) to consult with the parties to the dispute and give full opportunity for them to develop a mutually satisfactory solution; and
- (c) to make a statement concerning the facts of the matter as they relate to the application of the provisions of this Agreement and, make such findings as will assist the Committee in making recommendations or giving rulings on the matter.

2. In order to facilitate the constitution of panels, the Chairman of the Committee shall maintain an informal indicative list of government officials knowledgeable in the area of customs valuation and experienced in the field of trade relations and economic development. This list may also include persons other than government officials. In this connection, each Party shall be invited to indicate at the beginning of every year to the Chairman of the Committee the name(s) of the one or two governmental experts whom the Parties would be willing to make available for such work. When a panel is established, the Chairman, after consultation with the Parties concerned, shall, within seven days of such establishment propose the composition of the panel consisting of three or five members and preferably government officials. The Parties directly concerned shall react within seven working days to nominations of panel members by the Chairman and shall not oppose nominations except for compelling reasons.

Citizens of countries whose governments are parties to a dispute shall not be eligible for membership of the panel concerned with that dispute. Panel members shall serve in their individual capacities and not as government representatives, nor as representatives of any organization. Governments or organizations shall therefore not give them instructions with regard to matters before a panel.

3. Each panel shall develop its own working procedures. All Parties having a substantial interest in the matter and having notified this to the Committee shall have an opportunity to be heard. Each panel may consult and seek information and technical advice from any source it deems appropriate. Before a panel seeks such information or technical advice from a source within the jurisdiction of a Party, it shall inform the government of that Party. Any Party shall respond promptly and fully to any request by a panel for such information as the panel considers necessary and appropriate. Confidential information provided to the panel shall not be disclosed without the specific permission of the person or government providing such information.

Where such information is requested from the panel but release of such information by the panel is not authorized, a non-confidential summary of the information, authorized by the person or government providing the information, will be provided.

4. Where the parties to the dispute have failed to reach a satisfactory solution, the panel shall submit its findings in writing. The report of a panel should normally set out the rationale behind its findings. Where a settlement of the matter is reached between the parties, the report of the panel may be confined to a brief description of the dispute and to a statement that a solution has been reached.

5. Panels shall use such report of the Technical Committee as may have been issued under Article 20.4 of this Agreement as the basis for their consideration of issues that involve questions of a technical nature.

6. The time required by panels will vary with the particular case. They should aim to deliver their findings, and where appropriate, recommendations, to the Committee without undue delay, normally within a period of three months from the date that the panel was established.

7. To encourage development of mutually satisfactory solutions between the parties to a dispute and with a view to obtaining their comments, each panel should first submit the descriptive part of its report to the Parties concerned, and should subsequently submit to the parties to the dispute its conclusions, or an outline thereof, a reasonable period of time before they are circulated to the Parties.

For the Argentine
Republic:

Pour la République
argentine :
[MARTÍNEZ
30 September 1980¹
Subject to ratification —
Sous réserve de ratification]

Por la República
Argentina:

For the Commonwealth
of Australia:

Pour le Commonwealth
d'Australie :

Por el Commonwealth
de Australia:

For the Republic
of Austria:

Pour la République
d'Autriche :
[R. WILLENPART
17 December 1979
Subject to ratification —
Sous réserve de ratification]

Por la República
de Austria:

For the People's Republic
of Bangladesh:

Pour la République
populaire
de Bangladesh :

Por la República Popular
de Bangladesh:

For Barbados:

Pour la Barbade :

Por Barbados:

For the Kingdom
of Belgium:

Pour le Royaume
de Belgique :

Por el Reino
de Bélgica:

For the People's Republic
of Benin:

Pour la République
populaire du Bénin :

Por la República Popular
de Benin:

¹ See p. 234 of this volume for the text of the declarations made upon signature — Voir p. 234 du présent volume pour le texte des déclarations faites lors de la signature.

For the Federative
Republic of Brazil:

Pour la République
fédérative du Brésil :

Por la República
Federativa del Brasil:

For the Socialist Republic
of the Union
of Burma:

Pour la République
socialiste de l'Union
birmane :

Por la República Socialista
de la Unión
Birmana:

For the Republic
of Burundi:

Pour la République
du Burundi :

Por la República
de Burundi:

For the United Republic
of Cameroon:

Pour la République-
Unie du Cameroun :

Por la República Unida
del Camerún:

For Canada:

Pour le Canada :
[D. MCPHAIL
17 December 1979]¹

Por el Canadá:

For the Central African
Empire:

Pour l'Empire
centrafricain :

Por el Imperio
Centroafricano:

For the Republic
of Chad:

Pour la République
du Tchad :

Por la República
del Chad:

For the Republic
of Chile:

Pour la République
du Chili :

Por la República
de Chile:

¹ See p. 234 of this volume for the text of the declarations made upon signature — Voir p. 234 du présent volume pour le texte des déclarations faites lors de la signature.

For the Republic
of Colombia:

Pour la République
de Colombie :

Por la República
de Colombia:

For the People's Republic
of the Congo:

Pour la République
populaire du Congo :

Por la República Popular
del Congo:

For the Republic
of Cuba:

Pour la République
de Cuba :

Por la República
de Cuba:

For the Republic
of Cyprus:

Pour la République
de Chypre :

Por la República
de Chipre:

For the Czechoslovak
Socialist Republic:

Pour la République
socialiste tchécoslovaque :

Por la República
Socialista Checoslovaca:

For the Kingdom
of Denmark:

Pour le Royaume
du Danemark :

Por el Reino
de Dinamarca:

For the Dominican
Republic:

Pour la République
dominicaine :

Por la República
Dominicana:

For the Arab Republic
of Egypt:

Pour la République
arabe d'Égypte :

Por la República Árabe
de Egipto:

For the Republic
of Finland:

Pour la République
de Finlande :
[PAAVO KAARLEHTO
17 December 1979
Subject to ratification —
Sous réserve de ratification]

Por la República
de Finlandia:

For the French
Republic:

Pour la République
française :

Por la República
Francesa:

For the Gabonese
Republic:

Pour la République
gabonaise :

Por la República
Gabonesa:

For the Republic
of the Gambia:

Pour la République
de Gambie :

Por la República
de Gambia:

For the Federal Republic
of Germany:

Pour la République
fédérale d'Allemagne :

Por la República Federal
de Alemania:

For the Republic
of Ghana:

Pour la République
du Ghana :

Por la República
de Ghana:

For the Hellenic
Republic:

Pour la République
hellénique :

Por la República
Helénica:

For the Republic
of Guyana:

Pour la République
de Guyane :

Por la República
de Guyana:

| | | |
|---|--|--------------------------------------|
| For the Republic of Haiti: | Pour la République d'Haïti : | Por la República de Haïti: |
| For the Hungarian People's Republic: | Pour la République populaire hongroise : [NYERGES JANOS 18 July 1980] | Por la República Popular Húngara: |
| For the Republic of Iceland: | Pour la République d'Islande : | Por la República de Islandia: |
| For the Republic of India: | Pour la République de l'Inde : [P. K. DAVE 11 July 1980] ¹ | Por la República de la India: |
| For the Republic of Indonesia: | Pour la République d'Indonésie : | Por la República de Indonesia: |
| For Ireland: | Pour l'Irlande : | Por Irlanda: |
| For the State of Israel: | Pour l'Etat d'Israël : | Por el Estado de Israel: |
| For the Italian Republic: | Pour la République italienne : | Por la República Italiana: |

¹ See p. 234 of this volume for the text of the declarations made upon signature — Voir p. 234 du présent volume pour le texte des déclarations faites lors de la signature.

For the Republic
of the Ivory Coast:

Pour la République
de Côte d'Ivoire :

Por la República
de la Costa de Marfil:

For Jamaica:

Pour la Jamaïque :

Por Jamaica:

For Japan:

Pour le Japon :

Por el Japón:

[MASAO SAWAKI
17 December 1979

Subject to completion of constitutional procedures —
Sous réserve de l'accomplissement des procédures constitutionnelles]

For the Republic
of Kenya:

Pour la République
du Kenya :

Por la República
de Kenya:

For the Republic
of Korea:

Pour la République
de Corée :

Por la República
de Corea:

[C. N. CHUNG
6 January 1981]¹

For the State
of Kuwait:

Pour l'Etat
du Koweït :

Por el Estado
de Kuwait:

For the Grand Duchy
of Luxembourg:

Pour le Grand-Duché
de Luxembourg :

Por el Gran Ducado
de Luxemburgo:

¹ See p. 234 of this volume for the text of the declarations made upon signature — Voir p. 234 du présent volume pour le texte des déclarations faites lors de la signature.

| | | |
|--|---|---|
| For the Democratic Republic of Madagascar: | Pour la République démocratique de Madagascar : | Por la República Democrática de Madagascar: |
| For the Republic of Malawi: | Pour la République du Malawi : | Por la República de Malawi: |
| For Malaysia: | Pour la Malaisie : | Por Malasia: |
| For the Republic of Malta: | Pour la République de Malte : | Por la República de Malta: |
| For the Islamic Republic of Mauritania: | Pour la République islamique de Mauritanie : | Por la República Islámica de Mauritania: |
| For Mauritius: | Pour Maurice : | Por Mauricio: |
| For the United Mexican States: | Pour les Etats-Unis du Mexique : | Por los Estados Unidos Mexicanos: |
| For the Kingdom of the Netherlands: | Pour le Royaume des Pays-Bas : | Por el Reino de los Países Bajos: |
| For New Zealand: | Pour la Nouvelle-Zélande : | Por Nueva Zelandia: |
| For the Republic of Nicaragua: | Pour la République du Nicaragua : | Por la República de Nicaragua: |

For the Republic
of the Niger:

Pour la République
du Niger :

Por la República
del Níger:

For the Federal Republic
of Nigeria:

Pour la République
fédérale du Nigéria :

Por la República Federal
de Nigeria:

For the Kingdom
of Norway:

Pour le Royaume
de Norvège :

Por el Reino
de Noruega:

[JOHAN CAPPELEN
17 December 1979
Subject to acceptance —
Sous réserve d'acceptation]

For the Islamic Republic
of Pakistan:

Pour la République
islamique du Pakistan :

Por la República Islámica
del Pakistán:

For the Republic
of Peru:

Pour la République
du Pérou :

Por la República
del Perú:

For the Republic
of the Philippines:

Pour la République
des Philippines :

Por la República
de Filipinas:

For the Polish People's
Republic:

Pour la République
populaire de Pologne :

Por la República Popular
Polaca:

For the Portuguese
Republic:

Pour la République
portugaise :

Por la República
Portuguesa:

For Rhodesia:

Pour la Rhodésie :

Por Rhodesia:

For the Socialist Republic
of Romania:

Pour la République
socialiste de Roumanie :

Por la República Socialista
de Rumania:

For the Rwandese
Republic:

Pour la République
rwandaise :

Por la República
Rwandesa:

For the Republic
of Senegal:

Pour la République
du Sénégal :

Por la República
del Senegal:

For the Republic
of Sierra Leone:

Pour la République
de Sierra Leone :

Por la República
de Sierra Leona:

For the Republic
of Singapore:

Pour la République
de Singapour :

Por la República
de Singapur:

For the Republic
of South Africa:

Pour la République
sud-africaine :

Por la República
de Sudáfrica:

For the Spanish
State:

Pour l'Etat
espagnol :

Por el Estado
Español:

[A. HIDALGO DE QUINTANA
9 May 1980
Subject to ratification —
Sous réserve de ratification]

For the Democratic
Socialist Republic
of Sri Lanka:

Pour la République
socialiste démocratique
de Sri Lanka :

Por la República
Socialista Democrática
de Sri Lanka:

For the Republic
of Suriname:

Pour la République
du Suriname :

Por la República
de Suriname:

For the Kingdom
of Sweden:

Pour le Royaume
de Suède :

Por el Reino
de Suecia:

[M. LEMMEL
17 December 1979
Subject to ratification —
Sous réserve de ratification]

For the Swiss
Confederation:

Pour la Confédération
suisse :

Por la Confederación
Suiza:

[A. DUNKEL
17 December 1979]

For the United
Republic of Tanzania:

Pour la République-Unie
de Tanzanie :

Por la República
Unida de Tanzania:

For the Togolese
Republic:

Pour la République
togolaise :

Por la República
Togolesa:

For the Republic
of Trinidad and Tobago:

Pour la République
de Trinité-et-Tobago :

Por la República
de Trinidad y Tabago:

For the Republic
of Tunisia:

Pour la République
tunisienne :

Por la República
de Túnez:

For the Republic
of Turkey:

Pour la République
turque :

Por la República
de Turquía:

For the Republic
of Uganda:

Pour la République
de l'Ouganda :

Por la República
de Uganda:

For the United Kingdom
of Great Britain
and Northern Ireland:

Pour le Royaume-Uni
de Grande-Bretagne
et d'Irlande du Nord :

Por el Reino Unido
de Gran Bretaña
e Irlanda del Norte:

For the United States
of America:

Pour les Etats-Unis
d'Amérique :
[MICHAEL SMITH
17 December 1979
Subject to acceptance —
Sous réserve d'acceptation]

Por los Estados Unidos
de América:

For the Republic
of the Upper Volta:

Pour la République
de Haute-Volta :

Por la República
del Alto Volta:

For the Eastern Republic
of Uruguay:

Pour la République
orientale de l'Uruguay :

Por la República Oriental
del Uruguay:

For the Socialist
Federal Republic
of Yugoslavia:

Pour la République
fédérative socialiste
de Yougoslavie :
[MARKO VRHUNEC
3 November 1980
Subject to approval —
Sous réserve d'approbation]

Por la República
Federativa Socialista
de Yugoslavia:

For the Republic
of Zaïre:

Pour la République
du Zaïre :

Por la República
del Zaïre:

For the European
Economic Community:

Pour la Communauté
économique européenne :
[P. LUYTEN
17 December 1979]

Por la Comunidad
Económica Europea:

DECLARATIONS MADE
UPON SIGNATUREDÉCLARATIONS FAITES
LORS DE LA SIGNATURE

ARGENTINA

ARGENTINE

[SPANISH TEXT — TEXTE ESPAGNOL]

“a) De conformidad con el párrafo 4 del Protocolo al Acuerdo sobre la aplicación del artículo VII del GATT, el Gobierno de la Argentina hace la siguiente reserva:

“ ‘El Gobierno de la Argentina se reserva el derecho de establecer que la disposición pertinente del artículo 4 del Acuerdo sólo será aplicable cuando la Administración de Aduanas acepte la petición de invertir el orden de aplicación de los artículos 5 y 6’.

“b) De conformidad con el párrafo 5 del Protocolo al Acuerdo sobre la aplicación del artículo VII del GATT, el Gobierno de la Argentina hace la siguiente reserva:

“ ‘El Gobierno de la Argentina se reserva el derecho de establecer que el párrafo 2 del artículo 5 del Acuerdo se aplique de conformidad con las disposiciones de la nota correspondiente a dicho párrafo, lo solicite o no el importador’.

“c) De conformidad con el artículo 21 del Acuerdo sobre la aplicación del artículo VII del GATT, el Gobierno de la Argentina retrasará la aplicación de todas sus disposiciones hasta el 1.º de enero de 1982; y

“d) De conformidad con el artículo 21 del Acuerdo sobre la aplicación del artículo VII del GATT, el Gobierno de la Argentina retrasará la aplicación del método del valor computado contemplado en los artículos 1 y 6 por un período adicional de tres años contados desde la fecha en la que todas las otras disposiciones sean aplicadas por la Argentina.

“También me complace notificar a Ud. que los valores oficiales c.i.f. mínimos que todavía están en vigor en la Argentina no existirían más en el momento en que la Argentina empiece a aplicar el Acuerdo. Dichos valores serían eliminados o reemplazados, según sea necesario, por derechos específicos mínimos.”

[TRANSLATION — TRADUCTION]

“(a) In accordance with paragraph 4 of the Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, the Government of Argentina makes the following reservation:

“ ‘The Government of Argentina reserves the right to provide that the relevant provisions of article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of articles 5 and 6’.

“(b) In accordance with paragraph 5 of the Protocol to the Agreement on Implementation of article VII of the General

a) Conformément au paragraphe 4 du Protocole à l’Accord relatif à la mise en œuvre de l’article VII de l’Accord général, le Gouvernement argentin fait la réserve suivante :

« Le Gouvernement argentin se réserve le droit de décider que la disposition de l’article 4 de l’Accord en la matière ne s’appliquera que si les autorités douanières acceptent d’inverser l’ordre d’application des articles 5 et 6 ».

b) Conformément au paragraphe 5 du Protocole à l’Accord relatif à la mise en œuvre de l’article VII de l’Accord général,

Agreement on Tariffs and Trade, the Government of Argentina makes the following reservations:

“The Government of Argentina reserves the right to provide that article 5.2 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests’.

“(c) In accordance with article 21 of the Agreement on Implementation of Article VII of the General Agreement, the Government of Argentina will delay application of all the provisions of that Agreement until 1 January 1982; and

“(d) In accordance with article 21 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, the Government of Argentina will delay application of the computer-value method envisaged in articles 1 and 6 for an additional period of three years as from the date of application of all other provisions by Argentina.

“In addition, the minimum official c.i.f. values still in effect in Argentina would no longer be in existence when Argentina begins to apply the Agreement. Those values would be eliminated or replaced, where necessary, by minimum specific duties.”

CANADA

“Notwithstanding articles 24 and 25 of the Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade (hereinafter referred to as the Valuation Agreement) Canada will implement the Valuation Agreement no later than 1 January 1985 provided that before that date there has been agreement under article XXVIII of the GATT on such adjustments in Canadian tariff rates as may be needed to maintain tariff protection at the levels that would prevail were Canada not to implement the Valuation Agreement.

le Gouvernement argentin fait la réserve suivante :

« Le Gouvernement argentin se réserve le droit de décider que les dispositions de l'article 5, paragraphe 2, de l'Accord seront appliquées conformément à celles de la note y relative, que l'importateur le demande ou non ».

c) Conformément à l'article 21 de l'Accord relatif à la mise en œuvre de l'article VII de l'Accord général, le Gouvernement argentin diffèrera l'application de toutes les dispositions de cet Accord jusqu'au 1^{er} janvier 1982; et

d) Conformément à l'article 21 de l'Accord relatif à la mise en œuvre de l'article VII de l'Accord général, le Gouvernement argentin diffèrera l'application de la méthode de la valeur calculée envisagée aux articles 1 et 6 pendant une période supplémentaire de trois ans à compter de la date de la mise en application par l'Argentine, de toutes les autres dispositions.

J'ai aussi l'honneur de porter à votre connaissance que les valeurs officielles c.a.f. minimales toujours en vigueur en Argentine n'existeraient plus au moment où l'Argentine commencera à mettre l'Accord en application. Ces valeurs seraient supprimées ou remplacées, si nécessaire, par des droits spécifiques minimums.

CANADA

[TRADUCTION — TRANSLATION]

Nonobstant les articles 24 et 25 de l'Accord sur la mise en œuvre de l'article VII de l'Accord général sur les tarifs douaniers et le commerce (ci-après dénommé l'« Accord sur l'évaluation »), le Canada mettra en vigueur l'Accord sur l'évaluation au plus tard le 1^{er} janvier 1985, pourvu qu'avant cette date on soit arrivé à une entente, en vertu de l'article XXVIII du GATT, sur les ajustements du tarif douanier canadien qui pourraient être nécessaires pour maintenir la protection tarifaire aux niveaux qui existeraient si le Canada ne mettait pas en œuvre l'Accord d'évaluation.

INDIA

INDE

[TRADUCTION — TRANSLATION]

“(a) Under article 21.1 of the Agreement, the Government of India declares its intention to delay the application of the Agreement for a period of five years.

“(b) Under article 21.2 of the Agreement, the Government of India declares its intention to delay the application of article 1.2(b) (iii) and article 6 for a further period of three years after the application of all other provisions of the Agreement.

“(c) Under paragraph 3 of the Protocol, the Government of India reserves the right to retain the system of fixed tariff values.

“(d) Under paragraph 4 of the Protocol, the Government of India reserves the right to provide that the relevant provision of article 4 of the Agreement shall apply only when the customs authorities agree to reverse the order of articles 5 and 6.

“(e) Under paragraph 5 of the Protocol, the Government of India reserves the right to provide that article 5.2 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.”

REPUBLIC OF KOREA

RÉPUBLIQUE DE CORÉE

[TRADUCTION — TRANSLATION]

“1. In accordance with article 21.1 of the Agreement, the Government of the Republic of Korea decides to delay the application of the Agreement for a period of five years.

“2. In accordance with article 21.2, the Government of the Republic of Korea decides to delay the application of article 1.2(b)(iii) and article 6 for a further period of three years after the application of all other provisions of the Agreement.”

a) En vertu de l'article 21.1 de l'Accord, le Gouvernement de l'Inde déclare avoir l'intention de retarder de cinq ans l'application de l'Accord.

b) En vertu de l'article 21.2 de l'Accord, le Gouvernement de l'Inde déclare avoir l'intention de retarder l'application de l'article 1.2, b, iii, et de l'article 6 pendant trois ans à dater de l'application de toutes les autres clauses de l'Accord.

c) En vertu du paragraphe 3 du Protocole, le Gouvernement de l'Inde se réserve le droit de conserver le système des valeurs tarifaires fixes.

d) En vertu du paragraphe 4 du Protocole, le Gouvernement de l'Inde se réserve le droit de stipuler que la clause à ce sujet de l'article 4 de l'Accord ne s'appliquera que lorsque les autorités douanières auront accepté d'intervertir l'ordre des articles 5 et 6.

e) En vertu du paragraphe 5 du Protocole, le Gouvernement de l'Inde se réserve le droit de stipuler que l'article 5.2 de l'Accord s'appliquera conformément aux clauses de la note à ce sujet, que l'importateur le demande ou non.

1) Conformément à l'article 21.1 de l'Accord, le Gouvernement de la République de Corée décide de retarder de cinq ans l'application de l'Accord.

2) Conformément à l'article 21.2, le Gouvernement de la République de Corée décide de retarder l'application de l'article 1.2, b, iii, et de l'article 6 d'une période supplémentaire de trois ans après la mise en vigueur de toutes les autres clauses de l'Accord.

RECTIFICATION of the French text of the Agreement of 12 April 1979 on implementation of article VII of the General Agreement on Tariffs and Trade

By a procès-verbal of rectification drawn up by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade dated 27 February 1981 and in the absence of objection by the Contracting Parties, the French text of the Agreement was rectified as follows:

ANNEX I. *Interpretative note to article 8, paragraph 1 (c)*

In paragraph 1, the term "droits de reproduction" at the end of the first sentence should be replaced by the term "du droit d'auteur".

Certified statement was registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

RECTIFICATION du texte français de l'Accord du 12 avril 1979 relatif à la mise en œuvre de l'article VII de l'Accord général sur les tarifs douaniers et le commerce

Par un procès-verbal de rectification dressé par le Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce en date du 27 février 1981 et en l'absence d'objection des Parties contractantes, le texte français de l'Accord a été rectifié comme suit :

ANNEXE I. *Note interprétative relative à l'article 8, paragraphe 1, c*

Au paragraphe 1, à la fin de la première phrase, remplacer « droits de reproduction » par « du droit d'auteur ».

La déclaration certifiée a été enregistrée par le Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce, agissant au nom des parties, le 12 juin 1981.

PROTOCOL¹ TO THE AGREEMENT OF 12 APRIL 1979 ON IMPLEMENTATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE,^{2, 3} DONE AT GENEVA ON 1 NOVEMBER 1979

Authentic texts: English, French and Spanish.

Registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

The Parties to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade² (hereinafter referred to as "the Agreement"),

Having regard to the Multilateral Trade Negotiations and to the desire expressed by the Trade Negotiations Committee at its meeting of 11 and 12 April 1979 to arrive at a single text of an Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade,

Recognizing that developing countries may have particular problems in applying the Agreement,

Considering that the provisions of article 27 of the Agreement relating to amendments have not yet entered into force,

¹ Came into force on 1 January 1981, the date of entry into force of the Agreement on implementation of article VII of the General Agreement on Tariffs and Trade in respect of the following States or organization, which had accepted it by that date, in accordance with section II (2) of the above-mentioned Protocol:

| <i>State or organization</i> | <i>Date of definitive signature (s), acceptance by letter (l) or of deposit of an instrument of ratification or of acceptance (A)</i> |
|--|---|
| Canada | 30 December 1980 s |
| European Economic Community | 29 July 1980 l |
| Finland | 24 October 1980 |
| Hungary | 18 July 1980 s |
| India* | 11 July 1980 s |
| Japan | 25 April 1980 A |
| Norway | 24 October 1980 l |
| Romania | 25 June 1980 A |
| Sweden | 17 December 1979 s |
| United Kingdom of Great Britain and Northern Ireland (In respect of Hong Kong.) | 12 May 1980 l |
| (In respect of the territories for which it has international responsibility, except for Antigua, Bermuda, Brunei, Cayman Islands, Montserrat, St. Kitts-Nevis and Sovereign Base Areas Cyprus.) | 17 September 1980 l |
| United States of America | 30 December 1980 A |

Subsequently, the Protocol came into force for the following States on the date of entry into force for them of the Agreement on the implementation of article VII of the General Agreement on Tariffs and Trade or on the date of deposit of the instrument of ratification in respect of the Protocol, as indicated below:

| <i>State</i> | <i>Date of definitive signature (s) or of deposit of an instrument of ratification</i> |
|-------------------------------------|--|
| ✓ Switzerland* | 5 January 1981 |
| (With effect from 5 January 1981.) | |
| ✓ Republic of Korea | 6 January 1981 s |
| (With effect from 5 February 1981.) | |
| ✓ Austria | 6 April 1981 |
| (With effect from 6 April 1981.) | |

* See p. 257 of this volume for the text of the declarations made upon ratification or definitive signature.

² See p. 126 of this volume.

³ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

Hereby:

I

1. Agree to the deletion of the provision of article 1.2(b)(iv) of the Agreement.

2. Recognize that the five-year delay in the application of the provisions of the Agreement by developing countries provided for in article 21.1 may, in practice, be insufficient for certain developing countries. In such cases a developing country Party to the Agreement may request before the end of the period referred to in article 21.1 an extension of such period, it being understood that the Parties to the Agreement will give sympathetic consideration to such a request in cases where the developing country in question can show good cause.

3. Recognize that developing countries which currently value goods on the basis of officially established minimum values may wish to make a reservation to enable them to retain such values on a limited and transitional basis under such terms and conditions as may be agreed to by the Parties to the Agreement.

4. Recognize that developing countries which consider that the reversal of the sequential order at the request of the importer provided for in article 4 of the Agreement may give rise to real difficulties for them may wish to make a reservation to article 4 in the following terms:

“The Government of ... reserves the right to provide that the relevant provision of article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of articles 5 and 6.”

If developing countries make such a reservation, the Parties to the Agreement shall consent to it under article 23 of the Agreement.

5. Recognize that developing countries may wish to make a reservation with respect to article 5.2 of the Agreement in the following terms:

“The Government of ... reserves the right to provide that article 5.2 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.”

If developing countries make such a reservation, the Parties to the Agreement shall consent to it under article 23 of the Agreement.

6. Recognize that certain developing countries have expressed concern that there may be problems in the implementation of article 1 of the Agreement insofar as it relates to importations into their countries by sole agents, sole distributors and sole concessionaires. The Parties to the Agreement agree that, if such problems arise in practice in developing countries applying the Agreement, a study of this question shall be made, at the request of such countries, with a view to finding appropriate solutions.

7. Agree that article 17 recognizes that in applying the Agreement, customs administrations may need to make enquiries concerning the truth or accuracy of any statement, document or declaration presented to them for customs valuation purposes. They further agree that the article thus acknowledges that enquiries may be made which are, for example, aimed at verifying that the elements of value declared or presented to customs in connection with a determination of customs value are complete and correct. They recognize that Parties to the Agreement, subject to their national laws and procedures, have the right to expect the full co-operation of importers in these enquiries.

8. Agree that the price actually paid or payable includes all payments actually made or to be made as a condition of sale of the imported goods, by the buyer to the seller, or by the buyer to a third party to satisfy an obligation of the seller.

II

1. Upon the entry into force of the Agreement the provisions of this Protocol shall be deemed to be part of the Agreement.

2. This Protocol shall be deposited with the Director-General to the Contracting Parties to the GATT. It is open for acceptance, by signature or otherwise, by signatories of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade and by other governments accepting or acceding to the Agreement pursuant to the provisions of article 22 thereof.

DONE at Geneva this first day of November 1979 in a single copy in the English, French and Spanish languages, each text being authentic.

| | | |
|--|--|---|
| For the Argentine Republic: | Pour la République Argentine : [MARTÍNEZ 30 September 1980] | Por la República Argentina: |
| For the Commonwealth of Australia: | Pour le Commonwealth d'Australie : | Por el Commonwealth de Australia: |
| For the Republic of Austria: | Pour la République d'Autriche : [R. WILLENPART 17 March 1980 Subject to ratification — Sous réserve de ratification] | Por la República de Austria: |
| For the People's Republic of Bangladesh: | Pour la République populaire de Bangladesh : | Por la República Popular de Bangladesh: |
| For Barbados: | Pour la Barbade : | Por Barbados: |
| For the Kingdom of Belgium: | Pour le Royaume de Belgique : | Por el Reino de Bélgica: |
| For the People's Republic of Benin: | Pour la République populaire du Bénin : | Por la República Popular de Benin: |
| For the Federative Republic of Brazil: | Pour la République fédérative du Brésil : | Por la República Federativa del Brasil: |

For the Socialist Republic
of the Union
of Burma:

Pour la République
socialiste de l'Union
birmane :

Por la República Socialista
de la Unión
Birmana:

For the Republic
of Burundi:

Pour la République
du Burundi :

Por la República
de Burundi:

For the United Republic
of Cameroon:

Pour la République-
Unie du Cameroun :

Por la República Unida
del Camerún:

For Canada:

Pour le Canada :
[D. MCPHAIL
30 December 1980]

Por el Canadá:

For the Central African
Empire:

Pour l'Empire
centrafricain :

Por el Imperio
Centroafricano:

For the Republic
of Chad:

Pour la République
du Tchad :

Por la República
del Chad:

For the Republic
of Chile:

Pour la République
du Chili :

Por la República
de Chile:

For the Republic
of Colombia:

Pour la République
de Colombie :

Por la República
de Colombia:

For the People's Republic
of the Congo:

Pour la République
populaire du Congo :

Por la República Popular
del Congo:

For the Republic
of Cuba:

Pour la République
de Cuba :

Por la República
de Cuba:

For the Republic
of Cyprus:

Pour la République
de Chypre :

Por la República
de Chipre:

For the Czechoslovak
Socialist Republic:

Pour la République
socialiste tchécoslovaque :

Por la República
Socialista Checoslovaca:

For the Kingdom
of Denmark:

Pour le Royaume
du Danemark :

Por el Reino
de Dinamarca:

For the Dominican
Republic:

Pour la République
dominicaine :

Por la República
Dominicana:

For the Arab Republic
of Egypt:

Pour la République
arabe d'Égypte :

Por la República Árabe
de Egipto:

For the Republic
of Finland:

Pour la République
de Finlande :

Por la República
de Finlandia:

[PAAVO KAARLEHTO
17 December 1979
Subject to ratification —
Sous réserve de ratification]

For the French
Republic:

Pour la République
française :

Por la República
Francesa:

| | | |
|--------------------------------------|---|---------------------------------------|
| For the Gabonese Republic: | Pour la République gabonaise : | Por la República Gabonesa: |
| For the Republic of the Gambia: | Pour la République de Gambie : | Por la República de Gambia: |
| For the Federal Republic of Germany: | Pour la République fédérale d'Allemagne : | Por la República Federal de Alemania: |
| For the Republic of Ghana: | Pour la République du Ghana : | Por la República de Ghana: |
| For the Hellenic Republic: | Pour la République hellénique : | Por la República Helénica: |
| For the Republic of Guyana: | Pour la République de Guyane : | Por la República de Guyana: |
| For the Republic of Haiti: | Pour la République d'Haïti : | Por la República de Haití: |
| For the Hungarian People's Republic: | Pour la République populaire hongroise : [NYERGES JANOS 18 July 1980] | Por la República Popular Húngara: |

For the Republic
of Iceland:

Pour la République
d'Islande :

Por la República
de Islandia:

For the Republic
of India:

Pour la République
de l'Inde :
[P. K. DAVE
11 July 1980]

Por la República
de la India:

For the Republic
of Indonesia:

Pour la République
d'Indonésie :

Por la República
de Indonesia:

For Ireland:

Pour l'Irlande :

Por Irlanda:

For the State
of Israel:

Pour l'Etat
d'Israël :

Por el Estado
de Israel:

For the Italian
Republic:

Pour la République
italienne :

Por la República
Italiana:

For the Republic
of the Ivory Coast:

Pour la République
de Côte d'Ivoire :

Por la República
de la Costa de Marfil:

For Jamaica:

Pour la Jamaïque :

Por Jamaica:

For Japan:

Pour le Japon :
[MASAO SAWAKI
25 April 1980]

Por el Japón:

| | | |
|--|---|---|
| For the Republic of Kenya: | Pour la République du Kenya : | Por la República de Kenya: |
| For the Republic of Korea: | Pour la République de Corée : [C. N. CHUNG 6 January 1981] | Por la República de Corea: |
| For the State of Kuwait: | Pour l'Etat du Koweït : | Por el Estado de Kuwait: |
| For the Grand Duchy of Luxembourg: | Pour le Grand-Duché de Luxembourg : | Por el Gran Ducado de Luxemburgo: |
| For the Democratic Republic of Madagascar: | Pour la République démocratique de Madagascar : | Por la República Democrática de Madagascar: |
| For the Republic of Malawi: | Pour la République du Malawi : | Por la República de Malawi: |
| For Malaysia: | Pour la Malaisie : | Por Malasia: |
| For the Republic of Malta: | Pour la République de Malte : | Por la República de Malta: |
| For the Islamic Republic of Mauritania: | Pour la République islamique de Mauritanie : | Por la República Islámica de Mauritania: |

For Mauritius:

Pour Maurice :

Por Mauricio:

For the United Mexican
States:

Pour les Etats-Unis
du Mexique :

Por los Estados Unidos
Mexicanos:

For the Kingdom
of the Netherlands:

Pour le Royaume
des Pays-Bas :

Por el Reino
de los Países Bajos:

For New Zealand:

Pour la Nouvelle-Zélande :

Por Nueva Zelandia:

For the Republic
of Nicaragua:

Pour la République
du Nicaragua :

Por la República
de Nicaragua:

For the Republic
of the Niger:

Pour la République
du Niger :

Por la República
del Níger:

For the Federal Republic
of Nigeria:

Pour la République
fédérale du Nigéria :

Por la República Federal
de Nigeria:

For the Kingdom
of Norway:

Pour le Royaume
de Norvège :

Por el Reino
de Noruega:

[JOHAN CAPPELEN
17 December 1979]

For the Islamic Republic
of Pakistan:

Pour la République
islamique du Pakistan :

Por la República Islámica
del Pakistán:

| | | |
|---|--|--|
| For the Republic of Peru: | Pour la République du Pérou : | Por la República del Perú: |
| For the Republic of the Philippines: | Pour la République des Philippines : | Por la República de Filipinas: |
| For the Polish People's Republic: | Pour la République populaire de Pologne : | Por la República Popular Polaca: |
| For the Portuguese Republic: | Pour la République portugaise : | Por la República Portuguesa: |
| For Rhodesia: | Pour la Rhodésie : | Por Rhodesia: |
| For the Socialist Republic of Romania: | Pour la République socialiste de Roumanie : | Por la República Socialista de Rumania: |
| For the Rwandese Republic: | Pour la République rwandaise : | Por la República Rwandesa: |
| For the Republic of Senegal: | Pour la République du Sénégal : | Por la República del Senegal: |
| For the Republic of Sierra Leone: | Pour la République de Sierra Leone : | Por la República de Sierra Leona: |

For the Republic
of Singapore:

Pour la République
de Singapour :

Por la República
de Singapur:

For the Republic
of South Africa:

Pour la République
sud-africaine :

Por la República
de Sudáfrica:

For the Spanish
State:

Pour l'Etat
espagnol :

Por el Estado
Español:

[A. HIDALGO DE QUINTANA
9 May 1980
Subject to ratification —
Sous réserve de ratification]

For the Democratic
Socialist Republic
of Sri Lanka:

Pour la République
socialiste démocratique
de Sri Lanka :

Por la República
Socialista Democrática
de Sri Lanka:

For the Republic
of Suriname:

Pour la République
du Suriname :

Por la República
de Suriname:

For the Kingdom
of Sweden:

Pour le Royaume
de Suède :

Por el Reino
de Suecia:

[M. LEMMEL
17 December 1979
Subject to ratification by the Government of
Sweden of the Agreement on Implemen-
tation of Article VII of the General Agree-
ment on Tariffs and Trade — Sous ré-
serve de ratification par le Gouvernement
suédois de l'Accord relatif à la mise en
œuvre de l'article VII de l'Accord géné-
ral sur les tarifs douaniers et le com-
merce]

For the Swiss
Confederation:

Pour la Confédération
suisse :

Por la Confederación
Suiza:

[A. DUNKEL
17 December 1979
Subject to ratification —
Sous réserve de ratification]

For the United
Republic
of Tanzania:

Pour la République-Unie
de Tanzanie :

Por la República
Unida
de Tanzania:

For the Togolese
Republic:

Pour la République
togolaise :

Por la República
Togolesa:

For the Republic
of Trinidad and Tobago:

Pour la République
de Trinité-et-Tobago :

Por la República
de Trinidad y Tabago:

For the Republic
of Tunisia:

Pour la République
tunisienne :

Por la República
de Túnez:

For the Republic
of Turkey:

Pour la République
turque :

Por la República
de Turquía:

For the Republic
of Uganda:

Pour la République
de l'Ouganda :

Por la República
de Uganda:

For the United Kingdom
of Great Britain
and Northern Ireland:

Pour le Royaume-Uni
de Grande-Bretagne
et d'Irlande du Nord :

Por el Reino Unido
de Gran Bretaña
e Irlanda del Norte:

For the United States
of America:

Pour les Etats-Unis
d'Amérique :
[MICHAEL B. SMITH
28 May 1980
Subject to acceptance —
Sous réserve d'acceptation]

Por los Estados Unidos
de América:

For the Republic
of the Upper Volta:

Pour la République
de Haute-Volta :

Por la República
del Alto Volta:

For the Eastern Republic
of Uruguay:

Pour la République
orientale de l'Uruguay :

Por la República Oriental
del Uruguay:

For the Socialist
Federal Republic
of Yugoslavia:

Pour la République
fédérative socialiste
de Yougoslavie :
[MARKO VRHUNEC
3 November 1980
Subject to approval —
Sous réserve d'approbation]

Por la República
Federativa Socialista
de Yugoslavia:

For the Republic
of Zaire:

Pour la République
du Zaire :

Por la República
del Zaire:

For the European
Economic Community:

Pour la Communauté
économique européenne :

Por la Comunidad
Económica Europea:

DECLARATIONS MADE UPON DEFINITIVE SIGNATURE OR RATIFICATION

INDIA

[See p. 236 of this volume for the text of the declaration.]

SWITZERLAND

“By a Federal Order, dated 19 March 1980, the Federal Chambers approved the Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade.”

DÉCLARATIONS FAITES LORS DE LA SIGNATURE DÉFINITIVE OU DE LA RATIFICATION

INDE

[Voir p. 236 du présent volume pour le texte de la déclaration.]

SUISSE

[TRADUCTION — TRANSLATION]

Par une ordonnance fédérale en date du 19 mars 1980, les Chambres fédérales ont approuvé le Protocole annexé à l'Accord relatif à la mise en œuvre de l'article VII de l'Accord général sur les tarifs douaniers et le commerce.

XCII. AGREEMENT¹ ON GOVERNMENT PROCUREMENT (WITH NOTES, ANNEXES AND A PROCÈS-VERBAL OF RECTIFICATION OF THE ENGLISH TEXT OF THE AGREEMENT, DRAWN UP BY THE DIRECTOR-GENERAL TO THE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE ON 17 DECEMBER 1979). DONE AT GENEVA ON 12 APRIL 1979

Authentic texts: English, French and Spanish.

Registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

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Preamble

Article I Scope and Coverage

¹ Came into force on 1 January 1981 in respect of the following States and organization, which had accepted it or acceded to it by that date, in accordance with article IX (3):

| <i>State or organization</i> | <i>Date of definitive signature (s), acceptance by letter (l) or of deposit of an instrument of ratification or acceptance (A)</i> |
|--|--|
| Canada*† | 30 December 1980 s |
| European Economic Community | 17 December 1979 s |
| Finland† | 24 October 1980 |
| Japan† | 25 April 1980 A |
| Norway† | 24 October 1980 A |
| Singapore*† | 30 December 1980 s |
| Sweden† | 17 December 1980 s |
| Switzerland† | 17 December 1979 s |
| United Kingdom of Great Britain and Northern Ireland (In respect of the territories for which it has international responsibility, except for Antigua, Bermuda, Brunei, Cayman Islands, Isle of Man, Montserrat, St. Kitts-Nevis, Sovereign Base Areas Cyprus and the Virgin Islands.) | 17 December 1979 l |
| United States of America*† | 30 December 1980 A |

* See p. 584 of this volume for the text of the declarations made upon definitive signature or acceptance.

† The following declaration was circulated on 31 December 1981 at the request of Canada, Finland, Japan, Norway, Singapore, Sweden, Switzerland and the United States of America:

"The above-mentioned countries have negotiated the Agreement on Government Procurement with the European Economic Community of nine member States and intend to apply the Agreement from 1 January 1981 only in respect of the European Economic Community of nine member States. Should any additional country become a member State of the European Economic Community, each of the above-mentioned countries considers itself obligated to apply the Agreement in respect of such additional country only after the assumption by that country of the obligations of the Agreement, in particular the effective inclusion of an agreed list of entities for such additional country in annex I of the Agreement."

On 15 January 1981, the Committee on Government Procurement adopted the following decision:

"Considering that Greece became a member State of the European Economic Community as from 1 January 1981; and

"Noting that an agreed list of entities for Greece in accordance with the provisions of articles I and IX has not been included in annex I of the Agreement,

"The Committee decides that the Agreement shall be considered to apply as between each Party and Greece only when such Party has agreed to the list of entities for Greece to be included in annex I of the Agreement."

Article II National Treatment and Non-Discrimination

Article III Special and Differential Treatment for Developing Countries

- Objectives
- Coverage
- Agreed exclusions
- Technical Assistance for Developing Country Parties
- Information Centres
- Special Treatment for Least-Developed Countries

- Review

Article IV Technical Specifications

Article V Tendering Procedures

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- Notice of Proposed Purchase and Tender Documentation

- Submission, Receipt and Opening of Tenders and Awarding of Contracts
- Use of Single Tendering

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Article VII Enforcement of Obligations

- Institutions
- Consultations
- Dispute Settlement
- Enforcement
- Balance of Rights and Obligations

Article VIII Exceptions to the Agreement

Article IX Final Provisions

- Acceptance and Accession
- Reservations
- Entry into Force
- National Legislation
- Rectifications or Modifications
- Reviews and Negotiations
- Amendments
- Withdrawal
- Non-application of this Agreement Between Particular Parties

- Notes and Annexes
- Secretariat
- Deposit
- Registration

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Article V, paragraph 14(h)

ANNEXES

- ANNEX I Lists of Entities referred to in Article I, paragraph 1(c)
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European Economic Community - Part I
Belgium
Denmark
France
Germany, Federal Republic of
Ireland
Italy
Luxembourg
Netherlands
United Kingdom
European Economic Community - Part II
Finland
Hong Kong
India
Jamaica
Japan
Republic of Korea
Nigeria
Norway
Singapore
Sweden
Switzerland
United States
- ANNEX II Publications utilized by Parties for the Publication of
Notices of proposed Purchases - Article V, paragraph 3
- ANNEX III Publications utilized by Parties for the Publication
annually of Information on Permanent Lists of Suppliers
in the case of Selective Tendering Procedures - Article V,
paragraph 6
- ANNEX IV Publications utilized by Parties for the Prompt Publication
of Laws, Regulations, Judicial Decisions, Administrative
rulings of General Application and any Procedure regarding
Government Procurement covered by this Agreement -
Article VI, paragraph 1.

AGREEMENT ON GOVERNMENT PROCUREMENTPREAMBLE

Parties to this Agreement (hereinafter referred to as "Parties"),

Considering that Ministers agreed in the Tokyo Declaration of 14 September 1973 that comprehensive Multilateral Trade Negotiations in the framework of the General Agreement on Tariffs and Trade¹ hereinafter referred to as "General Agreement" or "GATT") should aim, *inter alia*, to reduce or eliminate non-tariff measures or, where this is not appropriate, their trade restricting or distorting effects, and to bring such measures under more effective international discipline;

Considering that Ministers also agreed that negotiations should aim to secure additional benefits for the international trade of developing countries, and recognized the importance of the application of differential measures in ways which will provide special and more favourable treatment for them where this is feasible and appropriate;

Recognizing that in order to achieve their economic and social objectives to implement programmes and policies of economic development aimed at raising the standard of living of their people, taking into account their balance-of-payments position, developing countries may need to adopt agreed differential measures;

Considering that Ministers in the Tokyo Declaration recognized that the particular situation and problems of the least developed among the developing countries shall be given special attention and stressed the need to ensure that these countries receive special treatment in the context of any general or specific measures taken in favour of the developing countries during the negotiations;

Recognizing the need to establish an agreed international framework of rights and obligations with respect to laws, regulations, procedures and practices regarding government procurement with a view to achieving greater liberalization and expansion of world trade and improving the international framework for the conduct of world trade;

Recognizing that laws, regulations, procedures and practices regarding government procurement should not be prepared, adopted or applied to foreign or domestic products and to foreign or domestic suppliers so as to afford protection to domestic products or suppliers and should not discriminate among foreign products or suppliers;

Recognizing that it is desirable to provide transparency of laws, regulations, procedures and practices regarding government procurement;

Recognizing the need to establish international procedures on notification, consultation, surveillance and dispute settlement with a view to ensuring a fair, prompt and effective enforcement of the international provisions on government procurement and to maintain the balance of rights and obligations at the highest possible level;

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1, 2, 10, and 12 to 14, as well as annex A in volumes 959, 972, 974, 1050 and 1080.

Hereby agree as follows:

Article I

Scope and Coverage

1. This Agreement applies to:
 - (a) any law, regulation, procedure and practice regarding the procurement of products by the entities* subject to this Agreement. This includes services incidental to the supply of products if the value of these incidental services does not exceed that of the products themselves, but not service contracts per se;
 - (b) any procurement contract of a value of SDR 150,000 or more.** No procurement requirement shall be divided with the intent of reducing the value of the resulting contracts below SDR 150,000. If an individual requirement for the procurement of a product or products of the same type results in the award of more than one contract or in contracts being awarded in separate parts, the value of these recurring contracts in the twelve months subsequent to the initial contract shall be the basis for the application of this Agreement;
 - (c) procurement by the entities under the direct or substantial control of Parties and other designated entities, with respect to their procurement procedures and practices. Until the review and further negotiations referred to in the Final Provisions, the coverage of this Agreement is specified by the lists of entities, and to the extent that rectifications, modifications or amendments may have been made, their successor entities, in Annex I.

2. The Parties shall inform their entities not covered by this Agreement and the regional and local governments and authorities within their territories of the objectives, principles and rules of this Agreement, in particular the rules on national treatment and non-discrimination, and draw their attention to the overall benefits of liberalization of government procurement.

Article II

National Treatment and Non-Discrimination

1. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Agreement, the Parties shall provide immediately and unconditionally to the products and suppliers of other Parties offering products originating within the customs territories (including free zones) of the Parties, treatment no less favourable than:
 - (a) that accorded to domestic products and suppliers; and

* Throughout this Agreement, the word "entities" is understood to include agencies.

** For contracts below the threshold, the Parties shall consider, in accordance with paragraph 6 of article IX, the application in whole or in part of this Agreement. In particular, they shall review the procurement practices and procedures utilized and the application of non-discrimination and transparency for such contracts in connexion with the possible inclusion of contracts below the threshold in this Agreement.

(b) that accorded to products and suppliers of any other Party.

2. The provisions of paragraph 1 shall not apply to customs duties and charges of any kind imposed on or in connexion with importation, the method of levying such duties and charges, and other import regulations and formalities.

3. The Parties shall not apply rules of origin to products imported for purposes of government procurement covered by this Agreement from other Parties, which are different from the rules of origin applied in the normal course of trade and at the time of importation to imports of the same products from the same Parties.

Article III

Special and Differential Treatment for Developing Countries

Objectives

1. The Parties shall, in the implementation and administration of this Agreement, through the provisions set out in this Article, duly take into account the development, financial and trade needs of developing countries, in particular the least-developed countries, in their need to:

- (a) safeguard their balance-of-payments position and ensure a level of reserves adequate for the implementation of programmes of economic development;
- (b) promote the establishment or development of domestic industries including the development of small-scale and cottage industries in rural or backward areas; and economic development of other sectors of the economy;
- (c) support industrial units so long as they are wholly or substantially dependent on government procurement;
- (d) encourage their economic development through regional or global arrangements among developing countries presented to the CONTRACTING PARTIES to the GATT and not disapproved by them.

2. Consistently with the provisions of this Agreement, the Parties shall, in the preparation and application of laws, regulations and procedures affecting government procurement, facilitate increased imports from developing countries, bearing in mind the special problems of the least-developed countries and of those countries at low stages of economic development.

Coverage

3. With a view to ensuring that developing countries are able to adhere to this Agreement on terms consistent with their development, financial and trade needs, the objectives listed in paragraph 1 above shall be duly taken into account in the course of the negotiations with respect to the lists of entities of developing countries to be covered by the provisions of this Agreement. Developed countries, in the preparation of their lists of

entities to be covered by the provisions of this Agreement shall endeavour to include entities purchasing products of export interest to developing countries.

Agreed exclusions

4. Developing countries may negotiate with other participants in the negotiation of this Agreement mutually acceptable exclusions from the rules on national treatment with respect to certain entities or products that are included in their lists of entities having regard to the particular circumstances of each case. In such negotiations, the considerations mentioned in paragraph 1(a)-(c) above shall be duly taken into account. Developing countries participating in regional or global arrangements among developing countries referred to in paragraph 1(d) above, may also negotiate exclusions to their lists, having regard to the particular circumstances of each case, taking into account, *inter alia*, the provisions on government procurement provided for in the regional or global arrangements concerned and taking into account, in particular, products which may be subject to common industrial development programmes.

5. After entry into force of this Agreement, the developing country Parties may modify their lists of entities in accordance with the provisions for modification of such lists contained in paragraph 5 of Article IX of this Agreement, having regard to their development, financial and trade needs, or may request the Committee to grant exclusions from the rules on national treatment for certain entities or products that are included in their lists of entities, having regard to the particular circumstances of each case and taking duly into account the provisions of paragraph 1(a)-(c) above. The developing country Parties may also request, after entry into force of this Agreement, the Committee to grant exclusions for certain entities or products that are included in their lists in the light of their participation in regional or global arrangements among developing countries, having regard to the particular circumstances of each case and taking duly into account the provisions of paragraph 1(d) above. Each request to the Committee by a developing country Party relating to modification of a list shall be accompanied by documentation relevant to the request or by such information as may be necessary for consideration of the matter.

6. Paragraphs 4 and 5 above shall apply *mutatis mutandis* to developing countries acceding to this Agreement after its entry into force.

7. Such agreed exclusions as mentioned in paragraphs 4, 5 and 6 above shall be subject to review in accordance with the provisions of paragraph 13 of this Article.

Technical assistance for developing country Parties

8. Developed country Parties shall, upon request, provide all technical assistance which they may deem appropriate to developing country Parties in resolving their problems in the field of government procurement.

9. This assistance which shall be provided on the basis of non-discrimination among the developing country Parties shall relate, *inter alia*, to:

- the solution of particular technical problems relating to the award of a specific contract;
- any other problem which the Party making the request and another Party agree to deal with in the context of this assistance.

Information centres

10. The developed country Parties shall establish, individually or jointly, information centres to respond to reasonable requests from developing country Parties for information relating to, inter alia, laws, regulations, procedures and practices regarding government procurement, notices about proposed purchases which have been published, addresses of the entities covered by this Agreement, and the nature and volume of products purchased or to be purchased, including available information about future tenders. The Committee may also set up an information centre.

Special treatment for least-developed countries

11. Having regard to paragraph 6 of the Tokyo Declaration, special treatment shall be granted to the least-developed country Parties and to the suppliers in those countries with respect to products originating in those countries, in the context of any general or specific measures in favour of the developing country Parties. The Parties may also grant the benefits of this Agreement to suppliers in the least-developed countries which are not Parties, with respect to products originating in those countries.

12. Developed country Parties shall, upon request, provide assistance which they may deem appropriate to potential tenderers in the least-developed countries in submitting their tenders and selecting the products which are likely to be of interest to entities of developed countries as well as to suppliers in the least-developed countries and likewise assist them to comply with technical regulations and standards relating to products which are the subject of the proposed purchase.

Review

13. The Committee shall review annually the operation and effectiveness of this Article and after each three years of its operation on the basis of reports to be submitted by the Parties shall carry out a major review in order to evaluate its effects. As part of the three-yearly reviews and with a view to achieving the maximum implementation of the provisions of this Agreement, including in particular Article II, and having regard to the development, financial and trade situation of the developing countries concerned, the Committee shall examine whether exclusions provided for in accordance with the provisions of paragraphs 4 to 6 of this Article shall be modified or extended.

14. In the course of further rounds of negotiations in accordance with the provisions of Article IX, paragraph 6, the developing country Parties shall give consideration to the possibility of enlarging their lists of entities having regard to their economic, financial and trade situation.

Article IV

Technical Specifications

1. Technical specifications laying down the characteristics of the products to be purchased such as quality, performance, safety and dimensions, testing and test methods, symbols, terminology, packaging, marking and labelling, and conformity certification requirements prescribed by procurement entities, shall not be prepared, adopted or applied with a view to creating obstacles to international trade nor have the effect of creating unnecessary obstacles to international trade.
2. Any technical specification prescribed by procurement entities shall, where appropriate:
 - (a) be in terms of performance rather than design; and
 - (b) be based on international standards, national technical regulations, or recognized national standards.
3. There shall be no requirement or reference to a particular trade mark or name, patent, design or type, specific origin or producer unless there is no sufficiently precise or intelligible way of describing the procurement requirements and provided that words such as "or equivalent" are included in the tenders.

Article V

Tendering Procedures

1. The Parties shall ensure that the tendering procedures of their entities are consistent with the provisions below. Open tendering procedures, for the purposes of this Agreement, are those procedures under which all interested suppliers may submit a tender. Selective tendering procedures, for the purposes of this Agreement, are those procedures under which, consistent with paragraph 7 and other relevant provisions of this Article, those suppliers invited to do so by the entity may submit a tender. Single tendering procedures, for the purposes of this Agreement, are those procedures where the entity contacts suppliers individually, only under the conditions specified in paragraph 15 below.

Qualification of suppliers

2. Entities, in the process of qualifying suppliers, shall not discriminate among foreign suppliers or between domestic and foreign suppliers. Qualification procedures shall be consistent with the following:
 - (a) any conditions for participation in tendering procedures shall be published in adequate time to enable interested suppliers to initiate and, to the extent that it is compatible with efficient operation of the procurement process, complete the qualification procedures;
 - (b) any conditions for participation required from suppliers, including financial guarantees, technical qualifications and information necessary for establishing the financial, commercial and technical

capacity of suppliers, as well as the verification of qualifications, shall be no less favourable to foreign suppliers than to domestic suppliers and shall not discriminate among foreign suppliers;

- (c) the process of, and the time required for, qualifying suppliers shall not be used in order to keep foreign suppliers off a suppliers' list or from being considered for a particular proposed purchase. Entities shall recognize as qualified suppliers such domestic or foreign suppliers who meet the conditions for participation in a particular proposed purchase. Suppliers requesting to participate in a particular proposed purchase who may not yet be qualified shall also be considered, provided there is sufficient time to complete the qualification procedure;
- (d) entities maintaining permanent lists of qualified suppliers shall ensure that all qualified suppliers so requesting are included in the lists within a reasonably short time;
- (e) any supplier having requested to become a qualified supplier shall be advised by the entities concerned of the decision in this regard. Qualified suppliers included on permanent lists by entities shall also be notified of the termination of any such lists or of their removal from them;
- (f) nothing in sub-paragraphs (a) to (e) above shall preclude the exclusion of any supplier on grounds such as bankruptcy or false declarations, provided that such an action is consistent with the national treatment and non-discrimination provisions of this Agreement.

Notice of proposed purchase and tender documentation

3. Entities shall publish a notice of each proposed purchase in the appropriate publication listed in Annex II. Such notice shall constitute an invitation to participate in either open or selective tendering procedures.
4. Each notice of proposed purchase shall contain the following information:
 - (a) the nature and quantity of the products to be supplied, or envisaged to be purchased in the case of contracts of a recurring nature;
 - (b) whether the procedure is open or selective;
 - (c) any delivery date;
 - (d) the address and final date for submitting an application to be invited to tender or for qualifying for the suppliers' lists, or for receiving tenders, as well as the language or languages in which they must be submitted;
 - (e) the address of the entity awarding the contract and providing any information necessary for obtaining specifications and other documents;
 - (f) any economic and technical requirements, financial guarantees and information required from suppliers;

- (g) the amount and terms of payment of any sum payable for the tender documentation.

The entity shall publish in one of the official languages of the GATT a summary of the notice of proposed purchase containing at least the following:

- (i) subject matter of the contract;
- (ii) time-limits set for the submission of tenders or an application to be invited to tender; and
- (iii) addresses from which documents relating to the contracts may be requested.

5. To ensure optimum effective international competition under selective tendering procedures, entities shall, for each proposed purchase, invite tenders from the maximum number of domestic and foreign suppliers, consistent with the efficient operation of the procurement system. They shall select the suppliers to participate in the procedure in a fair and non-discriminatory manner.

6. (a) In the case of selective tendering procedures, entities maintaining permanent lists of qualified suppliers shall publish annually in one of the publications listed in Annex III, a notice of the following:

- (i) the enumeration of the lists maintained, including their headings, in relation to the products or categories of products to be purchased through the lists;
 - (ii) the conditions to be filled by potential suppliers in view of their inscription on those lists and the methods according to which each of those conditions be verified by the entity concerned;
 - (iii) the period of validity of the lists, and the formalities for their renewal.
- (b) Entities maintaining permanent lists of qualified suppliers may select suppliers to be invited to tender from among those listed. Any selection shall allow for equitable opportunities for suppliers on the lists.
- (c) If, after publication of the notice under paragraph 3 above, a supplier not yet qualified requests to participate in a particular tender, the entity shall promptly start the procedure of qualification.

7. Suppliers requesting to participate in a particular proposed purchase shall be permitted to submit a tender and be considered provided, in the case of those not yet qualified, there is sufficient time to complete the qualification procedure under paragraphs 2-6 of this Article. The number of additional suppliers permitted to participate shall be limited only by the efficient operation of the procurement system.

8. If after publication of a notice of a proposed purchase but before the time set for opening or receipt of tenders as specified in the notices or the tender documentation, it becomes necessary to amend or re-issue the notice, the amendment or the re-issued notice shall be given the same circulation as the

original documents upon which the amendment is based. Any significant information given to one supplier with respect to a particular proposed purchase shall be given simultaneously to all other suppliers concerned in adequate time to permit the suppliers to consider such information and to respond to it.

9. (a) Any prescribed time-limit shall be adequate to allow foreign as well as domestic suppliers to prepare and submit tenders before the closing of the tendering procedures. In determining any such time-limit, entities shall, consistent with their own reasonable needs, take into account such factors as the complexity of the proposed purchase, the extent of sub-contracting anticipated, and the normal time for transmitting tenders by mail from foreign as well as domestic points.
- (b) Consistent with the entity's own reasonable needs, any delivery date shall take into account the normal time required for the transport of goods from the different points of supply.
10. (a) In open procedures, the period for the receipt of tenders shall in no case be less than thirty days from the date of publication referred to in paragraph 3 of this Article.
- (b) In selective procedures not involving the use of a permanent list of qualified suppliers, the period for submitting an application to be invited to tender shall in no case be less than thirty days from the date of publication referred to in paragraph 3; the period for receipt of tenders shall in no case be less than thirty days from the date of issuance of the invitation to tender.
- (c) In selective procedures involving the use of a permanent list of qualified suppliers, the period for receipt of tenders shall in no case be less than thirty days from the date of the initial issuance of invitations to tender. If the date of initial issuance of invitations to tender does not coincide with the date of the publication referred to in paragraph 3, there shall in no case be less than thirty days between those two dates.
- (d) The periods referred to in (a), (b) and (c) above may be reduced either where a state of urgency duly substantiated by the entity renders impracticable the periods in question or in the case of the second or subsequent publications dealing with contracts of a recurring nature within the meaning of paragraph 4 of this Article.
11. If, in tendering procedures, an entity allows tenders to be submitted in several languages, one of those languages shall be one of the official languages of the GATT.
12. Tender documentation provided to suppliers shall contain all information necessary to permit them to submit responsive tenders, including the following:
- (a) the address of the entity to which tenders should be sent;
- (b) the address where requests for supplementary information should be sent;
- (c) the language or languages in which tenders and tendering documents must be submitted;

- (d) the closing date and time for receipt of tenders and the length of time during which any tender should be open for acceptance;
 - (e) the persons authorized to be present at the opening of tenders and the date, time and place of this opening;
 - (f) any economic and technical requirement, financial guarantees and information or documents required from suppliers;
 - (g) a complete description of the products required or of any requirements including technical specifications, conformity certification to be fulfilled by the products, necessary plans, drawings and instructional materials;
 - (h) the criteria for awarding the contract, including any factors other than price that are to be considered in the evaluation of tenders and the cost elements to be included in evaluating tender prices, such as transport, insurance and inspection costs, and in the case of foreign products, customs duties and other import charges, taxes and currency of payment;
 - (i) the terms of payment;
 - (j) any other terms or conditions.
13. (a) In open procedures, entities shall forward the tender documentation at the request of any supplier participating in the procedure, and shall reply promptly to any reasonable request for explanations relating thereto.
- (b) In selective procedures, entities shall forward the tender documentation at the request of any supplier requesting to participate and shall reply promptly to any reasonable request for explanations relating thereto.
- (c) Entities shall reply promptly to any reasonable request for relevant information submitted by a supplier participating in the tendering procedure, on condition that such information does not give that supplier an advantage over its competitors in the procedure for the award of the contract.

Submission, receipt and opening of tenders and awarding of contracts

14. The submission, receipt and opening of tenders and awarding of contracts shall be consistent with the following:

- (a) tenders shall normally be submitted in writing directly or by mail. If tenders by telex, telegram or telecopy are permitted, the tender made thereby must include all the information necessary for the evaluation of the tender, in particular the definitive price proposed by the tenderer and a statement that the tenderer agrees to all the terms, conditions and provisions of the invitation to tender. The tender must be confirmed promptly by letter or by the despatch of a signed copy of the telex, telegram or telecopy. Tenders presented by telephone shall not be permitted. The content of the telex, telegram or telecopy shall prevail where there is a

difference [or]¹ conflict between that content and any documentation received after the time-limit; requests to participate in selective tendering procedures may be submitted by telex, telegram or telecopy;

- (b) the opportunities that may be given to tenderers to correct unintentional errors between the opening of tenders and the awarding of the contract shall not be permitted to give rise to any discriminatory practice;
- (c) a supplier shall not be penalized if a tender is received in the office designated in the tender documentation after the time specified because of delay due solely to mishandling on the part of the entity. Tenders may also be considered in other exceptional circumstances if the procedures of the entity concerned so provide;
- (d) all tenders solicited under open and selective procedures by entities shall be received and opened under procedures and conditions guaranteeing the regularity of the openings as well as the availability of information from the openings. The receipt and opening of tenders shall also be consistent with the national treatment and non-discrimination provisions of this Agreement. To this effect, and in connexion with open procedures, entities shall establish provisions for the opening of tenders in the presence of either tenderers or their representatives, or an appropriate and impartial witness not connected with the procurement process. A report on the opening of tenders shall be drawn up in writing. This report shall remain with the entities concerned at the disposal of the government authorities responsible for the entity in order that it may be used if required under the procedures of Articles VI and VII of this Agreement;
- (e) to be considered for award, a tender must, at the time of opening, conform to the essential requirements of the notices or tender documentation and be from suppliers which comply with the conditions for participation. If an entity has received a tender abnormally lower than other tenders submitted, it may enquire with the tenderer to ensure that it can comply with the conditions of participation and be capable of fulfilling the terms of the contract;
- (f) unless in the public interest an entity [decides]¹ not to issue the contract, the entity shall make the award to the tenderer who has been determined to be fully capable of undertaking the contract and whose tender, whether for domestic or foreign products, is either the lowest tender or the tender which in terms of the specific evaluation criteria set forth in the notices or tender documentation is determined to be the most advantageous;

¹ The above-mentioned correction was made to the authentic English text of the Agreement by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, in a procès-verbal of rectification dated 17 December 1969 — Par un procès-verbal de rectification en date du 17 décembre 1979, le Directeur-général des Parties contractantes à l'Accord général sur les tarifs douaniers et le commerce a fait apporter la correction susmentionnée au texte anglais authentique de l'Accord.

- (g) if it appears from evaluation that no one tender is obviously the most advantageous in terms of the specific evaluation criteria set forth in the notices or tender documentation, the entity shall, in any subsequent negotiations, give equal consideration and treatment to all tenders within the competitive range;
- (h) entities should normally refrain from awarding contracts on the condition that the supplier provide offset procurement opportunities or similar conditions. In the limited number of cases where such requisites are part of a contract, Parties concerned shall limit the offset to a reasonable proportion within the contract value and shall not favour suppliers from one Party over suppliers from any other Party. Licensing of technology should not normally be used as a condition of award but instances where it is required should be as infrequent as possible and suppliers from one Party shall not be favoured over suppliers from any other Party.

Use of single tendering

15. The provisions of paragraphs 1-14 above governing open and selective tendering procedures need not apply in the following conditions, provided that single tendering is not used with a view to avoiding maximum possible competition or in a manner which would constitute a means of discrimination among foreign suppliers or protection to domestic producers:

- (a) in the absence of tenders in response to an open or selective tender, or when the tenders submitted have been either collusive or do not conform to the essential requirements in the tender, or from suppliers who do not comply with the conditions for participation provided for in accordance with this Agreement, on condition, however, that the requirements of the initial tender are not substantially modified in the contract as awarded;
- (b) when, for works of art or for reasons connected with protection of exclusive rights, such as patents or copyrights, the products can be supplied only by a particular supplier and no reasonable alternative or substitute exists;
- (c) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the entity, the products could not be obtained in time by means of open or selective tendering procedures;
- (d) for additional deliveries by the original supplier which are intended either as parts replacement for existing supplies or installations, or as the extension of existing supplies or installations where a change of supplier would compel the entity to purchase equipment not meeting requirements of interchangeability with already existing equipment;

- (e) when an entity purchases prototypes or a first product which are developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. When such contracts have been fulfilled, subsequent purchases of products shall be subject to paragraphs 1-14 of this Article.*

16. Entities shall prepare a report in writing on each contract awarded under the provisions of paragraph 15 of this Article. Each report shall contain the name of the purchasing entity, value and kind of goods purchased, country of origin, and a statement of the conditions in paragraph 15 of this Article which prevailed. This report shall remain with the entities concerned at the disposal of the government authorities responsible for the entity in order that it may be used if required under the procedures of Articles VI and VII of this Agreement.

Article VI

Information and Review

1. Any law, regulation, judicial decision, administrative ruling of general application, and any procedure (including standard contract clauses) regarding government procurement covered by this Agreement, shall be published promptly by the Parties in the appropriate publications listed in Annex IV and in such a manner as to enable other Parties and suppliers to become acquainted with them. The Parties shall be prepared, upon request, to explain to any other Party their government procurement procedures. Entities shall be prepared, upon request, to explain to any supplier from a country which is a Party to this Agreement their procurement practices and procedures.
2. Entities shall, upon request by any supplier, promptly provide pertinent information concerning the reasons why that supplier's application to qualify for the suppliers' list was rejected, or why that supplier was not invited or admitted to tender.
3. Entities shall promptly, and in no case later than seven working days from the date of the award of a contract, inform the unsuccessful tenderers by written communication or publication that a contract has been awarded.
4. Upon request by an unsuccessful tenderer, the purchasing entity shall promptly provide that tenderer with pertinent information concerning the reasons why the tender was not selected, including information on the characteristics and the relative advantages of the tender selected, as well as the name of the winning tenderer.
5. Entities shall establish a contact point to provide additional information to any unsuccessful tenderer dissatisfied with the explanation for rejection of his tender or who may have further questions about the award of the contract. There shall also be procedures for the hearing and reviewing of complaints arising in connexion with any phase of the procurement process, so as to ensure

* Original development of a first product may include limited production in order to incorporate the results of field testing and to demonstrate that the product is suitable for production in quantity to acceptable quality standards. It does not extend to quantity production to establish commercial viability or to recover research and development costs.

that, to the greatest extent possible, disputes under this Agreement will be equitably and expeditiously resolved between the suppliers and the entities concerned.

6. The government of the unsuccessful tenderer, which is a Party to this Agreement, may seek, without prejudice to the provisions under Article VII, such additional information on the contract award as may be necessary to ensure that the purchase was made fairly and impartially. To this end, the purchasing government shall provide information on both the characteristics and relative advantages of the winning tender and the contract price. Normally this latter information may be disclosed by the government of the unsuccessful tenderer provided it exercises this right with discretion. In cases where release of this information would prejudice competition in future tenders this information shall not be disclosed except after consultation with and agreement of the Party which gave the information to the government of the unsuccessful tenderer.

7. Available information concerning individual contract awards shall be provided, upon a request, to any other Party.

8. Confidential information provided to any Party which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interest of particular enterprises, public or private, or might prejudice fair competition between suppliers, shall not be revealed without formal authorization from the party providing the information.

9. The Parties shall collect and provide to the Committee on an annual basis statistics on their purchases. Such reports shall contain the following information with respect to contracts awarded by all procurement entities covered under this Agreement:

- (a) global statistics on estimated value of contracts awarded, both above and below the threshold value;
- (b) statistics on number and total value of contracts awarded above the threshold value, broken down by entities, categories of products and either nationality of the winning tenderer or country of origin of the product, according to a recognized trade or other appropriate classification system;
- (c) statistics on the total number and value of contracts awarded under each of the cases of Article V, paragraph 15.

Article VII

Enforcement of Obligations

Institutions

1. There shall be established under this Agreement a Committee on Government Procurement (referred to in this Agreement as "the Committee") composed of representatives from each of the Parties. This Committee shall elect its own Chairman and shall meet as necessary but not less than once a year for the purpose of affording Parties the opportunity to consult on any matters relating to the operation of this Agreement or the furtherance of its objectives, and to carry out such other responsibilities as may be assigned to it by the Parties.

2. The Committee may establish ad hoc panels in the manner and for the purposes set out in paragraph 8 of this Article and working parties or other subsidiary bodies which shall carry out such functions as may be given to them by the Committee.

Consultations

3. Each Party shall afford sympathetic consideration to, and shall afford adequate opportunity for consultations regarding, representations made by another Party with respect to any matter affecting the operation of this Agreement.

4. If any Party considers that any benefit accruing to it, directly or indirectly, under this Agreement is being nullified or impaired, or that the achievement of any objective of this Agreement is being impeded, by another Party or Parties, it may, with a view to reaching a mutually satisfactory resolution of the matter, request in writing consultations with the Party or Parties in question. Each Party shall afford sympathetic consideration to any request from another Party for consultations. The Parties concerned shall initiate requested consultations promptly.

5. The Parties engaged in consultations on a particular matter affecting the operation of this Agreement shall provide information concerning the matter subject to the provisions of Article VI, paragraph 8, and attempt to conclude such consultations within a reasonably short period of time.

Dispute settlement

6. If no mutually satisfactory solution has been reached as a result of consultations under paragraph 4 between the Parties concerned, the Committee shall meet at the request of any party to the dispute within thirty days of receipt of such a request to investigate the matter, with a view to facilitating a mutually satisfactory solution.

7. If no mutually satisfactory solution has been reached after detailed examination by the Committee under paragraph 6 within three months, the Committee shall, at the request of any party to the dispute establish a panel to:

- (a) examine the matter;
- (b) consult regularly with the parties to the dispute and give full opportunity for them to develop a mutually satisfactory solution;
- (c) make a statement concerning the facts of the matter as they relate to application of this Agreement and make such findings as will assist the Committee in making recommendations or giving rulings on the matter.

8. In order to facilitate the constitution of panels, the Chairman of the Committee shall maintain an informal indicative list of governmental officials experienced in the field of trade relations. This list may also include persons other than governmental officials. In this connexion, each Party shall be invited to indicate at the beginning of every year to the Chairman of the Committee the name(s) of the one or two persons whom the Parties would be willing to make available for such work. When a panel is established under paragraph 7, the Chairman, within seven days, shall propose to the parties to the dispute the composition of the panel consisting of three or five members and preferably

government officials. The parties directly concerned shall react within seven working days to nominations of panel members by the Chairman and shall not oppose nominations except for compelling reasons.

Citizens of countries whose governments are parties to a dispute shall not be eligible for membership of the panel concerned with that dispute. Panel members shall serve in their individual capacities and not as governmental representatives nor as representatives of any organization. Governments or organizations shall therefore not give them instructions with regard to matters before a panel.

9. Each panel shall develop its own procedures. All Parties, having a substantial interest in the matter and having notified this to the Committee, shall have an opportunity to be heard. Each panel may consult with and seek information from any source it deems appropriate. Before a panel seeks such information from a source within the jurisdiction of a Party it shall inform the government of that Party. Any Party shall respond promptly and fully to any request by a panel for such information as the panel considers necessary and appropriate. Confidential information provided to the panel shall not be revealed without formal authorization from the government or person providing the information. Where such information is requested from the panel but release of such information by the panel is not authorized, a non-confidential summary of the information, authorized by the government or person providing the information, will be provided.

Where a mutually satisfactory solution to a dispute cannot be found or where the dispute relates to an interpretation of this Agreement, the panel should first submit the descriptive part of its report to the Parties concerned, and should subsequently submit to the parties to the dispute its conclusions, or an outline thereof, a reasonable period of time before they are circulated to the Committee. Where an interpretation of this Agreement is not involved and where a bilateral settlement of the matter has been found, the report of the panel may be confined to a brief description of the case and to reporting that a solution had been reached.

10. The time required by panels will vary with the particular case. Panels should aim to deliver their findings, and where appropriate, recommendations, to the Committee without undue delay, taking into account the obligation of the Committee to ensure prompt settlement in cases of urgency, normally within a period of four months from the date the panel was established.

Enforcement

11. After the examination is complete or after the report of a panel, working party or other subsidiary body is presented to the Committee, the Committee shall give the matter prompt consideration. With respect to these reports, the Committee shall take appropriate action normally within thirty days of receipt of the report unless extended by the Committee, including:

- (a) a statement concerning the facts of the matter;
- (b) recommendations to one or more Parties; and/or
- (c) any other ruling which it deems appropriate.

Any recommendations by the Committee shall aim at the positive resolution of the matter on the basis of the operative provisions of this Agreement and its objectives set out in the Preamble.

12. If a Party to which recommendations are addressed considers itself unable to implement them, it should promptly furnish reasons in writing to the Committee. In that event, the Committee shall consider what further action may be appropriate.

13. The Committee shall keep under surveillance any matter on which it has made recommendations or given rulings.

Balance of rights and obligations

14. If the Committee's recommendations are not accepted by a party, or parties, to the dispute, and if the Committee considers that the circumstances are serious enough to justify such action, it may authorize a Party or Parties to suspend in whole or in part, and for such time as may be necessary, the application of this Agreement to any other Party or Parties, as is determined to be appropriate in the circumstances.

Article VIII

Exceptions to the Agreement

1. Nothing in this Agreement shall be construed to prevent any Party from taking any action or not disclosing any information which it considers necessary for the protection of its essential security interests relating to the procurement of arms, ammunition or war materials, or to procurement indispensable for national security or for national defence purposes.

2. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent any Party from imposing or enforcing measures necessary to protect public morals, order or safety, human, animal or plant life or health, intellectual property, or relating to the products of handicapped persons, of philanthropic institutions or of prison labour.

Article IX

Final Provisions

1. Acceptance and accession

- (a) This Agreement shall be open for acceptance by signature or otherwise, by governments contracting parties to the GATT and by the European Economic Community whose agreed lists of entities are contained in Annex I.
- (b) Any government contracting party to the GATT not a Party to this Agreement may accede to it on terms to be agreed between that government and the Parties. Accession shall take place by the deposit with the Director-General to the CONTRACTING PARTIES to the GATT of an instrument of accession which states the terms so agreed.

- (c) This Agreement shall be open for acceptance by signature or otherwise by governments having provisionally acceded to the GATT, on terms related to the effective application of rights and obligations under this Agreement, which take into account rights and obligations in the instruments providing for their provisional accession, and whose agreed lists of entities are contained in Annex I.
- (d) This Agreement shall be open to accession by any other government on terms, related to the effective application of rights and obligations under this Agreement, to be agreed between that government and the Parties, by the deposit with the Director-General to the CONTRACTING PARTIES to the GATT of an instrument of accession which states the terms so agreed.
- (e) In regard to acceptance, the provisions of Article XXVI:5(a) and (b) of the General Agreement would be applicable.

2. Reservations

Reservations may not be entered in respect of any of the provisions of this Agreement.

3. Entry into force

This Agreement shall enter into force on 1 January 1981 for the governments* which have accepted or acceded to it by that date. For each other government, it shall enter into force on the thirtieth day following the date of its acceptance or accession to this Agreement.

4. National legislation

- (a) Each government accepting or acceding to this Agreement shall ensure, not later than the date of entry into force of this Agreement for it, the conformity of its laws, regulations and administrative procedures, and the rules, procedures and practices applied by the entities contained in its list annexed hereto, with the provisions of this Agreement.
- (b) Each Party shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulations.

5. Rectifications or modifications

- (a) Rectifications of a purely formal nature and minor amendments relating to Annexes I-IV to this Agreement shall be notified to the Committee and shall become effective provided there is no objection within thirty days to such rectifications or amendments.
- (b) Any modifications to lists of entities other than those referred to in sub-paragraph (a) may be made only in exceptional circumstances. In such cases, a Party proposing to modify its list of entities shall notify the Chairman of the Committee who shall promptly convene a meeting of the Committee. The Parties shall consider the proposed modification and consequent compensatory adjustments, with a

* For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Economic Community.

view to maintaining a comparable level of mutually agreed coverage provided in this Agreement prior to such modification. In the event of agreement not being reached on any modification taken or proposed, the matter may be pursued in accordance with the provisions contained in Article VII of this Agreement, taking into account the need to maintain the balance of rights and obligations at the highest possible level.

6. Reviews and negotiations

- (a) The Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof. The Committee shall annually inform the CONTRACTING PARTIES to the GATT of developments during the periods covered by such reviews.
- (b) Not later than the end of the third year from the entry into force of this Agreement and periodically thereafter, the Parties thereto shall undertake further negotiations, with a view to broadening and improving this Agreement on the basis of mutual reciprocity, having regard to the provisions of Article III relating to developing countries. In this connexion, the Committee shall, at an early stage, explore the possibilities of expanding the coverage of this Agreement to include service contracts.

7. Amendments

The Parties may amend this Agreement having regard, inter alia, to the experience gained in its implementation. Such an amendment, once the Parties have concurred in accordance with the procedures established by the Committee, shall not come into force for any Party until it has been accepted by such Party.

8. Withdrawal

Any Party may withdraw from this Agreement. The withdrawal shall take effect upon the expiration of sixty days from the day on which written notice of withdrawal is received by the Director-General to the CONTRACTING PARTIES to the GATT. Any Party may upon such notification request an immediate meeting of the Committee.

9. Non-application of this Agreement between particular Parties

This Agreement shall not apply as between any two Parties if either of the Parties, at the time either accepts or accedes to this Agreement, does not consent to such application.

10. Notes and Annexes

The notes and annexes to this Agreement constitute an integral part thereof.

11. Secretariat

This Agreement shall be serviced by the GATT secretariat.

12. Deposit

This Agreement shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT, who shall promptly furnish to each Party and each contracting party to the GATT a certified copy thereof, of each

rectification or modification thereto pursuant to paragraph 5 and of each amendment thereto pursuant to paragraph 7, and a notification of each acceptance thereof or accession thereto pursuant to paragraph 1 and of each withdrawal therefrom pursuant to paragraph 8, of this Article.

13. Registration

This Agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twelfth day of April nineteen hundred and seventy-nine in a single copy, in the English, French and Spanish languages, each text being authentic, except as otherwise specified with respect to the lists of entities annexed hereto.

NOTES

Article I, paragraph 1

Having regard to general policy considerations relating to tied aid, including the objective of developing countries with respect to the untying of such aid, this Agreement does not apply to procurement made in furtherance of tied aid to developing countries so long as it is practised by Parties.

Article V, paragraph 14(h)

Having regard to the general policy considerations of developing countries in relation to government procurement, it is noted that under the provisions of paragraph 14(h) of Article V, developing countries may require incorporation of domestic content, offset procurement, or transfer of technology as criteria for award of contracts. It is noted that suppliers from one Party shall not be favoured over suppliers from any other Party.

A N N E X E S

A N N E X E S

A N E X O S

ANNEX I

Lists of entities referred to in article I, paragraph 1 (c)

ANNEXE I

Listes des entités visées à l'article premier, paragraphe 1, c

ANEXO I

Listas de entidades a que se hace referencia en el apartado c), párrafo 1 del artículo I

AUSTRIA¹

This list is authentic in the English language

PART I

- 1) Federal Chancellery
- 2) Federal Ministry of Foreign Affairs
- 3) Federal Ministry of Construction and Technology
Procurement Office
- 4) Federal Ministry of Finance
 - a) Procurement Office
 - b) Division VII/1 (ADP procurement of the Ministry and of the Federal Office of Account)
 - c) Division III/1 (purchases of technical appliances, equipments and goods for the customs guard)
- 5) Federal Ministry of Health and Environmental Protection
Procurement Office
- 6) Federal Ministry of Commerce, Trade and Industry
- 7) Federal Ministry of the Interior
 - a) Procurement Office
 - b) Division I/1 (purchases of electronical data processing machines (hardware))
 - c) Division II/3 (purchases of technical appliances and equipments for the Federal Police)
 - d) Division I/6 (purchases of goods (other than those purchased by Division II/3) for the Federal Police)
 - e) Division III/4 (purchases of aircraft)
- 8) Federal Ministry of Justice
Procurement Office
- 9) Federal Ministry of Defence*
- 10) Federal Ministry of Agriculture and Forestry
- 11) Federal Ministry of Social Affairs
Procurement Office
- 12) Federal Ministry of Education and Fine Arts
- 13) Federal Ministry of Transport
- 14) Federal Ministry of Science and Research
- 15) Austrian Central Statistical Office
- 16) Austrian State Printing Office
- 17) Federal Office for Weights, Measure and Surveys
- 18) Federal Institute for Testing and Research
- 19) Federal Workshops for Artificial Limbs
- 20) Federal Office for Civil Aviation

* Non-warlike materials contained in part II of this List.

¹ On 30 December 1980, Austria deposited a declaration indicating that the list of entities contained in annex I to the Agreement was replaced by the agreed list which is published herein.

- 21) Office for Navigation
- 22) Federal Institute for Testing of Motor Vehicles
- 23) Headquarter of the Postal and Telegraph Administration*

NOTE: When a specific procurement decision may impair important national policy objectives the Austrian Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Austrian cabinet level.

* Postal business only.

AUSTRIA

PART II

*List of supplies and equipment purchased by the Ministry
of Defence that are covered by the Agreement*

- Chapter 25. Salt; sulphur; earths and stone; plastering materials, lime and cement
- Chapter 26. Metallic ores, slag and ash
- Chapter 27. Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes
except:
Heating and engine fuels
- Chapter 28. Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes
except:
Ex 28.09. Explosives
Ex 28.13. Explosives
Ex 28.14. Tear gas
Ex 28.28. Explosives
Ex 28.32. Explosives
Ex 28.39. Explosives
Ex 28.50. Toxic products
Ex 28.51. Toxic products
Ex 28.54. Explosives
- Chapter 29. Organic chemicals
except:
Ex 29.03. Explosives
Ex 29.04. Explosives
Ex 29.07. Explosives
Ex 29.08. Explosives
Ex 29.11. Explosives
Ex 29.12. Explosives
Ex 29.13. Toxic products
Ex 29.14. Toxic products
Ex 29.15. Toxic products
Ex 29.21. Toxic products
Ex 29.22. Toxic products
Ex 29.23. Toxic products
Ex 29.26. Explosives
Ex 29.27. Toxic products
Ex 29.29. Explosives
- Chapter 30. Pharmaceutical products
- Chapter 31. Fertilizers
- Chapter 32. Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks
- Chapter 33. Essential oils and resinoids; perfumery; cosmetics and toilet preparations
- Chapter 34. Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35. Albuminoidal substances; glues; enzymes

- Chapter 36. Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations
except:
Ex 36.01. Propellant powders
Ex 36.02. Prepared explosives
Ex 36.04. Detonators
Ex 36.08. Explosives
- Chapter 37. Photographic and cinematographic goods
- Chapter 38. Miscellaneous chemical products
except:
Ex 38.19. Toxic products
- Chapter 39. Artificial resins and plastic materials, cellulose esters and ethers; articles thereof
except:
Ex 39.03. Explosives
- Chapter 40. Rubber, synthetic rubber, factice, and articles thereof
except:
Ex 40.11. Tyres for cars
- Chapter 43. Furskins and artificial fur; manufactures thereof
- Chapter 45. Cork and articles of cork
- Chapter 46. Manufactures of straw, of esparto and other plaiting materials; basketware and wickerwork
- Chapter 47. Paper-making material
- Chapter 65. Headgear and parts thereof
except:
Ex 65.05. Military headgear
- Chapter 66. Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67. Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair; fans
- Chapter 68. Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69. Ceramic products
- Chapter 70. Glass and glassware
- Chapter 71. Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 72. Coins
- Chapter 73. Iron and steel and articles thereof
- Chapter 74. Copper and articles thereof
- Chapter 75. Nickel and articles thereof
- Chapter 76. Aluminium and articles thereof
- Chapter 77. Magnesium and beryllium and articles thereof
- Chapter 78. Lead and articles thereof
- Chapter 79. Zinc and articles thereof
- Chapter 80. Tin and articles thereof
- Chapter 81. Other base metals employed in metallurgy and articles thereof

- Chapter 82. Tools, implements, cutlery, spoons and forks, of base metal; parts thereof
except:
Ex 82.08. Hand tools*
Ex 82.07. Parts of hand tools*
- Chapter 83. Miscellaneous articles of base metal
- Chapter 84. Boilers, machinery and mechanical appliances; parts thereof
except:
84.06. Engines*
84.08. Other engines*
84.45. Machinery*
- Chapter 85. Electrical machinery and equipment; parts thereof
except:
85.03. Electric cells and batteries
85.13. Telecommunication equipment
85.15. Transmission apparatus
- Chapter 86. Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks, fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)
except:
Ex 86.02. Armoured locomotives
Ex 86.03. Other armoured locomotives
Ex 86.05. Armoured wagons
86.06. Repair wagons
86.07. Wagons
- Chapter 87. Vehicles, other than railway or tramway rolling-stock, and parts thereof
except:
87.01. Tractors
Ex 87.02. Military vehicles and heavy lorries
Ex 87.03. Military vehicles and heavy lorries
87.08. Tanks and other armoured vehicles
87.09. Motorcycles
Ex 87.14. Trailers, breakdown lorries
- Chapter 88. Aircraft and parts thereof
- Chapter 89. Ships, boats and floating structures
except:
Ex 89.01. Warships
Ex 89.03. Floating structures
- Chapter 90. Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof
except:
90.05. Binoculars
90.13. Optical instruments, lasers
Ex 90.14. Telemeters
90.28. Electrical and electronic measuring instruments
- Chapter 91. Clocks and watches and parts thereof
- Chapter 92. Musical instruments; sound recorders and reproducers; television image and sound recorders and producers, magnetic; parts and accessories of such articles

* Other than usual commercial products, destined for special purposes (such as servicing of military aircraft and weapons, etc.).

-
- Chapter 94. Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings
- Chapter 95. Articles and manufactures of carving or moulding material
- Chapter 96. Brooms, brushes, feather dusters, powder-puffs and sieves
- Chapter 97. Toys, games and sport requisites; parts thereof
- Chapter 98. Miscellaneous manufactured articles

CANADA

This List is authentic in the English and French languages

1. Department of Agriculture
2. Department of Consumer and Corporate Affairs
3. Department of Energy, Mines and Resources
including: Atomic Energy Control Board
Energy Supplies Allocation Board
National Energy Board
4. Department of Employment and Immigration
including: Immigration Appeal Board
Canada Employment and Immigration Commission
5. Department of External Affairs
6. Department of Finance
including: Department of Insurance
Anti-Inflation Board
Anti-Dumping Tribunal
Municipal Development and Loan Board
Tariff Board
7. Department of Fisheries and Environment
(except Fisheries and Marine Service)
including: Fisheries Price Support Board
8. Department of Indian Affairs and Northern Development
9. Department of Industry, Trade and Commerce
including: Statistics Canada
Machinery and Equipment Advisory Board
10. Department of Justice
including: Canadian Human Rights Commission
Criminal Code Revision Commission
Statute Revision Commission
Supreme Court of Canada
11. Department of Labour
including: Canada Labour Relations Board
12. Department of National Defence*
including: Defence Construction (1951) Limited
13. Department of National Health and Welfare
including: Medical Research Council
Office of the Coordinator, Status of Women
14. Department of National Revenue
15. Department of Post Office *
16. Department of Public Works

* The Department of the Post Office is on this list of entities on the understanding that, should it cease to be a government department, the provisions of article IX, paragraph 5(b), would not apply.

17. Department of Regional Economic Expansion
18. Department of Secretary of State of Canada
including: National Library
National Museums of Canada
Public Archives
Public Service Commission
Office of the Representation Commissioner
19. Department of Solicitor General
including: Royal Canadian Mounted Police**
Canadian Penitentiary Service
National Parole Board
20. Department of Supply and Services (on its own account)
including: Canadian Government Specifications Board
21. Department of Veterans Affairs
including: Director of Veterans Land Act
Director of Soldier Settlement
22. Auditor General of Canada
23. National Research Council
24. Privy Council Office
including: Canada Intergovernmental Conference Secretariat
Commissioner of Official Languages
Economic Council
Public Service Staff Relations Board
Federal Provincial Relations Office
Office of the Governor General's Secretary
Task Force on Canadian Unity
25. National Capital Commission
26. Ministry of State for Science and Technology
including: Science Council
27. National Battlefields Commission
28. Office of the Chief Electoral Officer
29. Treasury Board
30. Canadian International Development Agency (on its own account)
31. Natural Sciences and Engineering Research Council
32. Social Sciences and Humanities Research Council

** The following products purchased by the Department of National Defence and the RCMP are included in the coverage of this Agreement, subject to the application of paragraph 1 of Article VIII.

(Numbers refer to the Federal Supply Classification Code)

22. Railway equipment

23. Motor vehicles, trailers and cycles
(except buses in 2310, military trucks and trailers in 2320 and 2330 and tracked combat, assault and tactical vehicles in 2350)
24. Tractors
25. Vehicular equipment components
26. Tires and tubes
29. Engine accessories
30. Mechanical power transmission equipment
32. Woodworking machinery and equipment
34. Metal working machinery
35. Service and trade equipment
36. Special industry machinery
37. Agricultural machinery and equipment
38. Construction, mining, excavating and highway maintenance equipment
39. Materials handling equipment
40. Rope, cable, chain and fittings
41. Refrigeration and air conditioning equipment
42. Fire fighting, rescue and safety equipment
(except 4220 Marine lifesaving and diving equipment
4230 Decontaminating and impregnating equipment)
43. Pumps and compressors
44. Furnace, steam plant, drying equipment and nuclear reactors
45. Plumbing, heating and sanitation equipment
46. Water purification and sewage treatment equipment
47. Pipe, tubing, hose and fittings
48. Valves
49. Maintenance and repair shop equipment
52. Measuring tools
53. Hardware and abrasives
54. Prefabricated structures and scaffolding
55. Lumber, millwork, plywood and veneer
56. Construction and building materials

61. Electric wire and power and distribution equipment
62. Lighting fixtures and lamps
63. Alarm and signal systems
65. Medical, dental and veterinary equipment and supplies
66. Instruments and laboratory equipment
(except 6615: Automatic pilot mechanisms and airborne Gyro components
6665: Hazard-detecting instruments and apparatus)
67. Photographic equipment
68. Chemicals and chemical products
69. Training aids and devices
70. General purpose automatic data processing equipment, software, supplies
and support equipment (except 7010 ADPE configurations)
71. Furniture
72. Household and commercial furnishings and appliances
73. Food preparation and serving equipment
74. Office machines, visible record equipment and automatic data processing
equipment
75. Office supplies and devices
76. Books, maps and other publications
(except 7650: Drawings and specifications)
77. Musical instruments, phonographs and home-type radios
78. Recreational and athletic equipment
79. Cleaning equipment and supplies
80. Brushes, paints, sealers and adhesives
81. Containers, packaging and packing supplies
85. Toiletries
87. Agricultural supplies
88. Live animals
91. Fuels, lubricants, oils and waxes
93. Non-metallic fabricated materials
94. Non-metallic crude materials
96. Ores, minerals and their primary products

99. Miscellaneous

General note

Notwithstanding the above, this Agreement does not apply to contracts set aside for small businesses.

EUROPEAN ECONOMIC COMMUNITYPART INotes:

1. This Agreement does not apply to procurement by entities otherwise falling under this Agreement made on behalf of and under the specific procedure of an international organization.
2. This Agreement shall not apply to procurement by entities falling under this Agreement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNEPARTIE INotes:

1. Le présent accord ne s'applique pas aux marchés passés, pour le compte d'une organisation internationale et selon la procédure particulière de cette organisation, par des entités visées à tous autres égards par les dispositions du présent accord.
2. Le présent accord ne s'appliquera pas aux acquisitions de produits agricoles effectuées, en application de programmes de soutien à l'agriculture ou de programmes d'aide alimentaire, par des entités visées par les dispositions du présent accord.

COMUNIDAD ECONÓMICA EUROPEAPARTE INotas:

1. El presente Acuerdo no se aplica a las compras que entidades comprendidas en él realicen en nombre y siguiendo procedimientos específicos de un organismo internacional.
2. El presente Acuerdo no se aplicará a las compras de productos agropecuarios que entidades comprendidas en él realicen en aplicación de programas de apoyo a la agricultura, o de alimentación humana.

BELGIUM

This List is authentic in the French language

- I. Ministerial departments
1. Administrative services of the Prime Minister
 2. Ministry of Economic Affairs
 3. Ministry of Foreign Affairs, External Trade and Co-operation for Development
 4. Ministry of Agriculture
 5. Ministry of the Middle Classes
 6. Ministry of Communications
 7. Ministry of National Defence*
 8. Ministry of National Education and Culture
 9. Ministry of Employment and Labour
 10. Ministry of Finance
 11. Ministry of the Interior
 12. Ministry of Justice
 13. Ministry of Social Welfare
 14. Ministry of Public Health and the Environment
 15. Ministry of Public Works
 - Road Fund
 - Building Construction Fund
 16. Postal Administration**
- II. List of actual Ministries, purchasing through entities listed under No. I

Prime Minister

Vice-Premier and Minister for the Civil Service

Vice-Premier and Minister for National Defence*

Minister for Justice

Minister for Foreign Affairs

Minister for Economic Affairs

Minister for Social Welfare and Secretary of State for Social Affairs, attached to the Minister for Walloon Affairs

Minister for Communications

Minister for National Education (Dutch-language)

Minister for Agriculture and the Middle Classes

Minister for Dutch Culture and Minister for Flemish Affairs

Minister for National Education (French-language)

* Non-warlike materials contained in part II of this List (see p. 454 of this volume).

** Postal business only.

Minister for Public Health and the Environment

Minister for Finance

Minister for External Trade

Minister for Co-operation for Development

Minister for Postal, Telegraph and Telephone Services and Minister for Brussels Affairs*

Minister for Pensions

Minister for Employment and Labour

Minister for the Interior

Minister for Scientific Policy

Minister for French Culture

Minister for Public Works and Minister for Walloon Affairs

Secretary of State for Regional Economy, attached to the Minister for Walloon Affairs

Secretary of State for the Budget, attached to the Prime Minister, and Secretary of State for Regional Economy, attached to the Minister for Flemish Affairs

Secretary of State for the Reform of Institutions, attached to the Prime Minister

Secretary of State for French Culture, attached to the Minister for French Culture

Secretary of State for Economic Affairs, attached to the Minister for Economic Affairs, and

Secretary of State for Social Affairs, attached to the Minister for Flemish Affairs

Secretary of State for the Reform of Institutions, attached to the Vice-Premier

Secretary of State for Dutch Culture, attached to the Minister for Dutch Culture, and

Secretary of State for Social Affairs, attached to the Minister for Brussels Affairs

III. Other Government agencies

1. Refrigeration Services Administration of the Belgian State
2. State General School Buildings Fund
3. Hospital and Medico-Social Construction Fund
4. National Housing Institute
5. National Land Society
6. National Social Security Agency
7. National Institute of Social Insurance for the Self-Employed
8. National Institute of Sickness and Disability Insurance
9. National Retirement and Survivors' Pension Fund
10. National Bureau of Pensions for Wage-Earners
11. Auxiliary Fund for Sickness and Disability Insurance
12. Occupational Diseases Fund

* Postal business only.

13. National Occupational Credit Fund
14. General Savings and Retirement Fund
15. National Agricultural and Horticultural Markets Agency
16. National Milk and Dairy Products Agency
17. National Employment Agency

DENMARK

This List is authentic in the English language

Danish Government procurement entities

- | | | |
|-----|---|---|
| 1. | Prime Minister's Office | |
| 2. | Ministry of Labour | - 4 directorates and institutions |
| 3. | Ministry of Foreign Affairs | - 2 departments |
| 4. | Ministry of Housing | - 1 directorate |
| 5. | Ministry of Finance (3 departments) | - Directorate for Government Procurement with Government Printing Office - 3 other institutions |
| 6. | Ministry of Taxes and Duties (2 departments) | - 5 directorates and institutions |
| 7. | Ministry of Fisheries | - 4 institutions |
| 8. | Ministry of Commerce | - Research Establishment Risoe - 20 directorates and institutions |
| 9. | Ministry of the Interior | - State Serum Institute - Danish National Civil Defence Directorate - 3 other directorates and institutions |
| 10. | Ministry of Justice | - Office of the Chief of Danish Police - 3 other directorates and institutions |
| 11. | Ministry of Religious Affairs | |
| 12. | Ministry of Agriculture | - 19 directorates and institutions |
| 13. | Ministry of Environment | - 5 directorates |
| 14. | Ministry of Greenland | - Royal Greenland Trade Department* - Greenland Technical Organization - 2 other institutions |
| 15. | Ministry of Cultural Affairs | - 2 directorates and several State-owned museums and higher educational institutions |
| 16. | Ministry of Social Affairs | - 5 directorates |
| 17. | Ministry of Education | - University Hospital of Copenhagen - 6 directorates - 11 universities and other higher educational institutions |

* Products for resale or for use in the production of goods for sale are not included.

-
18. Ministry of Economic Affairs
(3 departments)
19. Ministry of Public Works* - State harbours and State airports
 - 4 directorates and several
 institutions
20. Ministry of Defence**

* With the exception of Danish State Railways. Postal business only.

** Non-warlike materials contained in part II of this List (see p. 454 of this volume).

DENMARK

This List is authentic in the English language

Danish Government Procurement Entities

- | | | |
|-----|---|---|
| 1. | Statsministeriet | |
| 2. | Arbejdsministeriet | - 4 directorates and institutions |
| 3. | Undenrigsministeriet | - 2 departments |
| 4. | Boligministeriet | - 1 directorate |
| 5. | Finansministeriet (3 departments) | - Direktoratet for Statens Indkøb, med Statens Trykningskontor - 3 other institutions |
| 6. | Ministeriet for Skatter og Afgifter (2 departments) | - 5 directorates and institutions |
| 7. | Fiskeriministeriet | - 4 institutions |
| 8. | Handelsministeriet | - Forsøgsanlaeg Risø - 20 directorates and institutions |
| 9. | Indenrigsministeriet | - Statens Seruminstitut - Civilforsvarsstyrelsen - 3 other directorates and institutions |
| 10. | Justitsministeriet | - Rigspolitichefen - 3 other directorates and institutions |
| 11. | Kirkeministeriet | |
| 12. | Landbrugsministeriet | - 19 directorates and institutions |
| 13. | Miljøministeriet | - 5 directorates |
| 14. | Ministeriet for Grønland | - Den kgl. grønlandske Handel* - Grønlands tekniske Organisation - 2 other institutions |
| 15. | Ministeriet for Kulturelle Auliggender | - 2 directorates and several state owned museums and higher educational institutions |
| 16. | Socialministeriet | - 5 directorates |
| 17. | Undervisningsministeriet | - Rigshospitalet. - 6 directorates - 11 universities and other higher educational institutions |
| 18. | Økonomiministeriet (3 departments) | |

* Products for resale or for use in the production of goods for sale are not included.

-
19. Ministeriet for Offentlige*
Arbejder
- State harbours and State airports
 - 4 directorates and several institutions
20. Forsvarsministeriet**

* With the exception of Danske Statsbaner. Postal business only.

** Non-warlike materials contained in part II of this List (see p. 454 of this volume).

FRANCE

This List is authentic in the French language

List of entities(1) Main purchasing entitiesA. General Budget

Prime Minister
Minister for the Status of Women, attached to the Prime Minister's Office
Minister for Justice
Minister for Health and the Family
Minister for the Interior
Minister for Foreign Affairs
Minister for Defence*
Minister for Labour and Participation
Minister for Co-operation
Minister for the Economy
Minister for the Budget
Minister for the Environment and Quality of Living
Minister for Education
Minister for Universities
Minister for Agriculture
Minister for Industry
Minister for Transport
Minister for Trade and Crafts
Minister for Foreign Trade
Minister for Youth, Sport and Recreation
Minister for Culture and Communication
Secretary of State for Postal and Telecommunication Services**
Secretary of State for War Veterans
Secretary of State attached to the Prime Minister's Office
Secretary of State attached to the Prime Minister's Office (Relations with Parliament)
Secretary of State attached to the Prime Minister's Office (Research)
Secretary of State attached to the Office of the Keeper of the Seals, Minister for Justice
Secretary of State attached to the Office of the Minister for Health and the Family

* Non-warlike materials contained in part II of this List (see p. 454 of this volume).

** Postal business only.

Secretary of State attached to the Office of the Minister for the Interior
(Overseas Départements and Territories)

Secretary of State attached to the Office of the Minister for the Interior
(local government)

Secretary of State attached to the Office of the Minister for Foreign Affairs

Secretary of State attached to the Office of the Minister for Labour and
Participation (vocational training)

Secretary of State attached to the Office of the Minister for Labour and
Participation (Manual workers and immigrant labour)

Secretary of State attached to the Office of the Minister for Labour and
Participation (Female employment)

Secretary of State attached to the Office of the Minister for the
Environment and Quality of Living (Housing)

Secretary of State attached to the Office of the Minister for the
Environment and Quality of Living (Environment)

Secretary of State attached to the Office of the Minister for Education

Secretary of State attached to the Office of the Minister for Agriculture

Secretary of State attached to the Office of the Minister for Industry
(Small and medium-sized enterprises)

B. Budget annex

Mention may be made of:

- National Printing Office

C. Special Treasury accounts

Mention may be made of:

- National Forestry Fund
- Financial support for the Film Industry
- Special Road Investment Fund
- National Town and Country Planning Fund
- Union for Pooled Procurement in the Public Sector (UGAP)

(2) National public institutions of an administrative character

French Academy in Rome

Naval Academy

Academy of Science Overseas

Central Registry of Social Security Agencies (A.C.O.S.S.)

Financing Agencies for River Basins

National Agency for the Improvement of Working Conditions (A.N.A.C.T.)

National Agency for the Improvement of Housing (A.N.A.H.)

National Agency for Employment (A.N.P.E.)

National Agency for the Compensation of Overseas French Nationals
(A.N.I.F.O.M.)

Standing Assembly of Chambers of Agriculture (A.P.C.A.)

National Library

National and University Library, Strasbourg
Research Department of Overseas Postal and Telecommunication Services (B.E.P.T.O.M.)
Aid Fund for Capital Improvements by Local Government Authorities (C.A.E.C.)
Independent Fund for Reconstruction
Escrow Fund
National Family Allowances Fund (C.N.A.F.)
National Motorways Fund (C.N.A.)
Employees' National Sickness Insurance Fund (C.N.A.M.)
Employees' National Old-Age Insurance Fund (C.N.A.V.T.S.)
National Military Social Security Fund (C.N.M.S.S.)
National Historic Monuments and Natural Sites Fund
National Telecommunications Fund*
Loan Fund for Low-Cost Housing Agencies
Casa de Velasquez
Zootechnical Institute, Rambouillet
Centre for Study of the Environment and Applied Pedagogy, Ministry for Agriculture
Centre for Advanced Studies on Social Security
Agricultural Vocational Training Centres
Georges Pompidou National Centre for Art and Culture
National Centre for French Cinematography
National Study and Training Centre for Handicapped Children
National Centre for the Design and Testing of Agricultural Machinery
National Study and Training Centre for Schooling Adjustment and Specialized Education (C.N.E.F.A.S.E.S.)
National Centre for Basic and Advanced Training of Teachers of Domestic Science and of Farm Housekeeping
National Centre for the Advancement of Literature
National Centre for Educational Documentation
National Centre of Benevolent Agencies for Schools and Universities (C.N.O.U.S.)
National Centre of Ophthalmology, Quinze-Vingts Hospital
National Centre for the Preparatory Training of Teachers of Handicrafts and Domestic Science
National Centre for Rural Development, Marmilhat
National Scientific Research Centre (C.N.R.S.)
Regional Teacher Training Centres
Regional Centres for Adult Education
Regional Centres for Physical Education and Sports Training (C.R.E.P.S.)
Regional Centres of Benevolent Agencies for Universities (C.R.O.U.S.)
Regional Centres for Forested Estates
Social Security Centre for Migrant Workers

* Postal business only.

University Centres
University Chancelleries
High Schools
Agricultural Schools
Stock Exchange Commission
Fisheries Board
Agency for the Protection of Seashores and Lakefronts
National Conservatory of Technology and Engineering
National Higher Conservatory of Music
National Higher Conservatory of Dramatic Art
Pompadour Estate
Central School, Lyons
Central School of Arts and Manufactures
French School of Archaeology, Athens
French School of the Far East
French School, Rome
School of Higher Studies in the Social Sciences
National School of Administration
National School of Civil Aviation (E.N.A.C.)
National School of Palaeography and Librarianship
National Riding School
National Women's School of Agronomy, Marmilhat (Puy-de-Dôme)
National Women's School of Agronomy, Toulouse (Haute-Garonne)
National School of Rural Engineering and Forestry (E.N.G.R.E.F.)
National Schools of the Dairy Industry
National Schools of Engineers
National School of Engineers of the Agricultural and Food Technology Industries
National Schools of Engineers of Agricultural Works
National Schools of Engineers of Rural Works and Sanitation Technology
National School of Engineers of Forestry Works (E.N.I.T.E.F.)
National School of the Judiciary
National Merchant Marine Schools
National School of Public Health (E.N.S.P.)
National Skiing and Mountain-Climbing School
National Higher School of Agronomy, Montpellier
National Higher School of Agronomy, Rennes
National Higher School of Decorative Arts
National Higher School of Arts and Industries, Strasbourg
National Higher School of Textile Arts and Industries, Roubaix
National Higher School of Technology and Engineering

National Higher School of the Beaux-Arts
National Higher School of Librarianship
National Higher School of Industrial Ceramics, Sèvres
National Higher School of Electronics and Electronic Applications
(E.N.S.E.A.)
National Higher School of Horticulture
National Higher School of Agro-Industries
National Higher School of Landscaping
National Higher School of Applied Agronomical Sciences (E.N.S.S.A.A.)
National Veterinary Schools
National Further Training Schools
National Schools of Primary Grades
National School of Street Sanitation and Maintenance
Teacher Training Schools
National Training Schools for Apprenticeship Teachers
Higher Teacher Training Schools
Polytechnic School
School of Sylviculture, Croigny (Aube)
Agriculture and Forestry Vocational Technical School, Meymac (Corrèze)
School of Viticulture and Oenology, La Tour Blanche (Gironde)
School of Viticulture, Avize (Marne)
National Convalescents' Home, Le Vésinet (E.N.C.V.)
National Convalescents' Home, Saint-Maurice
National Disabled Sailors' Home (E.N.I.M.)
Koenigs Warter National Institution
Carnegie Foundation
Singer-Polignac Foundation
Social Action Fund for Migrant Workers
Dufresne-Sommeiller National Hospital and Shelter
Institute of Animal Husbandry and Veterinary Medicine in Tropical Countries
(I.E.M.V.P.T.)
French Institute of Oriental Archaeology, Cairo
National Geographical Institute
Industrial Institute of the North
International Institute of Public Administration (I.I.A.P.)
National Institute of Agronomy, Paris-Grignon
National Institute of Designations of Origin of Wines and Liquors
(I.N.A.O.V.E.V.)
National Institute of Astronomy and Geophysics (I.N.A.G.)
National Institute for the Protection of Consumers (I.N.C.)
National Institute of Adult Education (I.N.E.P.)
National Institute of Population Studies (I.N.E.D.)

National Institute for the Youthful Blind, Paris
National Institute for Deaf Girls, Bordeaux
National Institute for the Youthful Deaf, Chambéry
National Institute for the Youthful Deaf, Metz
National Institute for the Youthful Deaf, Paris
National Institute of Nuclear Physics and Particle Physics (I.N2.P3)

National Institute of Advanced Agricultural Promotion
National Industrial Property Institute
National Agronomy Research Institute (I.N.R.A.)
National Paedagogical Research Institute (I.N.R.P.)
National Health and Medical Research Institute (I.N.S.E.R.M.)
National Sports Institute
National Polytechnic Institutes
National Applied Sciences Institutes
Higher National Institute of Industrial Chemistry, Rouen
Data-Processing and Automation Research Institute (I.R.I.A.)
Transport Research Institute (I.R.T.)
Regional Institutes of Administration
Scientific and Technical Institute of Fisheries (I.S.T.P.M.)
Higher Institute of Materials and Machine-Building, Saint-Ouen
Agricultural Lycées
Classical and Modern Lycées
Vocational Education Lycées
Technical Lycées
Army Museum
Gustave Moreau Museum
Navy Museum
J.J. Henner National Museum
National Museum of the Legion of Honour
Postal Museum
National Museum of Natural History
Auguste Rodin Museum
Observatory of Paris
Office of Co-operation and University Reception
French Agency for the Protection of Refugees and Repatriated Persons
National War Veterans Agency
National Game Hunting Agency
National Educational and Vocational Information Agency (O.N.I.S.E.P.)

National Immigration Agency (O.N.I.)
Overseas Scientific and Technical Research Agency (O.R.S.T.O.M.)

French University and Cultural Agency for Algeria
Palace of Discovery
National Parks
Conference of National Museums
National Service for Driving Licence Examinations
Paris Transport Syndicate
National Thermal Baths, Aix-les-Bains
Universities

FEDERAL REPUBLIC OF GERMANY

This List is authentic in the English language

List of Central Purchasing Entities

1. Federal Foreign Office
2. Federal Ministry of Labour and Social Affairs
3. Federal Ministry of Education and Science
4. Federal Ministry of Food, Agriculture and Forestry
5. Federal Ministry of Finance
6. Federal Ministry for Research and Technology
7. Federal Ministry for Intra-German Relations
8. Federal Ministry of the Interior (civil goods only)
9. Federal Ministry for Youth, Family Affairs and Health
10. Federal Ministry of Justice
11. Federal Ministry for Regional Planning, Building and Urban Development
12. Federal Ministry of Posts and Telecommunications*
13. Federal Ministry of Economics
14. Federal Ministry for Economic Co-operation
15. Federal Ministry of Defence**

NOTE

According to existing national obligations, the entities contained in this List shall, in conformity with special procedures, award contracts in certain regions which, as a consequence of the division of Germany, are confronted with economic disadvantages.

The same applies to the awarding of contracts to remove the difficulties of certain groups caused by the last war.

* Postal business only.

** Non-warlike materials contained in part II of this List (see p. 454 of this volume).

FEDERAL REPUBLIC OF GERMANY

This List is authentic in the English language

List of Central Purchasing Entities

1. Auswärtiges Amt
2. Bundesministerium für Arbeit und Sozialordnung
3. Bundesministerium für Bildung und Wissenschaft
4. Bundesministerium für Ernährung, Landwirtschaft und Forsten
5. Bundesministerium der Finanzen
6. Bundesministerium für Forschung und Technologie
7. Bundesministerium für innerdeutsche Beziehungen
8. Bundesministerium des Innern (nur ziviles Material)
9. Bundesministerium für Jugend, Familie und Gesundheit
10. Bundesministerium der Justiz
11. Bundesministerium für Raumordnung, Bauwesen und Städtebau
12. Bundesministerium für das Post- und Fernmeldewesen*
13. Bundesministerium für Wirtschaft
14. Bundesministerium für Wirtschaftliche Zusammenarbeit
15. Bundesministerium der Verteidigung**

NOTE

According to existing national obligations, the entities contained in this List shall, in conformity with special procedures, award contracts in certain regions which, as a consequence of the division of Germany, are confronted with economic disadvantages.

The same applies to the awarding of contracts to remove the difficulties of certain groups caused by the last war.

* Postal business only.

** Non-warlike materials contained in part II of this List (see p. 454 of this volume).

IRELAND

This List is authentic in the English language

1. Main purchasing entities

- (a) Office of Public Works
- (b) Stationery Office

2. Other departments

President's Establishment
Office of the Houses of the Oireachtas (Parliament)
Department of the Taoiseach (Prime Minister)
Central Statistics Office
Department of Finance
Office of the Comptroller and Auditor General
Office of the Revenue Commissioners
State Laboratory
Office of the Attorney General
Office of the Director of Public Prosecutions
Valuation Office
Ordnance Survey
Department of the Public Service
Civil Service Commission
Department of Economic Planning and Development
Department of Justice
Land Registry
Charitable Donations and Bequests Office
Department of the Environment
Department of Education
National Gallery of Ireland
Department of the Gaelteacht (Irish-speaking areas)
Department of Agriculture
Department of Fisheries and Forestry
Department of Labour
Department of Industry, Commerce and Energy
Department of Tourism and Transport
Department of Foreign Affairs
Department of Social Welfare
Department of Health

Department of Defence*

Department of Posts and Telegraphs**

* Non-warlike materials contained in part II of this List (see p. 454 of this volume).

** Postal business only.

ITALY

This List is authentic in the English and French languages

Purchasing entities

1. Ministry of the Treasury*
2. Ministry of Finance**
3. Ministry of Justice
4. Ministry of Foreign Affairs
5. Ministry of Public Instruction
6. Ministry of the Interior
7. Ministry of Public Works
8. Ministry of Agriculture and Forestry
9. Ministry of Industry, Trade and Crafts
10. Ministry of Labour and Social Affairs
11. Ministry of Health
12. Ministry of Cultural Affairs and the Environment
13. Ministry of Defence***
14. Budget and Planning Ministry
15. Ministry of State Participation in Enterprises
16. Ministry of Tourism
17. Ministry of Foreign Trade
18. Ministry of Postal Services and Telecommunications****

Note: This Agreement shall not prevent the implementation of provisions contained in Italian Law No. 835 of 6 October 1950 (Official Gazette No. 245 of 24 October 1950 of the Italian Republic) and in modifications thereto in force on the date on which this Agreement is adopted.

* Acting as centralized purchasing entity for most of other Ministries or entities.

** Except for purchases by the monopoly administration for tobacco and salt.

*** Non-warlike materials contained in part II of this List (see p. 454 of this volume).

**** Postal business only.

ITALY

This List is authentic in the English and French languages

Purchasing entities

1. Ministero del tesoro*
2. Ministero delle finanze**
3. Ministero di grazia e giustizia
4. Ministero degli affari esteri
5. Ministero della pubblica istruzione
6. Ministero dell'interno
7. Ministero di lavori pubblici
8. Ministero dell'agricoltura e delle foreste
9. Ministero dell'industria, commercio e artigianato
10. Ministero del lavoro e della previdenza sociale
11. Ministero della sanità
12. Ministero dei beni culturali e dell'ambiente
13. Ministero della difesa***
14. Ministero del bilancio
15. Ministero delle partecipazioni statali
16. Ministero del turismo
17. Ministero del commercio con l'estero
18. Ministero delle poste e delle telecomunicazioni****

Note: This Agreement shall not prevent the implementation of provisions contained in Italian Law No. 835 of 6 October 1950 (Official Gazette No. 245 of 24 October 1950 of the Italian Republic) and in modifications thereto in force on the date on which this Agreement is adopted.

* Acting as centralized purchasing entity for most of other Ministries or entities.

** Except for purchases by the monopoly administration for tobacco and salt.

*** Non-warlike materials contained in part II of this List (see p. 454 of this volume).

**** Postal business only.

LUXEMBOURG

This List is authentic in the French language

List of central procurement entities to which the Agreement may apply:

1. Ministry of State: Central Service for Printed Matter and Supplies
2. Ministry of Agriculture: Agricultural Technical Services Administration
3. Ministry of National Education: secondary, intermediate and vocational schools
4. Ministry of the Family and Social Solidarity: old-people's homes
5. Ministry of Public Forces: Army* - Gendarmerie - Police
6. Ministry of Justice: Penal institutions
7. Ministry of Public Health: Mondorf-Etat, Neuropsychiatry Hospital
8. Ministry of Public Works: Public buildings - Bridges and Roads Administration
9. Ministry of Finance: Postal and Telecommunication Services**
10. Ministry of Transport and Energy: electric power stations of the Upper and Lower Saar
11. Ministry of the Environment: Office of the High Commissioner for Water Protection

* Non-warlike materials contained in part II of this List (see p. 454 of this volume).

** Postal business only.

NETHERLANDS

This List is authentic in the English language

Lists of entitiesA. Ministries and central governmental bodies

1. Ministry of General Affairs
2. Ministry of Foreign Affairs
3. Ministry of Justice
4. Ministry of Home Affairs
5. Ministry of Defence*
6. Ministry of Finance
7. Ministry of Economic Affairs
8. Ministry of Education and Science
9. Ministry of Housing and Physical Planning
10. Ministry of Transport and Public Works**; including postal, telephone and telegraph services
11. Ministry of Agriculture and Fisheries
12. Ministry of Social Affairs
13. Ministry of Cultural Affairs, Recreation and Social Work
14. Ministry of Public Health and Environmental Hygiene
15. Ministry of Development Co-operation
16. Ministry of Science Policy
17. Cabinet of Netherlands Antilles Affairs
18. Higher Colleges of State

B. Central procurement offices

Entities listed above in A generally make their own specific purchases; other general purchases are effected through the entities listed below:

1. The Netherlands Government Purchasing Office
2. Directorate of Water Control
3. Quarter Master General's Office*
4. Air Material Directorate*
5. Procurement Division of the Royal Netherlands Navy*
6. State Printing and Publishing Office
7. Postal, Telephone and Telegraph Services, Central Purchasing and Materials Testing Department**

* Non-warlike materials contained in part II of this List (see p. 454 of this volume).

** Postal business only.

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8. Governmental Motor Vehicle Department
 9. Governmental Centre for Office Mechanization and Automation
 10. Governmental Forestry Directorate
 11. Directorate for IJsselmeer Polders

NETHERLANDS

This List is authentic in the English language

Lists of entitiesA. Ministries and central governmental bodies

1. Ministerie van Algemene Zaken
2. Ministerie van Buitenlandse Zaken
3. Ministerie van Justitie
4. Ministerie van Binnenlandse Zaken
5. Ministerie van Defensie*
6. Ministerie van Financiën
7. Ministerie van Economische Zaken
8. Ministerie van Onderwijs en Wetenschappen
9. Ministerie van Volkshuisvesting en Ruimtelijke Ordening
10. Ministerie van Verkeer & Waterstaat, waaronder de P.T.T.**
11. Ministerie van Landbouw en Visserij
12. Ministerie van Sociale Zaken
13. Ministerie van Cultuur, Recreatie en Maatschappelijk Werk
14. Ministerie van Volksgezondheid en Milieuhygiëne
15. Ministerie van Ontwikkelingssamenwerking
16. Ministerie van Wetenschapsbeleid
17. Kabinet van de Nederlandse Antillen
18. Hoge Colleges van Staat

B. Central procurement offices

Entities listed above in A generally make their own specific purchases; other general purchases are effected through the entities listed below:

1. Rijksinkoopbureau
2. Directoraal-Generaal voor de Waterstaat
3. Dienst van de Kwartiermeester-Generaal*
4. Directie (Materieel Koninklijke Luchtmacht*)
5. Hoofdafdeling Materieel Koninklijke Marine*
6. Staatsdrukkerij - en - uitgeverijbedrijf
7. Centrale Afdeling Inkoop en Materieel controle van het Staatsbedrijf der P.T.T.**

* Non-warlike materials contained in part II of this List (see p. 454 of this volume).

** Postal business only.

UNITED KINGDOM

This List is authentic in the English language

List of entities

Board of Inland Revenue

British Museum

British Museum (Natural History)

Cabinet Office

Central Office of Information

Charity Commission

Civil Service Department

Ancient Monuments (Scotland) Commission

Ancient Monuments (Wales) Commission

Boundary Commission for England and Wales

Boundary Commission for Northern Ireland

Central Computer Agency

Chessington Computer Centre

Civil Service Catering Organisation

Civil Service College

Civil Service Commission

Civil Service Pay Research Unit

Historical Manuscripts Commission

Historical Monuments (England) Commission

Medical Advisory Service

Museums and Galleries Standing Commission

Office of the Parliamentary Counsel

Review Board for Government Contracts

Royal Commission on Criminal Procedure

Royal Commission on Environmental Pollution

Royal Commission on Gambling

Royal Commission on Legal Services (England, Wales and Northern Ireland)

Royal Commission on Legal Services (Scotland)

Royal Fine Art Commission (England)

Royal Fine Art Commission (Scotland)

Crown Estate Office (Vote-borne services only)

Crown Office, Scotland

Customs and Excise Department

Department for National Savings

Department of Agriculture and Fisheries for Scotland

Artificial Insemination Service
Crofters Commission
Red Deer Commission
Royal Botanic Garden, Edinburgh etc.

Department of Education and Science

University Grants Committee

Department of Employment

Duchess of Gloucester House
Employment Appeal Tribunal
Industrial Tribunals
Office of Manpower Economics
Royal Commission on the Distribution of Income and Wealth

Department of Energy

Department of Health and Social Security

Attendance Allowance Board
Central Council for Education and Training in Social Work
Council for the Education and Training of Health Visitors
Dental Estimates Board
Joint Board of Clinical Nursing Studies.
Medical and Dental Referee Service
Medical Boards and Examining Medical Officers (War Pensions)
National Health Service
National Health Service Authorities
National Insurance Commissioners
Occupational Pensions Board
Prescription Pricing Authority
Public Health Laboratory Service Board
Supplementary Benefits Appeal Tribunals
Supplementary Benefits Commission

Department of Industry

Computer-Aided Design Centre
Laboratory of the Government Chemist
National Engineering Laboratory
National Maritime Institute
National Physical Laboratory
Warren Spring Laboratory

Department of Prices and Consumer Protection

Domestic Coal Consumers' Council
Electricity Consultative Councils for England and Wales
Gas Consumers' Councils

Metrication Board
Monopolies and Mergers Commission
Department of the Environment
British Urban Development Services Unit
Building Research Establishment
Commons Commissioners - (except payment of rates)
Countryside Commission
Directorate of Estate Management Overseas
Fire Research Station/Boreham Wood
Hydraulics Research Station
Local Valuation Panels
Location of Offices Bureau
Property Services Agency
Rent Control Tribunals and Rent Assessment Panels and Committees

Department of the Government Actuary
Department of the Registers of Scotland
Department of Trade
Coastguard Services
British Export Marketing Centre, Tokyo
Market Entry Guarantee Scheme
Patent Office

Department of Transport
Road Construction Units and Sub-Units
Transport and Road Research Laboratory
Transport Tribunal - (except payment of rates)
Transport Users Consultative Committees - (except payment of rates)

Director of Public Prosecutions
Exchequer and Audit Department
Exchequer Office Scotland
Export Credits Guarantee Department
Foreign and Commonwealth Office
Government Communications Headquarters
Middle East Centre for Arab Studies
Wiston House Conference and European Discussion Centre

Home Office
Gaming Board for Great Britain
Immigration Appeals Tribunal
Inspectors of Constabulary
Parole Board and Local Review Committees

House of Commons
House of Lords
Imperial War Museum
Intervention Board for Agricultural Produce
Legal Aid Funds
Lord Chancellor's Department
 Council on Tribunals
 County Courts
 Courts Martial Appeal Court
 Crown Courts
 Judge Advocate General and Judge Advocate of the Fleet

Lands Tribunal
Law Commission
Pensions Appeal Tribunals
Supreme Court
Ministry of Agriculture, Fisheries and Food
 Advisory Services
 Agricultural Development and Advisory Service
 Agricultural Dwelling House Advisory Committees
 Agricultural Land Tribunals
 Agricultural Wages Board and Committees
 Artificial Insemination Research Centres
 Central Council for Agricultural and Horticultural Co-operation
 Plant Pathology Laboratory
 Plant Variety Rights Office
 Royal Botanic Gardens, Kew
Ministry of Defence*
 Procurement Executive
Meteorological Office
Ministry of Overseas Development
 Centre for Overseas Pest Research
 Directorate of Overseas Surveys
 Land Resources Division
 Tropical Products Institute
National Debt Office and Pensions Commutation Board
National Gallery
National Galleries of Scotland
National Library of Scotland

* Non-warlike materials contained in part II of this List (see p. 454 of this volume).

National Maritime Museum
National Museum of Antiquities of Scotland
National Portrait Gallery
Northern Ireland Government Departments and Public Authorities
 Department of the Civil Service
 Department of Agriculture
 Department of Commerce
 Department of Education
 Department of the Environment
 Department of Finance
 Department of Health and Social Services
 Department of Manpower Services
 Northern Ireland Police Authority
Northern Ireland Office
 Coroners Courts
 County Courts
 Crown Solicitor's Office
 Department of the Director of Public Prosecutions
 Enforcement of Judgements Office
 Forensic Science Service
 Magistrates Courts
 Pensions Appeal Tribunals
 Probation Service
 Registration of Electors and Conduct of Elections
 State Pathologist Service
 Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland
Office of Fair Trading
Office of Population Censuses and Surveys
 National Health Service Central Register
Office of the Parliamentary Commissioner for Administration and
 Health Service Commissioners
Paymaster General's Office
Postal Business of the Post Office
Privy Council Office
Public Record Office
Public Trustee Office
Public Works Loan Commission
Queen's and Lord Treasurer's Remembrancer
 Crown Office
 Department of Procurators Fiscal
 Lord Advocate's Department

Lands Tribunal
Registrar General's Office, Scotland
National Health Service Central Register
Registry of Friendly Societies
Royal Commission, etc. (see references under Civil Service Department)
Commission on the Constitution
Royal Commission on the National Health Service
Royal Commission on Gambling
Royal Hospital, Chelsea
Royal Mint
Royal Scottish Museum
Science Museum
Scottish Courts Administration
 Court of Session
 Court of Justiciary
 Accountant of Court's Office
 Sheriff Courts
 Scottish Land Court
 Scottish Law Commission
 Pensions Appeal Tribunals
Scottish Development Department
 Local Government Reorganisation Commissions etc.
 Rent Assessment Panel and Committees, etc.
Scottish Economic Planning Department
 Scottish Electricity Consultative Councils
Scottish Education Department
 Royal Scottish Museum
Scottish Home and Health Department
 Common Services Agency
 Council for the Education and Training of Health Visitors
 Fire Service Training School
 Inspectors of Constabulary
 Local Health Councils
 Mental Welfare Commission for Scotland
 National Health Service
 National Health Service authorities
 Parole Board for Scotland and Local Review Committees

Planning Council
Scottish Antibody Production Unit
Scottish Crime Squad

Scottish Criminal Record Office
Scottish Council for Post-Graduate Medical Education and Training
Scottish Police College
Scottish Land Court
Scottish Office
Scottish Record Office
Stationery Office
Tate Gallery
Treasury
 Exchequer Office, Scotland
 National Economic Development Council
 Rating of Government Property Department
Treasury Solicitor's Department
 Department of the Director of Public Prosecutions
 Law Officers' Department
 Department of the Procurator-General and Treasury Solicitor
Victoria and Albert Museum
Wallace Collection
Welsh Office
 Central Council for Education and Training in Social Work
 Commons Commissioners
 Council for the Education and Training of Health Visitors
Dental Estimates Board
Local Government Boundary Commission
Local Valuation Panels and Courts
National Health Service
National Health Service authorities
Public Health Laboratory Service Board
Rent Control Tribunals and Rent Assessment Panels and Committees

EUROPEAN ECONOMIC COMMUNITYPART IILIST OF SUPPLIES AND EQUIPMENT PURCHASED BY MINISTRIES OF DEFENCE
THAT ARE COVERED BY THE AGREEMENT

This List is authentic in the English and French languages

Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement

Chapter 26: Metallic ores, slag and ash

Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes

except:

ex 27.10 special engine fuels

Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes

except:

ex 28.09 explosives
ex 28.13 explosives
ex 28.14 tear gas
ex 28.28 explosives
ex 28.32 explosives
ex 28.39 explosives
ex 28.50 toxic products
ex 28.51 toxic products
ex 28.54 explosives

Chapter 29: Organic chemicals

except:

ex 29.03 explosives
ex 29.04 explosives
ex 29.07 explosives
ex 29.08 explosives
ex 29.11 explosives
ex 29.12 explosives
ex 29.13 toxic products
ex 29.14 toxic products
ex 29.15 toxic products
ex 29.21 toxic products
ex 29.22 toxic products
ex 29.23 toxic products
ex 29.26 explosives
ex 29.27 toxic products
ex 29.29 explosives

Chapter 30: Pharmaceutical products

Chapter 31: Fertilizers

Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks

- Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35: Albuminoidal substances; glues; enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
except:
ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers; articles thereof
except:
ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
except:
ex 40.11: bullet-proof tyres
- Chapter 41: Raw hides and skins (other than furskins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur; manufactures thereof
- Chapter 44: Wood and articles of wood; wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw, of esparto and of other plaiting materials; basketware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials

- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof
except:
ex 82.05: tools
ex 82.07: tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof
except:
ex 84.06: engines
ex 84.08: other engines
ex 84.45: machinery
ex 84.53: automatic data-processing machines
ex 84.55: parts of machines under heading No. 84.53
ex 84.59: nuclear reactors
- Chapter 85: Electrical machinery and equipment; parts thereof
except:
ex 85.13: telecommunication equipment
ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)
except:
ex 86.02: armoured locomotives, electric
ex 86.03: other armoured locomotives
ex 86.05: armoured wagons
ex 86.06: repair wagons
ex 86.07: wagons

Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof

except:

- 87.08: tanks and other armoured vehicles
- ex 87.01: tractors
- ex 87.02: military vehicles
- ex 87.03: breakdown lorries
- ex 87.09: motorcycles
- ex 87.14: trailers

Chapter 89: Ships, boats and floating structures

except:

- 89.01A: warships

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof

except:

- ex 90.05: binoculars
- ex 90.13: miscellaneous instruments, lasers
- ex 90.14: telemeters
- ex 90.28: electrical and electronic measuring instruments
- ex 90.11: microscopes
- ex 90.17: medical instruments
- ex 90.18: mechano-therapy appliances
- ex 90.19: orthopaedic appliances
- ex 90.20: X-ray apparatus

Chapter 91: Clocks and watches and parts thereof

Chapter 92: Musical instruments; sound recorders and reproducers; television image and sound recorders and reproducers, magnetic; parts and accessories of such articles

Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings

except:

- ex 94.01A: aircraft seats

Chapter 95: Articles and manufactures of carving or moulding material

Chapter 96: Brooms, brushes, feather dusters, powder-puffs and sieves

Chapter 98: Miscellaneous manufactured articles

FINLAND

This List is authentic in the English language

1. Agricultural Research Centre
2. National Board of Navigation
3. Institute of Meteorology
4. Government Printing Centre
5. Ministry of Justice
6. Finnish Mint
7. National Board of Aviation
8. National Board of Forestry
9. National Water Administration Board
10. National Board of Vocational Education
11. Government Fuel Centre
12. Government Margarine Factory
13. Government Nutrition Centre
14. Government Purchasing Centre
15. Government Technical Research Centre
16. General Headquarters*

Note 1

The listed entities include regional and local subdivisions.

Note 2

When a specific procurement decision may impair important national policy objectives the Finnish Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Finnish cabinet level.

Note 3

Procurement by defence entities (marked with *) covers the following products:

Motor vehicles

- delivery cars
- light trucks
- motorcycles
- buses
- ambulances

Spare partsFoodstuffs

- coffee, tea
- rice
- frozen fish
- dried fruits
- spices

Machines

- office machines
- laundry machines

Miscellaneous

FINLAND

This List is authentic in the English language

1. Maatalouden tutkimuskeskus
2. Merenkulkuhallitus
3. Ilmatieteen laitos
4. Valtion Painatuskeskus
5. Oikeusministeriö
6. Suomen Rahapaja
7. Ilmailuhallitus
8. Metsähallitus
9. Vesihallitus
10. Ammattikasvatushallitus
11. Valtion Polttoainekeskus
12. Valtion margariinitehdas
13. Valtion ravitsemuskeskus
14. Valtion hankintakeskus
15. Valtion tekninen tutkimuskeskus
16. Pääesikunta*

Note 1

The listed entities include regional and local subdivisions.

Note 2

When a specific procurement decision may impair important national policy objectives the Finnish Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Finnish cabinet level.

Note 3

Procurement by defence entities (marked with *) covers the following products:

Motor vehicles

- delivery cars
- light trucks
- motorcycles
- buses
- ambulances

Spare partsFoodstuffs

- coffee, tea
- rice
- frozen fish
- dried fruits
- spices

Machines

- office machines
- laundry machines

Miscellaneous

HONG KONG

This List is authentic in the English language

Entity

Hong Kong Government Supplies Department

HONG-KONG

La version anglaise fait foi

Entité

Service des approvisionnements des services publics de Hong-kong.

HONG-KONG

La presente lista es auténtica en su versión inglesa

Entidad

Departamento de Suministros de los Servicios Públicos de Hong-Kong

INDIA

This List is authentic in the English language

| <u>No.</u> | <u>Purchasing entity</u> | <u>Categories of goods</u> |
|------------|--------------------------------|---|
| 1. | Oil and Natural Gas Commission | Offshore oil well drilling rigs and spares thereof and seamless steel casing pipes in the sizes above 5½" O.D. for onshore and offshore drilling. |
| 2. | All India Radio | Medium-wave transmitters above 300 KW, short-wave transmitters above 250 KW, special type of short-wave reversible broad band arrays for very high power transmitters. 16 mm. cine cameras and video tapes. |
| 3. | Doordarshan | |
| 4. | Ministry of Railways | Wheels and axles for rolling stock. |

I. This Agreement is limited to the categories of goods stated in column 3.

II. Purchases on behalf of All India Radio and Doordarshan are made by the Director General of Supplies and Disposal.

III. This Agreement does not apply to procurement by entities otherwise falling under this Agreement made under the specific procedure of credit from the International Development Association.

IV. This Agreement does not extend to purchases in the context of bilateral arrangements that provide for balanced trade through a clearing system.

JAMAICA

This List is authentic in the English language

Jamaica Building Materials

(Division of the Jamaican State Trading Corporation Ltd.)

JAMAÏQUE

La version anglaise fait foi

Matériaux de construction de la Jamaïque

(Service de la Jamaican State Trading Corporation Ltd.)

JAMAICA

La presente lista es auténtica en su versión inglesa

Materiales de Construcción de Jamaica

(División de la Jamaican State Trading Corporation Ltd.)

JAPAN

This List is authentic in the English language

Entities covered by the Accounts Law.

House of Representatives
House of Councillors
Supreme Court
Board of Audit
Cabinet
Prime Minister's Office

Fair Trade Commission
National Public Safety Commission
(National Police Agency)
Environmental Disputes Coordination Commission
Imperial Household Agency
Administrative Management Agency
Hokkaido Development Agency
Defense Agency
Economic Planning Agency
Science and Technology Agency
Environment Agency
Okinawa Development Agency
National Land Agency

Ministry of Justice
Ministry of Foreign Affairs
Ministry of Finance
Ministry of Education
Ministry of Health and Welfare
Ministry of Agriculture, Forestry and Fisheries
Ministry of International Trade and Industry
Ministry of Transport
Ministry of Posts and Telecommunications
Ministry of Labour
Ministry of Construction
Ministry of Home Affairs

Japanese National Railways*
Japan Tobacco and Salt Public Corporation
Nippon Telegraph & Telephone Public Corporation*

People's Finance Corporation
Housing Loan Corporation
Agriculture, Forestry and Fisheries Finance Corporation
Small Business Finance Corporation
Finance Corporation of Local Public Enterprise

Hokkaido and Tohoku Development Corporation
Medical Care Facilities Financing Corporation
Small Business Credit Insurance Corporation

Environmental Sanitation Business Financing Corporation
Okinawa Development Finance Corporation

Japan Development Bank
Export-Import Bank of Japan

Notes

1. Entities covered by the Accounts Law include all their internal subdivisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law.
2. Products for resale or for use in the production of goods for sale are not included.
3. Where it is so provided under the laws and regulations existing at the time of the entry into force of this Agreement for Japan, entities contained in this list may award contracts to specific co-operatives or associations thereof in accordance with the special procedures.
4. This Agreement will generally apply to procurement by the Defense Agency of the following Federal Supply Classification (FSC) categories subject to the Japanese Government determinations under the provisions of Article VIII, paragraph 1:

| <u>FSC</u> | <u>Description</u> |
|------------|---|
| 22 | Railway Equipment |
| 24 | Tractors |
| 32 | Woodworking Machinery and Equipment |
| 34 | Metalworking Machinery |
| 35 | Service and Trade Equipment |
| 36 | Special Industry Machinery |
| 37 | Agricultural Machinery and Equipment |
| 38 | Construction, Mining, Excavating, and Highway Maintenance Equipment |
| 39 | Materials Handling Equipment |
| 40 | Rope, Cable, Chain, and Fittings |
| 41 | Refrigeration, Air Conditioning, and Air Circulating Equipment |
| 43 | Pumps and Compressors |
| 45 | Plumbing, Heating, and Sanitation Equipment |
| 46 | Water Purification and Sewage Treatment Equipment |
| 47 | Pipe, Tubing, Hose, and Fittings |
| 48 | Valves |
| 51 | Hand Tools |

| <u>FSC</u> | <u>Description</u> |
|------------|---|
| 52 | Measuring Tools |
| 55 | Lumber, Millwork, Plywood, and Veneer |
| 61 | Electric Wire, and Power and Distribution Equipment |
| 62 | Lighting Fixtures and Lamps |
| 65 | Medical, Dental, and Veterinary Equipment and Supplies |
| 6630 | Chemical Analysis Instruments |
| 6635 | Physical Properties Testing Equipment |
| 6640 | Laboratory Equipment and Supplies |
| 6645 | Time Measuring Instruments |
| 6650 | Optical Instruments |
| 6655 | Geophysical and Astronomical Instruments |
| 6660 | Meteorological Instruments and Apparatus |
| 6670 | Scales and Balances |
| 6675 | Drafting, Surveying, and Mapping Instruments |
| 6680 | Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments |
| 6685 | Pressure, Temperature, and Humidity Measuring and Controlling Instruments |
| 6695 | Combination and Miscellaneous Instruments |
| 67 | Photographic Equipment |
| 68 | Chemicals and Chemical Products |
| 71 | Furniture |
| 72 | Household and Commercial Furnishings and Appliances |
| 73 | Food Preparation and Serving Equipment |
| 74 | Office Machines and Visible Record Equipment |
| 75 | Office Supplies and Devices |
| 76 | Books, Maps, and Other Publications |
| 77 | Musical Instruments, Phonographs, and Home-type Radios |
| 79 | Cleaning Equipment and Supplies |

| <u>FSC</u> | <u>Description</u> |
|------------|---|
| 80 | Brushes, Paints, Sealers, and Adhesives |
| 8110 | Drums and Cans |
| 8115 | Boxes, Cartons, and Crates |
| 8125 | Bottles and Jars |
| 8130 | Reels and Spools |
| 8135 | Packaging and Packing Bulk Materials |
| 85 | Toiletries |
| 87 | Agricultural Supplies |
| 93 | Non-metallic Fabricated Materials |
| 94 | Non-metallic Crude Materials |
| 99 | Miscellaneous |

5. The application of this Agreement to the entities marked with asterisk (*) is subject to the following terms and conditions specified by the Japanese Government:

(a) Japanese National Railways

Materials connected with operational safety of transportation is not included.

(b) Nippon Telegraph & Telephone Public Corporation

(i) Public telecommunications equipment is not included.

(ii) Procurement by local branch offices is not included.

(iii) If agreement on the coverage in the field of telecommunications under this Agreement is reached by 31 December 1980 in the light of 1. (A) of the Joint Statement by the negotiators of the Governments of Japan and the United States issued on 2 June 1979, this Agreement shall apply to the procurement subject to the above agreement.

Notes

1. Entities covered by the Accounts Law include all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law.
2. Products for resale or for use in the production of goods for sale are not included.
3. Where it is so provided under the laws and regulations existing at the time of the entry into force of this Agreement for Japan, entities contained in this list may award contracts to specific co-operatives or associations thereof in accordance with the special procedures.
4. This Agreement will generally apply to procurement by the Defense Agency of the following Federal Supply Classification (FSC) categories subject to the Japanese Government determinations under the provisions of Article VIII paragraph 1:

| <u>FSC</u> | <u>Description</u> |
|------------|---|
| 22 | Railway Equipment |
| 24 | Tractors |
| 32 | Woodworking Machinery and Equipment |
| 34 | Metalworking Machinery |
| 35 | Service and Trade Equipment |
| 36 | Special Industry Machinery |
| 37 | Agricultural Machinery and Equipment |
| 38 | Construction, Mining, Excavating, and Highway Maintenance Equipment |
| 39 | Materials Handling Equipment |
| 40 | Rope, Cable, Chain, and Fittings |
| 41 | Refrigeration, Air Conditioning, and Air Circulating Equipment |
| 43 | Pumps and Compressors |
| 45 | Plumbing, Heating, and Sanitation Equipment |
| 46 | Water Purification and Sewage Treatment Equipment |
| 47 | Pipe, Tubing, Hose, and Fittings |
| 48 | Valves |
| 51 | Hand Tools |
| 52 | Measuring Tools |
| 55 | Lumber, Millwork, Plywood, and Veneer |

| <u>FSC</u> | <u>Description</u> |
|------------|--|
| 61 | Electric Wire, and Power and Distribution Equipment |
| 62 | Lighting Fixtures and Lamps |
| 65 | Medical, Dental, and Veterinary Equipment and Supplies |
| 6630 | Chemical Analysis Instruments |
| 6635 | Physical Properties Testing Equipment |
| 6640 | Laboratory Equipment and Supplies |
| 6645 | Time Measuring Instruments |
| 6650 | Optical Instruments |
| 6655 | Geophysical and Astronomical Instruments |
| 6660 | Meteorological Instruments and Apparatus |
| 6670 | Scales and Balances |
| 6675 | Drafting, Surveying, and Mapping Instruments |
| 6680 | Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments |
| 6685 | Pressure, Temperature, and Humidity Measuring and Controlling Instruments |
| 6695 | Combination and Miscellaneous Instruments |
| 67 | Photographic Equipment |
| 68 | Chemicals and Chemical Products |
| 71 | Furniture |
| 72 | Household and Commercial Furnishings and Appliances |
| 73 | Food Preparation and Serving Equipment |
| 74 | Office Machines and Visible Record Equipment |
| 75 | Office Supplies and Devices |
| 76 | Books, Maps, and Other Publications |
| 77 | Musical Instruments, Phonographs, and Home-type Radios |
| 79 | Cleaning Equipment and Supplies |
| 80 | Brushes, Paints, Sealers, and Adhesives |
| 8110 | Drums and Cans |
| 8115 | Boxes, Cartons, and Crates |
| 8125 | Bottles and Jars |

| <u>FSC</u> | <u>Description</u> |
|------------|--------------------------------------|
| 8130 | Reels and Spools |
| 8135 | Packaging and Packing Bulk Materials |
| 85 | Toiletries |
| 87 | Agricultural Supplies |
| 93 | Non-metallic Fabricated Materials |
| 94 | Non-metallic Crude Materials |
| 99 | Miscellaneous |

5. The application of this Agreement to the entities marked with asterisk (*) is subject to the following terms and conditions specified by the Japanese Government:

(a) Japanese National Railways

Materials connected with operational safety of transportation is not included.

(b) Nippon Telegraph & Telephone Public Corporation

(i) Public telecommunications equipment is not included.

(ii) Procurement by local branch offices is not included.

(iii) If agreement on the coverage in the field of telecommunications under this Agreement is reached by 31 December 1980 in the light of l. (A) of the Joint Statement by the negotiators of the Governments of Japan and the United States issued on 2 June 1979, this Agreement shall apply to the procurement subject to the above agreement.

REPUBLIC OF KOREA

This List is authentic in the English language

1. Purchasing Entity

Office of Supply

2. Classification of Purchases

CCCN EX 6902 Silicon carbide refractory bricks

CCCN EX 7316 Railway and tramway track construction material of iron or steel, the following: switch blades, crossing (or frogs), crossing pieces, point rods, sleepers, fishplates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for joining or fixing rails.

CCCN EX 8509 Lighting lamp, signalling lamp, sound signalling equipment, windscreen wipers, defrosters and demisters

CCCN 8607 Railway and tramway goods vans, goods wagons and trucks

CCCN 8609 Parts of railway and tramway locomotives and rolling-stock

CCCN EX 9028

0101 Automatic voltage regulators

0200 Electronic instruments and apparatus for measuring or detecting ionising radiations

0302 Circuit testers

0303 Oscilloscopes

0304 Frequency measuring apparatus

0305 Frequency or period counters

NIGERIA

This List is authentic in the English language

1. Nigeria National Supplies CompanyFor purchases of the following products:

- (a) Power generating equipment
- (b) Telecommunications equipment
- (c) Railway and structural parts and equipment
- (d) Public clearing equipment
- (e) Contractors plant
- (f) Drilling equipment for water, oil and geological surveys

- (g) Scientific instruments for survey
- (h) Aircraft and equipment
- (i) Fire fighting vehicles and equipment
- (j) Petrol industrial engines

NORWAY

This List is authentic in the English language

1. National Road Services
2. Central Government Purchasing Office
3. Postal Services Administration
4. State Hospital
5. University of Oslo
6. Police Services
7. Norwegian Broadcasting Corporation
8. University of Trondheim
9. University of Bergen
10. Coastal Directorate
11. University of Tromsø
12. State Pollution Control Authority
13. National Civil Aviation Administration
14. Ministry of Defence*
15. Norwegian Defence Medical Service*
16. Airforce Material Command*
17. Army Material Command*
18. Navy Material Command*
19. Defence Combined Material Agency*

Note 1

The listed entities include regional and local subdivisions

Note 2

When a specific procurement decision may impair important national policy objectives the Norwegian Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Norwegian cabinet level.

Note 3

Procurement by defence entities (marked with *) covers the following products:

Replenishment material

- office machines and equipment, furniture, material for education, sport, welfare, and other non-technical material

Running supplies

- technical consumption material
- medical and dental supplies and dressings

- kitchen and mess inventory
- stationery and office supply
- publications
- musical instruments

Fuels

- fuels, lubricants and other oil products

Motor vehicles

- passenger cars and transport vehicles
- ambulances
- fire engines
- aircraft service vehicles
- special purpose vehicles

Other technical equipment

- pilot equipment
- parachute equipment
- rescue equipment
- photo equipment
- pyrotechnical equipment
- emergency electricity aggregate
- base, workshop, hangar and store equipment
- chemical/radiological equipment
- abc-safety protection equipment, workshops and stores

Medical and dental instruments

Catering equipment

- permanent operational equipment for kitchens, canteens, conference rooms, catering workshops and stores

NORWAY

This List is authentic in the English language

1. Statens vegvesen
2. Statens Innkjøpssentral
3. Postverket
4. Rikshospitalet
5. Universitetet i Oslo
6. Politiet
7. Norsk Rikskringkasting
8. Universitetet i Trondheim
9. Universitetet i Bergen
10. Kystdirektoratet
11. Universitetet i Tromsø
12. Statens forurensningstilsyn
13. Luftfartsverket
14. Forsvarsdepartementet*
15. Forsvarets Sanitet*
16. Luftforsvarets Forsyningskommando*
17. Haerens Forsyningskommando*
18. Sjøforsvarets Forsyningskommando*
19. Forsvarets Felles Materielltjeneste*

Note 1

The listed entities include regional and local subdivisions

Note 2

When a specific procurement decision may impair important national policy objectives the Norwegian Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Norwegian cabinet level.

Note 3

Procurement by defence entities (marked with *) covers the following products:

Replenishment material

- office machines and equipment, furniture, material for education, sport, welfare, and other non-technical material

Running supplies

- technical consumption material
- medical and dental supplies and dressings
- kitchen and mess inventory
- stationery and office supply
- publications
- musical instruments

Fuels

- fuels, lubricants and other oil products

Motor vehicles

- passenger cars and transport vehicles
- ambulances
- fire engines
- aircraft service vehicles
- special purpose vehicles

Other technical equipment

- pilot equipment
- parachute equipment
- rescue equipment
- photo equipment
- pyrotechnical equipment
- emergency electricity aggregate
- base, workshop, hangar and store equipment
- chemical/radiological equipment
- abc-safety protection equipment, workshops and stores

Medical and dental instrumentsCatering equipment

- permanent operational equipment for kitchens, canteens, conference rooms, catering workshops and stores

SINGAPORE¹

This List is authentic in the English language

Purchasing Entities

Central Supplies Department

Public Works Department

NOTE: The offer is conditional on the right of the Singapore Government to grant tenderers from the ASEAN countries a two and a half per cent or US\$ 40,000 preferential margin in accordance with the provisions of the Agreement on ASEAN Preferential Trading Arrangements.

SINGAPOUR¹

La version anglaise fait foi

Entités acheteuses

Ministère des travaux publics

Service central des approvisionnements

NOTE : Cette offre est subordonnée au droit du Gouvernement de Singapour d'accorder aux soumissionnaires des pays de l'ASEAN une marge préférentielle de deux et demi pour cent, ou de 40 000 dollars des Etats-Unis, conformément aux dispositions de l'Accord sur les arrangements commerciaux préférentiels des pays de l'ASEAN.

SINGAPUR¹

La presente lista es auténtica en su versión inglesa

Entidad de compra

Departamento Central de Suministros

Departamento de Obras Públicas

NOTA: La oferta está supeditada al derecho del Gobierno de Singapur a otorgar a los licitadores de los países de la Asociación de Naciones del Sudeste de Asia un margen de preferencia equivalente al dos y medio por ciento del valor o a 40.000 dólares de los Estados Unidos, en cumplimiento de lo estipulado en el Acuerdo sobre los arreglos comerciales preferenciales de la ASEAN.

¹ On 30 December 1980, Singapore deposited a declaration indicating that the list of entities contained in annex I to the Agreement was replaced by the agreed list which is published herein — Le Singapour a déposé le 30 décembre 1980 une déclaration indiquant que la liste des entités contenue dans l'annexe I à l'Accord a été remplacée par la liste d'un commun accord qui est publiée ici.

SWEDEN

This List is authentic in the English language

1. Defence Material Administration*
2. National Road Administration
3. National Board of Public Building
4. National Industries Corporation*
5. Post Office Administration
6. Swedish Forest Service
7. National Civil Aviation Administration
8. Royal Fortifications Administration*
9. National Board of Education
10. National Police Board
11. Agency for Administrative Development
12. National Prison and Probation Administration
13. National Administration of Shipping and Navigation
14. National Tax Board
15. National Board of Forestry
16. Medical Board of the Armed Forces*
17. National Road Safety Office
18. Royal Civil Defence Board*
19. National Industrial Board
20. National Board of Health and Welfare
21. Central Bureau of Statistics

Note 1

The listed entities include regional and local sub-divisions.

Note 2

When a specific procurement decision may impair important national policy objectives the Swedish Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Swedish cabinet level.

Note 3

Procurement by defence entities (marked with a *) covers products falling under the following CCCN chapters:

| CCCN chapters | Exceptions |
|---------------|------------------------|
| 25 - 26 | |
| 27 | ex 27.10 special fuels |
| 28 | ex 28.09 explosives |

| CCCN chapters | Exceptions | |
|---------------|------------|--------------------------------|
| | ex 28.13 | explosives |
| | ex 28.14 | tear gas |
| | ex 28.28 | explosives |
| | ex 28.32 | explosives |
| | ex 28.39 | explosives |
| | ex 28.50 | toxic products |
| | ex 28.51 | toxic products |
| | ex 28.54 | explosives |
| 29 | ex 29.03 | explosives |
| | ex 29.04 | explosives |
| | ex 29.07 | explosives |
| | ex 29.08 | explosives |
| | ex 29.11 | explosives |
| | ex 29.12 | explosives |
| | ex 29.13 | toxic products |
| | ex 29.14 | toxic products |
| | ex 29.15 | toxic products |
| | ex 29.21 | toxic products |
| | ex 29.22 | toxic products |
| | ex 29.23 | toxic products |
| | ex 29.26 | explosives |
| | ex 29.27 | toxic products |
| | ex 29.29 | explosives |
| 30 - 49 | | |
| 65 - 81 | | |
| 82 | ex 82.05 | tools |
| | ex 82.07 | tools, parts |
| 83 | | |
| 84 | ex 84.06 | engines |
| | ex 84.08 | other engines |
| | ex 84.45 | machinery |
| | ex 84.53 | ADP-machines |
| 85 | ex 85.13 | telecommunication equipment |
| | ex 85.15 | transmission apparatus |
| 86 | ex 86.02 | armoured locomotives, electric |
| | 86.03 | other armoured locomotives |
| | 86.05 | armoured wagons |
| | 86.06 | repair wagons |

| CCCN chapters | Exceptions | |
|---------------|------------|--|
| | 86.07 | wagons |
| 87 | 87.08 | tanks and armoured vehicles |
| | ex 87.01 | tractors |
| | ex 87.02 | military vehicles |
| | ex 87.03 | breakdown lorries |
| | ex 87.09 | motor cycles |
| | ex 87.14 | trailers |
| 89 | ex 89.01 | warships |
| 90 | ex 90.05 | binoculars |
| | ex 90.13 | miscellaneous instruments, lasers |
| | ex 90.14 | telemeters |
| | ex 90.28 | electric and electronic measurement instruments |
| 91 - 92 | | |
| 94 | ex 94.01 | aerodynamic seats |
| 95 - 98 | | |

SWEDEN

This list is authentic in the English language

1. Försvarets materialverk*
2. Statens vägverk
3. Byggnadsstyrelsen
4. Förenade fabriksverken*
5. Postverket
6. Domänverket
7. Luftfartsverket
8. Fortifikationsförvaltningen*
9. Skolöverstyrelsen
10. Rikspolisstyrelsen
11. Statskontoret
12. Kriminalvårdsstyrelsen
13. Sjöfartsverket
14. Riksskatteverket
15. Skogsstyrelsen
16. Försvarets sjukvårdsstyrelse*
17. Statens trafiksäkerhetsverk
18. Civilförsvarsstyrelsen*
19. Statens industriverk
20. Socialstyrelsen
21. Statistiska centralbyrån

Note 1

The listed entities include regional and local sub-divisions.

Note 2

When a specific procurement decision may impair important national policy objectives the Swedish Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Swedish cabinet level.

Note 3

Procurement by defence entities (marked with a *) covers products falling under the following CCCN chapters:

| <u>CCCN chapters</u> | <u>Exceptions</u> |
|----------------------|--------------------------------------|
| 25-26 | |
| 27 | ex 27.10 special fuels |
| 28 | ex 28.09 explosives |
| | ex 28.13 explosives |
| | ex 28.14 tear gas |
| | ex 28.28 explosives |
| | ex 28.32 explosives |
| | ex 28.39 explosives |
| | ex 28.50 toxic products |
| | ex 28.51 toxic products |
| | ex 28.54 explosives |
| 29 | ex 29.03 explosives |
| | ex 29.04 explosives |
| | ex 29.07 explosives |
| | ex 29.08 explosives |
| | ex 29.11 explosives |
| | ex 29.12 explosives |
| | ex 29.13 toxic products |
| | ex 29.14 toxic products |
| | ex 29.15 toxic products |
| | ex 29.21 toxic products |
| | ex 29.22 toxic products |
| | ex 29.23 toxic products |
| 29 | ex 29.26 explosives |
| | ex 29.27 toxic products |
| | ex 29.29 explosives |
| 30-49 | |
| 65-81 | |
| 82 | ex 82.05 tools |
| | ex 82.07 tools, parts |
| 83 | |
| 84 | ex 84.06 engines |
| | ex 84.08 other engines |
| | ex 84.45 machinery |
| | ex 84.53 ADP-machines |
| 85 | ex 85.13 telecommunication equipment |
| | ex 85.15 transmission apparatus |

| <u>CCCN chapters</u> | <u>Exceptions</u> | |
|----------------------|-------------------|--|
| 86 | ex 86.02 | armoured locomotives, electric |
| | 86.03 | other armoured locomotives |
| | 86.05 | armoured wagons |
| | 86.06 | repair wagons |
| | 86.07 | wagons |
| 87 | 87.08 | tanks and armoured vehicles |
| | ex 87.01 | tractors |
| | ex 87.02 | military vehicles |
| | ex 87.03 | breakdown lorries |
| | ex 87.09 | motor cycles |
| | ex 87.14 | trailers |
| 89 | ex 89.01 | warships |
| 90 | ex 90.05 | binoculars |
| | ex 90.13 | miscellaneous instruments, lasers |
| | ex 90.14 | telemeters |
| | ex 90.28 | electric and electronic measurement instruments |
| 91-92 | | |
| 94 | ex 94.01 | aerodynamic seats |
| 95-98 | | |

SWITZERLAND

This List is authentic in the French language

- (1) Federal Central Agency for Printing, Supplies and Equipment
- (2) Central Library of Parliament and the Federal Administration
- (3) Federal Constructions Agency
- (4) Federal Polytechnic School, Zurich
- (5) Federal Polytechnic School, Lausanne
- (6) Federal Reactor Research Institute
- (7) Federal Forestry Research Institute
- (8) Institute for the Study of Snow and Avalanches
- (9) Swiss Nuclear Research Institute
- (10) Swiss Meteorological Institute
- (11) Federal Institute for Water Planning, Purification and Protection
- (12) Federal Public Health Agency
- (13) Swiss National Library
- (14) Federal Civil Defence Agency*
- (15) Federal Customs Administration**
- (16) Federal Alcohol Monopoly
- (17) Mint
- (18) Federal Metrology Agency
- (19) Federal Agriculture Agency
- (20) Federal Civil Aviation Agency
- (21) Federal Water-Economy Agency
- (22) Armaments Group*
- (23) Postal Administration

When a specific procurement decision may impair important national policy objectives, the Swiss Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Swiss Government level.

LIST OF NON-WARLIKE SUPPLIES AND EQUIPMENT USED FOR DEFENCE AND
CIVIL DEFENCE COVERED BY THE AGREEMENT

Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement

* For products, see the list of non-warlike supplies and equipment used for defence and civil defence.

** For border guards and customs officers, see the list of non-warlike materials used for defence and civil defence.

Chapter 26: Metallic ores, slag and ash

Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes

Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes.

except:

ex 28.09. explosives
ex 28.13: explosives
ex 28.14: tear gas
ex 28.28: explosives
ex 28.32: explosives
ex 28.39: explosives
ex 28.50: toxic products
ex 28.51: toxic products
ex 28.54: explosives

Chapter 29: Organic chemicals

except:

ex 29.03: explosives
ex 29.04: explosives
ex 29.07: explosives
ex 29.08: explosives
ex 29.11: explosives
ex 29.12: explosives
ex 29.13: toxic products
ex 29.14: toxic products
ex 29.15: toxic products
ex 29.21: toxic products
ex 29.22: toxic products
ex 29.23: toxic products
ex 29.26: explosives
ex 29.27: toxic products
ex 29.29: explosives

Chapter 30: Pharmaceutical products

Chapter 31: Fertilizers

Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks

Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations

Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"

Chapter 35: Albuminoidal substances; glues; enzymes

Chapter 36: Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations

except:

ex 36.01: propellant powders
ex 36.02: prepared explosives
ex 36.04: detonators
ex 36.08: explosives

Chapter 37: Photographic and cinematographic goods

Chapter 38: Miscellaneous chemical products

except:

ex 38.19: toxic products

Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers; articles thereof

except:

ex 39.03: explosives

Chapter 40: Rubber, synthetic rubber, factice, and articles thereof

except:

ex 40.11: tyres

Chapter 43: Furskins and artificial fur; manufactures thereof

Chapter 45: Cork and articles of cork

Chapter 46: Manufactures of straw, of esparto and of other plaiting materials; basketware and wickerwork

Chapter 47: Paper-making material

Chapter 65: Headgear and parts thereof

Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof

Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair

Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials

Chapter 69: Ceramic products

Chapter 70: Glass and glassware

- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron, steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery, and mechanical appliances; parts thereof
- Chapter 85: Electrical machinery and equipment; parts thereof
- except:
- ex 85.03: primary cells and primary batteries
 - ex 85.13: telecommunication equipment
 - ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)
- except:
- ex 86.02: armoured locomotives, electric
 - ex 86.03: other armoured locomotives
 - ex 86.05: armoured wagons
 - ex 86.06: repair wagons
 - ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof
- except:
- 87.08: tanks and other armoured vehicles
 - ex 87.02: heavy lorries
 - ex 87.09: motorcycles
 - ex 87.14: trailers

Chapter 88: Aircraft and parts thereof

except:

ex 88.02: aircraft

Chapter 89: Ships, boats and floating structures

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof

except:

ex 90.05: binoculars

ex 90.13: miscellaneous instruments, lasers

ex 90.14: telemeters

ex 90.28: electrical and electronic measuring instruments

Chapter 91: Clocks and watches and parts thereof

Chapter 92: Musical instruments; sound recorders and reproducers; television image and sound recorders and reproducers, magnetic; parts and accessories of such articles

Chapter 93: Arms and ammunition; parts thereof

except:

ex 93.01: side-arms

ex 93.02: pistols

ex 93.03: military firearms and projectors

ex 93.04: other firearms

ex 93.05: arms of other descriptions

ex 93.07: bombs, grenades, torpedoes, mines, guided weapons and missiles and similar munitions of war

Chapter 95: Articles and manufactures of carving or moulding material

Chapter 96: Brooms, brushes, feather dusters, powder-puffs and sieves

Chapter 98: Miscellaneous manufactured articles

UNITED STATES

This List is authentic in the English language

The following entities are included in the coverage of this Agreement by the United States:

1. Department of Agriculture (This Agreement does not apply to procurement of agricultural products made in furtherance of agricultural support programmes or human feeding programmes)
2. Department of Commerce
3. Department of Health, Education and Welfare
4. Department of Housing and Urban Development
5. Department of the Interior (excluding the Bureau of Reclamation)
6. Department of Justice
7. Department of Labour
8. Department of State
9. Department of the Treasury
10. General Services Administration (Purchases by the Automated Data and Telecommunications Service are not included; purchases by the National Tool Centre are not included; purchases by the Regional 9 Office of San Francisco, California are not included)
11. National Aeronautics and Space Administration
12. Veterans Administration
13. Environmental Protection Agency
14. United States International Communication Agency
15. National Science Foundation
16. Panama Canal Company and Canal Zone Government
17. Executive Office of the President
18. Farm Credit Administration
19. National Credit Union Administration
20. Merit Systems Protection Board
21. ACTION
22. United States Arms Control and Disarmament Agency
23. Civil Aeronautics Board
24. Federal Home Loan Bank Board
25. National Labour Relations Board
26. National Mediation Board
27. Railroad Retirement Board
28. American Battle Monuments Commission
29. Federal Communications Commission
30. Federal Trade Commission
31. Indian Claims Commission
32. Inter-State Commerce Commission

33. Securities and Exchange Commission
34. Office of Personnel Management
35. United States International Trade Commission
36. Export-Import Bank of the United States
37. Federal Mediation and Conciliation Service
38. Selective Service System
39. Smithsonian Institution
40. Federal Deposit Insurance Corporation
41. Consumer Product Safety Commission
42. Equal Employment Opportunity Commission
43. Federal Maritime Commission
44. National Transportation Safety Board
45. Nuclear Regulatory Commission
46. Overseas Private Investment Corporation
47. Renegotiation Board
48. Administrative Conference of the United States
49. Board for International Broadcasting
50. Commission on Civil Rights
51. Commodity Futures Trading Commission
52. Community Services Administration
53. Department of Defence (excluding Corps of Engineers)

This Agreement will not apply to the following purchases of the DOD:

- (a) Federal Supply Classification (FSC) 83 - all elements of this classification other than pins, needles, sewing kits, flagstuffs, flagpoles, and flagstaff trucks;
- (b) FSC 84 - all elements other than sub-class 8460 (luggage);
- (c) FSC 89 - all elements other than sub-class 8975 (tobacco products);
- (d) FSC 2310 - (buses only);
- (e) Specialty metals, defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by DOD: (1) manganese, 1.65 per cent; silicon, 0.60 per cent; or copper, 0.06 per cent; or which contains more than 0.25 per cent of any of the following elements; aluminium, chromium, cobalt, columbium, molybdenum, nickel, titanium,

tungsten, or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or, (4) zirconium base alloys;

(f) FSC 19 and 20 - that part of these classifications defined as naval vessels or major components of the hull or superstructure thereof;

(g) FSC 51;

(h) Following FSC categories are not generally covered due to application of Article VIII, paragraph 1:

10, 12, 13, 14, 15, 16, 17, 19, 20, 28, 31, 58, 59, 95.

This Agreement will generally apply to purchases of the following FSC categories subject to United States Government determinations under the provisions of Article VIII, paragraph 1:

22. Railway Equipment
23. Motor Vehicles, Trailers, and Cycles (except buses in 2310)
24. Tractors
25. Vehicular Equipment Components
26. Tyres and Tubes
29. Engine Accessories
30. Mechanical Power Transmission Equipment
32. Woodworking Machinery and Equipment
34. Metalworking Machinery
35. Service and Trade Equipment
36. Special Industry Machinery
37. Agricultural Machinery and Equipment
38. Construction, Mining, Excavating, and Highway Maintenance Equipment

39. Materials Handling Equipment
40. Rope, Cable, Chain and Fittings
41. Refrigeration and Air Conditioning Equipment
42. Fire Fighting, Rescue and Safety Equipment
43. Pumps and Compressors
44. Furnace, Steam Plant, Drying Equipment and Nuclear Reactors

45. Plumbing, Heating and Sanitation Equipment
46. Water Purification and Sewage Treatment Equipment
47. Pipe, Tubing, Hose and Fittings

48. Valves
49. Maintenance and Repair Shop Equipment
52. Measuring Tools
53. Hardware and Abrasives
54. Prefabricated Structures and Scaffolding
55. Lumber, Millwork, Plywood and Veneer
56. Construction and Building Materials
61. Electric Wire, and Power and Distribution Equipment
62. Lighting Fixtures and Lamps
63. Alarm and Signal Systems
65. Medical, Dental, and Veterinary Equipment and Supplies
66. Instruments and Laboratory Equipment
67. Photographic Equipment
68. Chemicals and Chemical Products
69. Training Aids and Devices
70. General Purpose ADPE, Software, Supplies and Support Equipment

71. Furniture
72. Household and Commercial Furnishings and Appliances
73. Food Preparation and Serving Equipment
74. Office Machines, Visible Record Equipment and ADP Equipment

75. Office Supplies and Devices
76. Books, Maps and Other Publications
77. Musical Instruments, Phonographs, and Home Type Radios

78. Recreational and Athletic Equipment
79. Cleaning Equipment and Supplies
80. Brushes, Paints, Sealers and Adhesives
81. Containers, Packaging and Packing Supplies
85. Toiletries
87. Agricultural Supplies
88. Live Animals
91. Fuels, Lubricants, Oils and Waxes
93. Non-metallic Fabricated Materials
94. Non-metallic Crude Materials
96. Ores, Minerals and their Primary Products
99. Miscellaneous

General Notes

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of small and minority businesses.

2. Pursuant to Article I, paragraph 1(a), transportation is not included in services incidental to procurement contracts.

ANNEX II

*Publications utilized by Parties for the publication of notices
of proposed purchases—article V, paragraph 3*

ANNEXE II

*Publications utilisées par les Parties en vue de la publication
des avis de projets d'achat — article V, paragraphe 3*

ANEXO II

*Publicaciones utilizadas por las Partes para la publicación de avisos
de las compras proyectadas — párrafo 3 del artículo V*

AUSTRIA

Amtsblatt zur Wiener Zeitung

CANADA

The Canada Gazette

EUROPEAN ECONOMIC COMMUNITY

- Belgium - Official Journal of the European Communities
 - Le Bulletin des Adjudications
 - Other publications in the specialized press
- Denmark - Official Journal of the European Communities
- France - Official Journal of the European Communities
 - Bulletin officiel des annonces des marchés publics
- Germany, Federal Republic of - Official Journal of the European Communities
- Ireland - Official Journal of the European Communities
 - Daily Press: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
- Italy - Official Journal of the European Communities
- Luxembourg - Official Journal of the European Communities
 - Daily Press
- Netherlands - Official Journal of the European Communities
- United Kingdom - Official Journal of the European Communities
 - The London Gazette

FINLAND

Virallinen Lehti (Official Gazette of Finland)

HONG KONG

Hong Kong Government Gazette

INDIA

Indian Trade Journal

JAPAN

Kanpō

KOREA, REPUBLIC OF

Daily English Newspapers (Korea Herald and Korea Times alternatively)

NIGERIA

Federal Government Gazette

NORWAY

Norsk Lysningsblad (Official Gazette of Norway)

SINGAPORE

Government Gazette

SWEDEN

Tidning för leveranser till Staten (bilaga till Post-och Inrikes Tidningar) (Gazette of Government Contracts (Supplement to the Official Gazette))

SWITZERLAND

Feuille officielle suisse du commerce

UNITED STATES

Commerce Business Daily

FINLANDIA

Virallinen Lehti (Boletín Oficial de Finlandia)

HONG-KONG

Hong Kong Government Gazette

INDIA

Indian Trade Journal

JAPÓN

Kanpō

COREA, REPÚBLICA DE

Diarios en inglés (Korea Herald o Korea Times)

NIGERIA

Federal Government Gazette

NORUEGA

Norsk Lysningsblad (Boletín Oficial de Noruega)

SINGAPUR

Government Gazette

ANNEX III

Publications utilized by Parties for the publication annually of information on permanent lists of suppliers in the case of selective tendering procedures—article V, paragraph 6

ANNEXE III

Publications utilisées par les Parties en vue de la publication annuelle de renseignements sur les listes permanentes de fournisseurs dans le cas des procédures sélectives — article V, paragraphe 6

ANEXO III

Publicaciones utilizadas por las Partes para la publicación anual de información sobre listas permanentes de proveedores para las licitaciones selectivas — párrafo 6 del artículo V

AUSTRIA

Amtsblatt zur Wiener Zeitung (at present, however, no such lists exist)

CANADA

The Canada Gazette

FINLAND

No list existing

HONG KONG

Hong Kong Government Gazette

INDIA

Indian Trade Journal where applicable

JAPAN

Kanpō

KOREA, REPUBLIC OF

Daily English Newspapers (Korea Herald and Korea Times, alternatively)

NORWAY

No list existing

SINGAPORE

CSD mainly open tendering

SWEDEN

No list existing

SWITZERLAND

Feuille officielle suisse du commerce

UNITED STATES

Commerce Business Daily

AUSTRIA

Amtsblatt zur Wiener Zeitung (esta lista no existe por el momento)

CANADÁ

The Canada Gazette

FINLANDIA

No existe lista

HONG-KONG

Hong Kong Government Gazette

INDIA

Indian Trade Journal, cuando corresponda

JAPÓN

Kanpō

COREA, REPÚBLICA DE

Diarios en inglés (Korea Herald o Korea Times)

NORUEGA

No existe lista

SINGAPUR

CSD, principalmente licitaciones públicas

SUECIA

No existe lista

SUIZA

Feuille officielle suisse du commerce

ESTADOS UNIDOS

Commerce Business Daily

ANNEX IV

Publications utilized by Parties for the prompt publication of laws, regulations, judicial decisions, administrative rulings of general application and any procedure regarding Government procurement covered by this Agreement—article VI, paragraph 1

—

ANNEXE IV

Publications utilisées par les Parties en vue de la publication, dans les moindres délais, des lois, règlements, décisions judiciaires, décisions administratives d'application générale et procédures, relatifs aux marchés publics visés par le présent Accord — article VI, paragraphe 1

ANEXO IV

Publicaciones utilizadas por las Partes para la pronta publicación de leyes, reglamentos, decisiones judiciales y resoluciones administrativas de aplicación general y los procedimientos relativos a las compras del sector público que abarca el presente Acuerdo — párrafo 1 del artículo VI

AUSTRIA

- Oesterreichisches Bundesgesetzblatt
- Amtsblatt zur Wiener Zeitung
- Jurisprudence - no official publication

CANADA

- The Canada Gazette
- Contracting
- The Federal Government: Your Client

EUROPEAN ECONOMIC COMMUNITYBelgium

- Laws, royal regulations, ministerial regulations, ministerial circulars - Le Moniteur Belge
- Jurisprudence - Pasicrisie

Denmark

- Laws and regulations - Lovtidende
- Judicial decisions - Ugeskrift for Retsvaesen
- Administrative rulings and procedures - Ministerialtidende

France

- Legislation - Bulletin officiel
- Jurisprudence - Recueil des arrêts du Conseil d'Etat
- Revue des marchés publics

Germany,
Federal
Republic of

- Legislation and regulations - Bundesgesetzblatt
 - Herausgeber: Der Bundesminister der Justiz
 - Verlag: Bundesanzeiger
 - Bundesanzeiger
 - Postfach 108006
 - 5000 Köln 1
- Judicial decisions:
 - Entscheidungsammlungen des
 - Bundesverfassungsgerichts
 - Bundesgerichtshofs
 - Bundesverwaltungsgerichts
 - Bundesfinanzhofs sowie der Oberlandesgerichte

Ireland

- Legislation and regulations - Iris Oifigiuil (official Gazette of the Irish Government)

Italy

- Legislation - Gazzetta Ufficiale
- Jurisprudence - no official publication

- Luxembourg - Legislation - Memorial
- Jurisprudence - Pasicrisie
- Netherlands - Legislation - Nederlandse Staatscourant and/or Staatsblad
- Jurisprudence - no official publication
- United Kingdom - Legislation - no such legislation
- Jurisprudence - Law Reports
- Standard Contract conditions
Document GC/Stores/1 obtainable from the Ministry of Defence. It should be noted that special conditions may apply to some contracts: details may be obtained from the department concerned.

FINLAND

Suomen Asetuskokoelma - Finlands Författningssamling
(The Collection of the Statutes of Finland)

HONG KONG

Hong Kong Government Gazette

INDIA

- (a) "Gazette of India" in respect of procurement by Ministry of Railways;
- (b) "Indian Trade Journal" in respect of procurement by Oil and Natural Gas Commission and the Director General of Supplies and Disposal.
- (c) "Conditions of Contract" (a priced publication available with Controller of Publications, Delhi 110006), contains the laws, regulations, etc. in respect of purchases by the Director General of Supplies and Disposal. Any amendments hereto will be published in the Indian Trade Journal.

JAPAN

Kanpō and/or Hōreizensho

KOREA, REPUBLIC OF

Kwanpo (Official Gazette)

NIGERIA

Federal Government Gazette

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SINGAPORE

Laws/Regulations and judicial decisions - Government Gazette
 Administrative rulings - Ministry of Finance Circulars and Instruction
 Manual No. 3

SWEDEN

1. Svensk författningssamling, SFS (The Swedish Code of Statutes)
2. Riksrevisionsverkets tillämpningsanvisningar till upphandlingskungörelsen (Instructions to the Royal Proclamations on Government Procurement, issued by the National Audit Bureau)

SWITZERLAND

Recueil officiel des lois et ordonnances de la Confédération suisse (RO)
 Arrêts du Tribunal fédéral suisse
 Jurisprudence des autorités administratives de la Confédération

UNITED STATES

All U.S. laws, regulations, judicial decisions, administrative rulings and procedures regarding government procurement covered by this Agreement are codified in the Defense Acquisitions Regulation (DAR) and the Federal Procurement Regulations (FPR), both of which are published as a part of the United States Code of Federal Regulations (CFR). The DAR is published in Title 32 of CFR and the FPR is in Title 41, Chapter 1 (CFR). Copies may be purchased from the Government Printing Office. These regulations are also published in loose leaf versions which are available by subscription from the Government Printing Office. Changes are provided to subscribers as they are issued.

For those who wish to consult original sources, the following published sources are provided:

| <u>Material</u> | <u>Publication Name</u> |
|----------------------------|-------------------------------|
| U.S. Laws | U.S. Statutes at Large |
| Decisions: | |
| - U.S. Supreme Court | U.S. Reports |
| - Circuit Court of Appeals | Federal Reporter - 2nd Series |
| - District Courts | Federal Supplement Reporter |

- Court of Claims

Court of Claims Reports

Decisions:

- Boards of Contract Appeals

Unofficial publication by Commerce
Clearing House

Decisions:

- Comptroller General of the U.S.

Those not officially published as
decisions of the Comptroller General are
published unofficially by Federal
Publications, Inc.

Decisiones:

- U.S. Supreme Court
- Circuit Court of Appeals
- District Courts
- Court of Claims

U.S. Reports
Federal Reporter - 2nd Series
Federal Supplement Reporter
Court of Claims Reports

Decisiones:

- Boards of Contract Appeals

Publicación no oficial de la
Commerce Clearing House

Decisiones:

- Comptroller General of the U.S.

Las decisiones que no se publican
oficialmente como decisiones del
Comptroller General se publican de
manera no oficial por Federal
Publications, Inc.

For the Republic
of Austria:

Pour la République
d'Autriche :

Por la República
de Austria:

[R. WILLENPART
17 December 1979
Subject to ratification —
Sous réserve de ratification]

For the Kingdom
of Belgium:

Pour le Royaume
de Belgique :

Por el Reino
de Bélgica:

For Canada:

Pour le Canada :

Por el Canadá:

[D. MCPHAIL
30 December 1980]¹

For the Kingdom
of Denmark:

Pour le Royaume
du Danemark :

Por el Reino
de Dinamarca:

For the Republic
of Finland:

Pour la République
de Finlande :

Por la República
de Finlandia:

[PAAVO KAARLEHTO
17 December 1979
Subject to ratification —
Sous réserve de ratification]

For the French
Republic:

Pour la République
française :

Por la República
Francesa:

For the Federal Republic
of Germany:

Pour la République
fédérale d'Allemagne :

Por la República Federal
de Alemania:

¹ See p. 584 of this volume for the text of the declarations made upon definitive signature — Voir p. 584 du présent volume pour le texte des déclarations faites lors de la signature définitive.

| | | |
|--|--|--------------------------------------|
| For the Republic of India: | Pour la République de l'Inde : | Por la República de la India: |
| For Ireland: | Pour l'Irlande : | Por Irlanda: |
| For the Italian Republic: | Pour la République italienne : | Por la República Italiana: |
| For Jamaica: | Pour la Jamaïque : | Por Jamaica: |
| For Japan: | Pour le Japon : [MASAO SAWAKI 17 December 1979 Subject to completion of constitutional pro- cedures — Sous réserve de l'accomplis- sement des procédures constitution- nelles] | Por el Japón: |
| For the Republic of Korea: | Pour la République de Corée : | Por la República de Corea: |
| For the Grand Duchy of Luxembourg: | Pour le Grand-Duché de Luxembourg : | Por el Gran Ducado de Luxemburgo: |
| For the Kingdom of the Netherlands: | Pour le Royaume des Pays-Bas : | Por el Reino de los Países Bajos: |

For the Federal Republic
of Nigeria:

Pour la République
fédérale du Nigéria :

Por la República Federal
de Nigeria:

For the Kingdom
of Norway:

Pour le Royaume
de Norvège :
[JOHAN CAPPELEN
17 December 1979
Subject to acceptance —
Sous réserve d'acceptation]

Por el Reino
de Noruega:

For the Republic
of Singapore:

Pour la République
de Singapour :
[GEORGE SEOW
30 December 1980]¹

Por la República
de Singapur:

For the Kingdom
of Sweden:

Pour le Royaume
de Suède :
[M. LEMMEL
17 December 1979
Subject to ratification —
Sous réserve de ratification]

Por el Reino
de Suecia:

For the Swiss
Confederation:

Pour la Confédération
suisse :
[A. DUNKEL
17 December 1979
Without prejudice to the acceptance of lists
not yet approved — Sans préjudice de
l'acceptation des listes non encore
agrées]

Por la Confederación
Suiza:

For the United Kingdom
of Great Britain
and Northern Ireland:

Pour le Royaume-Uni
de Grande-Bretagne
et d'Irlande du Nord :

Por el Reino Unido
de Gran Bretaña
e Irlanda del Norte:

¹ See p. 584 of this volume for the text of the declarations made upon definitive signature — Voir p. 584 du présent volume pour le texte des déclarations faites lors de la signature définitive.

For the United States
of America:

Pour les Etats-Unis
d'Amérique :

Por los Estados Unidos
de América:

[MICHAEL SMITH
17 December 1979

Subject to satisfactory completion of negotia-
tions on entity coverage — Sous réserve
de l'issue favorable des négociations sur
la couverture des entités]

For the European
Economic Community:

Pour la Communauté
économique européenne :

Por la Comunidad
Económica Europea:

[P. LUYTEN
17 December 1979¹

Subject to satisfactory completion of negotia-
tions on entity coverage — Sous réserve
de l'issue favorable des négociations sur
la couverture des entités]

¹ On 22 December 1980, the European Community deposited a declaration in which it was stated that the signature of the Community constitutes acceptance of the Agreement in regard to those signatories to whose lists of entities the Community has indicated its agreement.

In regard to Canada and Japan, the declaration states:

"The Communities can also provisionally accept the list of entities submitted by Canada which includes the Post Office but cannot agree to the footnote relating to the Post Office stating that the "Department of the Post Office is on this list of entities on the understanding that, should it cease to be a government department, the provisions of Article IX, paragraph 5(b), would not apply". In terms of this declaration there is no agreed list between the EC and Canada. Nevertheless, the Communities are ready to apply the Agreement to Canada on a provisional basis and will wish to negotiate compensatory adjustments, with a view to maintaining a comparable level of coverage in accordance with the procedures set out in Article IX, paragraph 5(b), if Canada withdraws the Department of the Post Office and in any event reserves the right to withdraw equivalent concessions if no compensatory adjustments are made by Canada or if additional withdrawals are made.

"The European Communities can provisionally agree to the final list of entities and products submitted by Japan and will apply the Agreement to Japan on a provisional basis. The European Communities will consider the question of *de jure* application of the Agreement to Japan when the Japanese Government provides assurances that the Communities will receive the same treatment as other signatories of the Code in respect of all procedures (including release of information and arbitration of disputes) relating to all contracts for procurement awarded by the Nippon Telegraph and Telephone Public Corporation."

La Communauté européenne a déposé le 22 décembre 1980 une déclaration par laquelle elle a fait savoir que la signature de ladite Communauté constituera une acceptation de l'Accord à l'égard des signataires figurant sur les listes d'entités pour lesquelles la Communauté a indiqué son agrément.

A l'égard du Canada et du Japon, la déclaration précise :

[TRADUCTION — TRANSLATION]

Les Communautés peuvent aussi accepter provisoirement la liste des entités soumise par le Canada qui comprend la Direction des postes, mais ne peuvent accepter la note en bas de page à ce sujet déclarant que « la Direction des postes figure dans cette liste des entités, étant entendu que, s'il cessait de faire partie du gouvernement, les stipulations de l'article IX, paragraphe 5, b, ne s'appliqueraient pas ». Aux termes de cette déclaration, il n'y a pas de liste ayant rencontré l'agrément à la fois des Communautés européennes et du Canada. Néanmoins, les Communautés sont disposées à appliquer l'Accord au Canada à titre provisoire et désireront négocier des ajustements compensatoires en vue de maintenir un niveau comparable de couverture, conformément aux procédures énoncées dans l'article IX, paragraphe 5, b, si le Canada retire la Direction des postes et, de toute façon, se réserve le droit de supprimer des concessions équivalentes si le Canada ne procède pas à des ajustements compensatoires ou si d'autres suppressions sont faites.

Les Communautés européennes peuvent accepter provisoirement la liste finale des entités et de produits soumise par le Japon et appliqueront l'Accord au Japon à titre provisoire. Les Communautés européennes envisageront la question de l'application *de jure* au Japon quand le Gouvernement japonais fournira l'assurance que les Communautés auront droit au même traitement que les autres signataires du Code pour toutes les procédures (y compris la diffusion d'informations et l'arbitrage de conflits) pour tous les contrats concernant des marchés publics avec la Nippon Telegraph and Telephone Public Corporation.

DECLARATIONS MADE UPON DEFINITIVE SIGNATURE (s) OR ACCEPTANCE (A)

CANADA (s)

“(a) The Department of the Post Office is included in the Canadian list of entities on the understanding that, should it cease to be a Government Department, the provisions of article IX, paragraph 5B, of the Agreement on Government Procurement would not apply. The Government of Canada does not, therefore, accept the declarations of the European Economic Community concerning the Canadian Post Office.

“(b) The Government of Canada will apply the Agreement to the European Economic Community on a provisional basis until such time as the European Economic Community applies the Agreement definitively with respect to Canada.

“(c) In accordance with article IX.9 of the Agreement on Government Procurement, Canada hereby declares that the provisions of the Agreement do not apply and are not in force between Canada and Greece until such time as Greece files a list of entities to which Canada indicates its agreement.”

SINGAPORE (s)

[For the text of the declaration, see note 1 on p. 511 of this volume.]

UNITED STATES
OF AMERICA (A)

“The United States does not consider itself bound to apply the provisions of the Agreement on Government Procurement to Greece by virtue of the acceptance by the European Communities of Greece as a member state in the European Communities. Should it be considered that the Agreement on Government Procurement otherwise would apply as between the United States and Greece, I am also instructed to inform you that, until such time as I inform you to

DÉCLARATIONS FAITES LORS DE LA SIGNATURE DÉFINITIVE (s) OU DE L'ACCEPTATION (A)

CANADA (s)

[TRADUCTION — TRANSLATION]

a) La Direction des postes figure dans la liste canadienne d'entités, étant entendu que, si elle cessait d'être un établissement dépendant du Gouvernement, les stipulations de l'article IX, paragraphe 5B, de l'Accord relatif aux marchés publics ne s'appliqueraient plus. En conséquence, le Gouvernement du Canada n'accepte pas la déclaration de la Communauté économique européenne concernant la Direction des postes canadienne.

b) Le Gouvernement du Canada appliquera l'Accord à la Communauté économique européenne, à titre provisoire, jusqu'à ce que cette Communauté applique l'Accord définitivement en ce qui concerne le Canada.

c) Conformément à l'article IX.9 de l'Accord relatif aux marchés publics, le Canada déclare par la présente que les stipulations de cet Accord ne sont pas en vigueur entre le Canada et la Grèce et ne le seront pas tant que la Grèce n'aura pas fourni une liste d'entités rencontrant l'agrément du Canada.

SINGAPOUR (s)

[Pour le texte de la déclaration, voir note 1 à la page 511 du présent volume.]

ÉTATS-UNIS
D'AMÉRIQUE (A)

[TRADUCTION — TRANSLATION]

Les Etats-Unis ne se considèrent pas comme obligés d'appliquer à la Grèce les dispositions de l'Accord sur les marchés publics du seul fait que les Communautés européennes ont accepté la Grèce comme membre de ces Communautés. Si l'on estimait que l'Accord sur les marchés publics s'appliquerait entre les Etats-Unis et la Grèce, j'ai aussi reçu comme instructions de vous informer que, tant que je ne vous aurai pas informé du contraire, les Etats-

the contrary, the United States, pursuant to article IX.9 of the Agreement, does not consent to such application between the United States and the European Communities with respect to Greece.*¹

DECLARATION

Received on:

31 December 1980

SWITZERLAND

[TRANSLATION — TRADUCTION]

1. Switzerland has ratified the Agreement on Government Procurement "without prejudice to the acceptance of lists not yet approved". Switzerland accordingly will apply the Agreement to the signatories whose lists of entities in annex I to the Agreement are approved in the future, namely, Austria, Canada, European Economic Community, Finland, Hong Kong, Japan, Norway, Singapore, Sweden, United States.

2. With regard to Canada, Switzerland will apply the Agreement without prejudice to the interpretation of the footnote on page 352 of the Canadian list.

3. Switzerland will apply article IX, paragraph 9, of the Agreement to any country which has invoked it with respect to itself.

DECLARATION in respect of paragraph 2 of the declaration made by Switzerland on 31 December 1980¹

Received on:

31 December 1980

CANADA

"I have the honour to inform you that the Department of the Post Office is included in the Canadian list of entities on the understanding that, should it cease to be a government department, the provisions of arti-

* This declaration was disinvoked by the representative of the United States in the meeting of the Committee on Government Procurement on 15 January 1981.

¹ See text above.

Unis, conformément à l'article IX.9 de l'Accord, ne consentent pas à cette application entre les Etats-Unis et les Communautés européennes concernant la Grèce*.

DÉCLARATION

Reçue le :

31 décembre 1980

SUISSE

« 1. La Suisse a ratifié l'Accord relatif aux marchés publics « sans préjudice de l'acceptation des listes non encore agréées ». La Suisse entend dès lors appliquer l'Accord à l'égard des signataires dont les listes d'offres à l'annexe I de l'Accord sont désormais agréées, à savoir : Autriche, Canada, Communauté Economique Européenne, Etats-Unis, Finlande, Hong Kong, Norvège, Japon, Singapour, Suède.

« 2. S'agissant du Canada, la Suisse entend appliquer l'Accord sans préjudice de l'interprétation de la note de la page 352 de la liste canadienne.

« 3. La Suisse appliquera l'article IX.9 de l'Accord à l'égard de tout pays qui l'aurait invoqué à son égard. »

DÉCLARATION à l'égard du paragraphe 2 de la déclaration faite par la Suisse le 31 décembre 1980¹

Reçue le :

31 décembre 1980

CANADA

[TRADUCTION — TRANSLATION]

J'ai l'honneur de vous informer que la Direction des postes figure dans la liste canadienne des entités, étant entendu que, s'il cessait de faire partie du gouvernement, les dispositions de l'article IX, paragra-

* Le représentant des Etats-Unis, lors de la séance du Comité sur les marchés publics du 15 janvier 1981, a fait savoir que les Etats-Unis renonçaient à invoquer la présente déclaration.

¹ Voir le texte ci-dessus.

cle IX, paragraph 5(b), of the Agreement on Government Procurement would not apply. The Government of Canada does not therefore accept the declaration of Switzerland concerning the Canadian Post Office.”

phe 5, b, de l'Accord sur les marchés publics ne s'appliqueraient plus. Le Gouvernement du Canada n'accepte donc pas la déclaration de la Suisse concernant la Direction des postes canadiennes.

WITHDRAWAL of a declaration made upon definitive signature¹

Notification received on:

23 January 1981

CANADA

RETRAIT d'une déclaration faite lors de la signature définitive¹

Notification reçue le :

23 janvier 1981

CANADA

[TRADUCTION — TRANSLATION]

“I have the honour to inform you that, by this letter, Canada is withdrawing paragraph (c) of its declaration of 30 December 1980 concerning its acceptance of the Agreement on Government Procurement with respect to the European Economic Community, in light of the decision taken at the 15 January 1981 meeting of the Committee on Government Procurement concerning application of the Agreement to Greece.”

Certified statements were registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

J'ai l'honneur de vous informer que, par la présente lettre, le Canada retire le paragraphe c de sa déclaration du 30 décembre 1980 concernant son acceptation de l'Accord relatif aux marchés publics au sujet de la Communauté économique européenne, compte tenu de la décision prise lors de la réunion du 15 janvier 1981 du Comité des marchés publics, concernant l'application de l'Accord à la Grèce.

Les déclarations certifiées ont été enregistrées par le Directeur général des Parties contractantes à l'Accord général sur les tarifs douaniers et le commerce, agissant au nom des Parties, le 12 juin 1981.

¹ See p. 584 of this volume.

¹ Voir p. 584 du présent volume.

RECTIFICATIONS and AMENDMENTS relating to annexes I-IV to the Agreement on Government Procurement of 12 April 1979¹

Notified to the Committee on Government Procurement on 14 January 1981, with effect from 13 February 1981, no objections having been made within 30 days, in accordance with paragraph 5 (a) of article IX.

RECTIFICATIONS et MODIFICATIONS relatives aux annexes I à IV de l'Accord relatif aux marchés publics du 12 avril 1979¹

Notifiées au Comité des marchés publics le 14 janvier 1981, avec effet au 13 février 1981, aucune objection n'ayant été formulée dans un délai de 30 jours, conformément au paragraphe 5, a, de l'article IX.

ANNEX I

Party

New text

Canada

Page 352

The entry under item 7 now reading "Department of Fisheries and Environment (except Fisheries and Marine Service) including: Fisheries Price Support Board" should read "Department of the Environment".

Page 354

Under item 18, "Department of Secretary of State of Canada", the "Office of the Representation Commissioner" should be deleted, as this office has been merged with the Office of the Chief Electoral Officer (entity 28).

Under item 19, "Department of Solicitor General", the "Canadian Penitentiary Service" should be replaced by "Correctional Service of Canada".

Page 354

Add new item 33: "Fisheries Price Support Board".

European Economic Community

Denmark

Pages 378 and 380

Should be redrafted as follows:

Danish Government procurement entities

1. Prime Minister's Office
2. Ministry of Labour
3. Ministry of Foreign Affairs (2 departments)
4. Ministry of Housing
5. Ministry of Energy
6. Ministry of Finance (3 departments)

—4 directorates and institutions

—4 directorates and institutions

—1 directorate and Research Establishment "Risoe"

—4 directorates and institutions, including the Directorate for Government Procurement

¹ See p. 258 of this volume.

¹ Voir p. 259 du présent volume.

| <i>Party</i> | <i>New text</i> |
|---|--|
| 7. Ministry of Taxes and Duties (2 departments) | —5 directorates and institutions |
| 8. Ministry of Fisheries | —4 institutions |
| 9. Ministry of Industry (Full name: Ministry of Industry, Trade, Handicraft and Shipping) | —19 directorates and institutions |
| 10. Ministry of the Interior | —State Serum Institute —Danish National Civil Defence Directorate —2 other directorates and institutions |
| 11. Ministry of Justice | —Office of the Chief of Danish Police —3 other directorates and institutions |
| 12. Ministry of Religious Affairs | |
| 13. Ministry of Agriculture | —19 directorates and institutions |
| 14. Ministry of Environment | —5 directorates |
| 15. Ministry of Greenland | —Royal Greenland Trade Department* —Greenland Technical Organization —2 other institutions |
| 16. Ministry of Cultural Affairs | —2 directorates and several State-owned museums and higher educational institutions |
| 17. Ministry of Social Affairs | —5 directorates |
| 18. Ministry of Education | —University Hospital of Copenhagen —6 directorates —12 universities and research institutions |
| 19. Ministry of Economic Affairs (3 departments) | |
| 20. Ministry of Public Works** | —State harbours and State airports —4 directorates and several institutions |
| 21. Ministry of Defence*** | |

*Ireland**Page 410*

“Department of Economic Planning and Development” should be deleted as this Department has been amalgamated with the Department of Finance.

“Department of Industry, Commerce and Energy” should be replaced by “Department of Industry, Commerce and Tourism”.

Page 410

“Department of Tourism and Transport” should be replaced by “Department of Transport”.

Add to list “Department of Energy”.

* Products for resale or for use in the production of goods for sale are not included.

** With the exception of Danish State Railways and the telecommunication services of the P&T.

*** Non-warlike materials contained in Part II of this list (see p. 454 of this volume).

Party

New text

Luxembourg

Page 420

The entry under item 10, "Ministry of Transport and Energy: electric power stations of the Upper and Lower Saar" should read: "Ministry of Transport and Energy: electric power stations of the Upper and Lower Sûre".

Netherlands

Page 424

Should be redrafted as follows:

List of entities:

Ministries and central government bodies

- 1. } Unchanged
- } Unchanged
- 9. } Unchanged
- 10. Ministry of Transport and Public Works**, including postal, telephone and telegraph services.
- 11. } Unchanged
- } Unchanged
- 17. } Unchanged
- 18. Higher Assemblies of State

Some of the entities listed above make their own specific purchases; the major part of the purchases of the ministries and central governmental bodies however are effected through the central procurement offices listed below:

- 1. } Unchanged
- } Unchanged
- 11. } Unchanged

Footnotes: unchanged.

Japan

Page 486

"Ministerio de Asuntos Extranjeros" should read: "Ministerio de Relaciones Exteriores".*

The United States

Page 540

The entry under item 3 now reading "Department of Health, Education and Welfare" should be replaced with two entries reading "Department of Education" and "Department of Health and Human Services".

The entry under item 8 now reading "Department of State" should be replaced with two entries reading "Department of State" and "United States International Development Co-operation Agency".

* This rectification applies to the Spanish text only.

*Party**New text*

The entry under item 10 should be modified to read "General Services Administration (purchases by the National Tool Center are not included; purchases by the Regional 9 Office of San Francisco, California are not included)."

Page 540

Item 31 (i.e. Indian Claims Commission) and item 47 (i.e. Renegotiation Board) should be deleted as both entities have ceased to exist.

ANNEX II

No changes

ANNEX III

No changes

ANNEX IV

Austria

The entry on page 568 should read:

"Oesterreichisches Bundesgesetzblatt Amtsblatt zur Wiener Zeitung Jurisprudence—official and non-official publications:

"—Sammlung von Entscheidungen des Verfassungsgerichtshofes;

"—Sammlung der Entscheidungen des Verwaltungsgerichtshofes, administrativrechtlicher und finanzrechtlicher Teil;

"—Amtliche Sammlung der Entscheidungen des Obersten Gerichtshofes in Zivilsachen (Sammlung Zivilsachen)."

*Canada**Page 568*

"Contracting" should read "Treasury Board Administrative Policy Manual Chapter 310 (Contracting)".

*European Economic Community**Federal Republic of Germany**Page 568*

Replace "— Bundesgesetzblatt" by "— Bundesanzeiger".

ANEXO II

Sin modificación

ANEXO III

Sin modificación

ANEXO IV

*Parte**Nuevo texto**Austria*

El texto correspondiente a Austria en la página 576 debe decir así:

« Oesterreichisches Bundesgesetzblatt Amtsblatt zur Wiener Zeitung Jurisprudencia — publicaciones oficiales y no oficiales:

« — Sammlung von Entscheidungen des Verfassungsgerichtshofes

« — Sammlung der Entscheidungen des Verwaltungsgerichtshofes, administrativrechtlicher und finanzrechtlicher Teil

« — Amtliche Sammlung der Entscheidungen des Obersten Gerichtshofes in Zivilsachen (Sammlung Zivilsachen). »

*Canadá**Página 576*

Donde dice « Contracting », debe decir « Treasury Board Administrative Policy Manual, Chapter 310 (Contracting) ».

*Comunidad Económica Europea**República Federal de Alemania**Página 576*

Sustitúyase « - Bundesgesetzblatt » por « - Bundesanzeiger ».

RECTIFICATIONS and AMENDMENTS relating to annexes I-IV to the Agreement on Government Procurement of 12 April 1979¹

Notified to the Committee on Government Procurement on 3 February 1981, with effect from 5 March 1981, no objections having been made within 30 days, in accordance with paragraph 5 (a) of article IX.

RECTIFICATIONS et MODIFICATIONS relatives aux annexes I à IV de l'Accord relatif aux marchés publics du 12 avril 1979¹

Notifiées au Comité des marchés publics le 3 février 1981, avec effet au 5 mars 1981, aucune objection n'ayant été formulée dans un délai de 30 jours, conformément au paragraphe 5, a, de l'article IX.

¹ See p. 258 of this volume.

¹ Voir p. 259 du présent volume.

ANNEX I

*Party**New text**European Economic Community**Belgium**Page 368*

Delete item 16 "Postal Administration"*** and footnote** "Postal business only".

Pages 368 and 370

Should be redrafted as follows:

- II. *List of actual Ministries, purchasing through entities listed under No. I*
 1. Primer Minister
 2. Vice-Premier and Minister for Communications
 3. Vice-Premier and Minister for Economic Affairs
 4. Vice-Premier and Minister for the Middle Classes, Planning and attached to the Minister for the French-language Community
 5. Minister for Public Works and Institutional Reforms
 6. Minister for Foreign Affairs
 7. Minister for National Education
 8. Minister for Agriculture
 9. Minister for Social Welfare and Public Health
 10. Minister for the Flemish-language Community and attached to the Minister for National Education
 11. Minister for the Walloon Region
 12. Minister for the Interior and the Budget
 13. Minister for External Trade
 14. Minister for Finance
 15. Minister for Employment and Labour
 16. Minister for the Flemish-language Community
 17. Minister for the French-language Community
 18. Minister for Justice and Institutional Reforms
 19. Minister for Co-operation for Development
 20. Minister for the Civil Service and for Scientific Policy, with responsibility for Co-ordination of Environmental Policy
 21. Minister for the Brussels Region

*Party**New Text*

22. Minister for Pensions
23. Minister for Postal, Telegraph and Telephone Services*
24. Minister for National Defence**
25. Minister for National Education
26. Secretary of State for the Flemish-language Community, attached to the Minister for the Flemish-language Community
27. Secretary of State for the Brussels Region, attached to the Minister for the Brussels Region
28. Secretary of State for the Walloon Region, attached to the Minister for the Walloon Region
29. Secretary of State for the Flemish-language Community, attached to the Minister for the Flemish-language Community
30. Secretary of State for the Flemish-language Community, attached to the Minister for the Flemish-language Community
31. Secretary of State for the Brussels Region, attached to the Minister for the Brussels Region
32. Secretary of State for the Walloon Region, attached to the Minister for the Walloon Region

Page 372

Under III, add as item 18 "Postal Administration*" with footnote* "Postal business only".

*United Kingdom**Page 444*

The final seven entities in the United Kingdom List are covered by the Welsh Office and should therefore be indented. The entry for the Welsh Office should thus read:

Welsh Office

- Central Council for Education and Training in Social Work
- Commons Commissioners
- Council for the Education and Training of Health Visitors
- Dental Estimates Board
- Local Government Boundary Commission

* Postal business only.

** Non-warlike materials contained in part II of this List (see p. 454 of this volume).

*Party**New text*

- Local Valuation Panels and Courts
- National Health Service
- National Health Service authorities
- Public Health Laboratory Service Board
- Rent Control Tribunals and Rent Assessment Panels and Committees

Page 460

Chapter 92 should read: "Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles".

Chapter 96 should read: "Brooms, brushes, powder-puffs and sieves".

ANNEX II

No changes

ANNEX III

No changes

ANNEX IV

*France**Page 568*

Replace "Législation—Bulletin Officiel" by "Législation—Journal officiel de la République française".

ANNEXE I

*Partie**Nouveau texte**Communauté économique européenne**Belgique**Page 369*

Supprimer le numéro 16 « Régie des postes** » et la note de bas de page** « Postes seulement ».

Pages 369 et 371

Modifier le texte comme suit :

II. *Liste des Ministères et Secrétariats d'Etat dont les marchés sont passés par l'intermédiaire des entités énumérées sous I*

I. Premier Ministre

* Concerns only the English text.

RECTIFICATIONS and AMENDMENTS relating to annexes I and II to the Agreement on Government Procurement of 12 April 1979¹

Notified to the Committee on Government Procurement on 23 March 1981, with effect from 22 April 1981, no objections having been made within 30 days, in accordance with paragraph 5 (a) of article IX.

RECTIFICATIONS et MODIFICATIONS relatives aux annexes I et II de l'Accord relatif aux marchés publics du 12 avril 1979¹

Notifiées au Comité des marchés publics le 23 mars 1981, avec effet au 22 avril 1981, aucune objection n'ayant été formulée dans un délai de 30 jours, conformément au paragraphe 5, a, de l'article IX.

ANNEX I

Party

New text

Canada

Item 6. The "Anti-Inflation Board" should be deleted as the agency has been disbanded.

Item 20. The "Canadian Government Specifications Board" should be replaced with the "Canadian General Standards Board" to reflect the change of name of this entity. (The French name is the "Office des Normes Générales du Canada".)

Item 24. The "Task Force on Canadian Unity" has been disbanded and accordingly should be deleted from the Canadian entity list.

*Sweden**

Item 17. "Statens trafiksäkerhetsverk" should read "Trafiksäkerhetsverket".

ANNEX II

Party

New text

European Economic Community

Ireland

"Irish Independant" should read "Irish Independent".

ANNEXE I

Partie

Nouveau texte

Canada

Numéro 6. Supprimer « Commission de lutte contre l'inflation », car cette entité a été dissoute.

Numéro 20. Remplacer « Office des normes du gouvernement canadien » par « Office des normes générales du Canada », cette entité ayant changé de nom. (Nouveau nom anglais : « Canadian General Standards Board ».)

* Applies to the text in Swedish only.

¹ See p. 258 of this volume.

¹ Voir p. 259 du présent volume.

RECTIFICATIONS and AMENDMENTS relating to annex I to the Agreement on Government Procurement of 12 April 1979¹

Notified to the Committee on Government Procurement on 6 April 1981, with effect from 6 May 1981, no objections having been made within 30 days, in accordance with paragraph 5 (a) of article IX.

RECTIFICATIONS et MODIFICATIONS relatives à l'annexe I de l'Accord relatif aux marchés publics du 12 avril 1979¹

Notifiées au Comité des marchés publics le 6 avril 1981, avec effet au 6 mai 1981, aucune objection n'ayant été formulée dans un délai de 30 jours, conformément au paragraphe 5, a, de l'article IX.

ANNEX I

The following rectification should be made to the Danish list of entities:

Footnote * on p. 380 which at present only relates to the Ministry of Public Works should also refer to the Ministry of Greenland. Footnote * itself should be revised to read "(*) with the exception of Danish State Railways and the telecommunications services of the P&T and the G.T.O." (P&T and G.T.O. stand for Posts and Telegraphs and the Greenland Technical Organisation, respectively).

The Greenland Technical Organisation carries out the functions of the P&T in Greenland and the footnote relating to the Ministry of Public Works (of which the P&T is a part) has to be understood therefore as applying also to the G.T.O.

ANNEXE I

Rectifier comme suit la liste des entités danoises :

La note de bas de page 381 qui, sous sa forme actuelle, concerne uniquement le Ministère des travaux publics vise aussi, désormais, le Ministère du Groenland. Il y a lieu d'en modifier comme suit le libellé « * à l'exception de la Société nationale des chemins de fer danois, et des services de télécommunication des P&T et de l'O.T.G. » (postes et télégraphes et Organisation technique du Groenland, respectivement).

L'Organisation technique du Groenland assure, au Groenland, les fonctions relatives aux Postes et télégraphes, et la note de bas de page relative au Ministère des travaux publics (dont relèvent les P&T) doit donc être considérée comme se rapportant aussi à cette organisation.

[SPANISH TEXT — TEXTE ESPAGNOL]

ANEXO I

Debe hacerse la siguiente rectificación en la lista danesa de entidades:

La nota (* on page 383 — * à la page 383) al pie de página sólo se refiere en la actualidad al Ministerio de Obras Públicas, pero debe también concernir al Ministerio de Groenlandia. El texto mismo de dicha nota ha de revisarse de manera que diga « * A excepción de los Ferrocarriles del Estado daneses y de los servicios de telecomunicación de Correos y Telégrafos y del Organismo Técnico de Groenlandia ».

El Organismo Técnico de Groenlandia desempeña las funciones de Correos y Telégrafos en esa isla, y la nota al pie de página referente al Ministerio de Obras Públicas (del que forman parte los Correos y Telégrafos) debe entenderse por tanto que es también de aplicación al mencionado Organismo Técnico.

¹ See p. 258 of this volume.

¹ Voir p. 259 du présent volume.

RECTIFICATIONS and AMENDMENTS relating to annex IV to the Agreement on Government Procurement of 12 April 1979¹

Notified to the Committee on Government Procurement on 15 April 1981, with effect from 15 May 1981, no objections having been made within 30 days, in accordance with paragraph 5 (a) of article IX.

RECTIFICATIONS et MODIFICATIONS relatives à l'annexe IV de l'Accord relatif aux marchés publics du 12 avril 1979¹

Notifiées au Comité des marchés publics le 15 avril 1981, avec effet au 15 mai 1981, aucune objection n'ayant été formulée dans un délai de 30 jours, conformément au paragraphe 5, a, de l'article IX.

ANNEX IV

Replace the first paragraph under the section on the United States in annex IV with the following paragraph:

“All United States laws, regulations, judicial decisions, administrative rulings and procedures regarding government procurement covered by this Agreement (including Executive Orders but excluding Determinations by the United States Trade Representative) are codified in the Defense Acquisitions Regulations (DAR), the Federal Procurement Regulations (FPR), and the National Aeronautics and Space Administration (NASA) procurement regulations. The DAR, FPR, and NASA procurement regulations are all published as a part of the United States Code of Federal Regulations (CFR). The DAR is published in title 32 of the CFR, the FPR is in title 41, chapter 1, of the CFR and the NASA procurement regulations are in title 41, chapter 18, of the CFR. Copies of the CFR, which is updated annually, may be purchased from the Government Printing Office (GPO). The DAR, the FPR, and the NASA procurement regulations are also published in loose-leaf versions, which are available by subscription from the GPO. Changes are provided to subscribers as they are issued.

“Determinations by the United States Trade Representative are published only in the Federal Register. Executive Orders and changes in the DAR, the FPR, and the NASA procurement regulations, in addition to being published in the manner noted above, also appear promptly in the Federal Register.”

ANNEXE IV

Remplacer le premier paragraphe de la partie de l'annexe IV consacrée aux Etats-Unis par le paragraphe suivant :

« Les lois, règlements, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics visés par le présent accord (y compris les décrets-lois), mais non compris les décisions interprétatives du *US Trade Representative* sont tous codifiés dans les *Defense Acquisitions Regulations* (DAR), les *Federal Procurement Regulations* (FPR) et les règlements applicables aux marchés de l'Administration nationale de l'aérospatiale (NASA). Les DAR, FPR et les règlements applicables aux marchés de la NASA font partie intégrante du *US Code of Federal Regulations* (CFR). Les DAR figurent au titre 32 des CFR; les FPR figurent au titre 41 du chapitre premier des CFR; les règlements applicables aux marchés de la NASA figurent au titre 41 du chapitre 18 des CFR. Les CFR, qui sont actualisés tous les

¹ See p. 258 of this volume.

¹ Voir p. 259 du présent volume.

ans, sont en vente au Government Printing Office (GPO). Les DAR, les CFR et les règlements applicables aux marchés de la NASA paraissent aussi sous forme de feuillets mobiles, auxquels on peut s'abonner en s'adressant au GPO. Les abonnés reçoivent les modifications apportées à ces textes au fur et à mesure de leur parution.

« Les décisions interprétatives du *US Trade Representative* ne sont publiées que dans le *Federal Register*. Les décrets-lois et les changements apportés aux DAR, aux FPR et aux règlements relatifs aux marchés de la NASA, qui sont publiés comme indiqué ci-dessus, sont aussi consignés immédiatement dans le *Federal Register*. »

[SPANISH TEXT — TEXTE ESPAGNOL]

ANEXO IV

Sustitúyase el primer párrafo de la sección dedicada a los Estados Unidos en el anexo IV por el párrafo siguiente:

« Todas las leyes, reglamentos, decisiones judiciales, resoluciones y procedimientos administrativos de los Estados Unidos, relativos a las compras del sector público, que abarca el presente Acuerdo (con inclusión de las *Executive Orders*, pero excluidas las *Determinations* del Representante de los Estados Unidos para los asuntos comerciales) se hallan codificados en las series de reglamentos *Defense Acquisitions Regulations* (DAR) y *Federal Procurement Regulations* (FPR), así como en los reglamentos de compras de la Administración Nacional de Aeronáutica Espacial (NASA). Los DAR, los FPR y los reglamentos de compras de la NASA se publican como parte del *Code of Federal Regulations* (CFR) de los Estados Unidos. Los DAR se publican en el título 32 del CFR, los FPR figuran en el título 41, capítulo 1, del CFR, y los reglamentos de compras de la NASA en el título 41, capítulo 18, del CFR. El CFR, que se actualiza todos los años, puede adquirirse en la Oficina de Publicaciones del Gobierno (GPO). Los DAR, los FPR y los reglamentos de compras de la NASA se publican asimismo en versiones de hojas amovibles, que pueden conseguirse por suscripción ante la Oficina de Publicaciones del Gobierno. Las modificaciones se facilitan a los suscriptores a medida que se publican.

« Las *Determinations* (resoluciones) del Representante de los Estados Unidos para los asuntos comerciales sólo se publican en el *Federal Register*. Las *Executive Orders* (decretos) y las modificaciones de los DAR, los FPR y los reglamentos de compras de la NASA aparecen también prontamente en el *Federal Register*, además de publicarse en la forma antes indicada. »

Authentic texts of the rectifications and amendments: English, French and Spanish.

Certified statements were registered by the Director-General to the Contracting Parties to the General Agreement on Tariffs and Trade, acting on behalf of the Parties, on 12 June 1981.

Textes authentiques des rectifications et des modifications: anglais, français et espagnol.

Les déclarations certifiées ont été enregistrées par le Directeur général des parties contractantes à l'Accord général sur les tarifs douaniers et le commerce, agissant au nom des parties, le 12 juin 1981.