**No. 31874. MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION. CONCLUDED AT MARRAKESH ON 15 APRIL 1994**\(^1\)

**AGREEMENT\(^2\) ON GOVERNMENT PROCUREMENT (WITH APPENDICES, RECTIFICATIONS AND MODIFICATIONS). CONCLUDED AT MARRAKESH ON 15 APRIL 1994**

*Authentic texts: English, French and Spanish.*

Registered by the Director-General of the World Trade Organization, acting on behalf of the Parties, on 29 February 1996.

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\(^2\) Came into force on 1 January 1996 in respect of the following States and Organization whose agreed coverage is contained in Annexes 1 to 5 of Appendix I, which had accepted it by signature or by deposit of an instrument of ratification or approval with the Director-General of the World Trade Organization, in accordance with article XXIV (1):

<table>
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<th>Participant</th>
<th>Date of definitive signature(s) or of deposit of the instrument of ratification or approval (AA)</th>
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<tr>
<td>Belgium</td>
<td>30 December 1994</td>
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<td>Canada(^*)</td>
<td>22 December 1995</td>
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\(^*\) See p. 499 of this volume for the texts of the declarations made upon ratification.

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AGREEMENT ON
GOVERNMENT PROCUREMENT

ACCORD SUR
LES MARCHES PUBLICS

ACUERDO SOBRE
CONTRATACIÓN PÚBLICA

Marrakesh
15 April 1994
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AGREEMENT ON GOVERNMENT PROCUREMENT

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

Recognizing the need for an effective multilateral 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 services and to foreign or domestic suppliers so as to afford protection to domestic products or services or domestic suppliers and should not discriminate among foreign products or services or among foreign 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;

Recognizing the need to take into account the development, financial and trade needs of developing countries, in particular the least-developed countries;

Desiring, in accordance with paragraph 6(b) of Article IX of the Agreement on Government Procurement done on 12 April 1979, as amended on 2 February 1987, to broaden and improve the Agreement on the basis of mutual reciprocity and to expand the coverage of the Agreement to include service contracts;

Desiring to encourage acceptance of and accession to this Agreement by governments not party to it;

Having undertaken further negotiations in pursuance of these objectives;

Hereby agree as follows:

2 Ibid., vol. 1511, p. 286.
Article I

Scope and Coverage

1. This Agreement applies to any law, regulation, procedure or practice regarding any procurement by entities covered by this Agreement, as specified in Appendix I.\(^1\)

2. This Agreement applies to procurement by any contractual means, including through such methods as purchase or as lease, rental or hire purchase, with or without an option to buy, including any combination of products and services.

3. Where entities, in the context of procurement covered under this Agreement, require enterprises not included in Appendix I to award contracts in accordance with particular requirements, Article III shall apply *mutatis mutandis* to such requirements.

4. This Agreement applies to any procurement contract of a value of not less than the relevant threshold specified in Appendix I.

Article II

Valuation of Contracts

1. The following provisions shall apply in determining the value of contracts\(^2\) for purposes of implementing this Agreement.

2. Valuation shall take into account all forms of remuneration, including any premiums, fees, commissions and interest receivable.

3. The selection of the valuation method by the entity shall not be used, nor shall any procurement requirement be divided, with the intention of avoiding the application of this Agreement.

4. If an individual requirement for a procurement results in the award of more than one contract, or in contracts being awarded in separate parts, the basis for valuation shall be either:

   (a) the actual value of similar recurring contracts concluded over the previous fiscal year or 12 months adjusted, where possible, for anticipated changes in quantity and value over the subsequent 12 months; or

   (b) the estimated value of recurring contracts in the fiscal year or 12 months subsequent to the initial contract.

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\(^1\)For each Party, Appendix I is divided into five Annexes:
- Annex 1 contains central government entities.
- Annex 2 contains sub-central government entities.
- Annex 3 contains all other entities that procure in accordance with the provisions of this Agreement.
- Annex 4 specifies services, whether listed positively or negatively, covered by this Agreement.
- Annex 5 specifies covered construction services.

Relevant thresholds are specified in each Party’s Annexes.

\(^2\)This Agreement shall apply to any procurement contract for which the contract value is estimated to equal or exceed the threshold at the time of publication of the notice in accordance with Article IX.

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5. In cases of contracts for the lease, rental or hire purchase of products or services, or in the case of contracts which do not specify a total price, the basis for valuation shall be:

   (a) in the case of fixed-term contracts, where their term is 12 months or less, the total contract value for their duration, or, where their term exceeds 12 months, their total value including the estimated residual value;

   (b) in the case of contracts for an indefinite period, the monthly instalment multiplied by 48.

If there is any doubt, the second basis for valuation, namely (b), is to be used.

6. In cases where an intended procurement specifies the need for option clauses, the basis for valuation shall be the total value of the maximum permissible procurement, inclusive of optional purchases.

Article III

National Treatment and Non-discrimination

1. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Agreement, each Party shall provide immediately and unconditionally to the products, services and suppliers of other Parties offering products or services of the Parties, treatment no less favourable than:

   (a) that accorded to domestic products, services and suppliers; and

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

2. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Agreement, each Party shall ensure:

   (a) that its entities shall not treat a locally-established supplier less favourably than another locally-established supplier on the basis of degree of foreign affiliation or ownership; and

   (b) that its entities shall not discriminate against locally-established suppliers on the basis of the country of production of the good or service being supplied, provided that the country of production is a Party to the Agreement in accordance with the provisions of Article IV.

3. The provisions of paragraphs 1 and 2 shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations and formalities, and measures affecting trade in services other than laws, regulations, procedures and practices regarding government procurement covered by this Agreement.
Article IV

Rules of Origin

1. A Party shall not apply rules of origin to products or services imported or supplied 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 the transaction in question to imports or supplies of the same products or services from the same Parties.

2. Following the conclusion of the work programme for the harmonization of rules of origin for goods to be undertaken under the Agreement on Rules of Origin in Annex 1A of the Agreement Establishing the World Trade Organization (hereinafter referred to as "WTO Agreement") and negotiations regarding trade in services, Parties shall take the results of that work programme and those negotiations into account in amending paragraph 1 as appropriate.

Article V

Special and Differential Treatment for Developing Countries

Objectives

1. 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 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; and

   (d) encourage their economic development through regional or global arrangements among developing countries presented to the Ministerial Conference of the World Trade Organization (hereinafter referred to as the "WTO") and not disapproved by it.

2. Consistently with the provisions of this Agreement, each Party 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 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 shall be duly taken into account in the course of negotiations with respect to the procurement of developing countries to be covered by the provisions of this Agreement. Developed countries, in the preparation
of their coverage lists under the provisions of this Agreement, shall endeavour to include entities procuring products and services of export interest to developing countries.

**Agreed Exclusions**

4. A developing country may negotiate with other participants in negotiations under this Agreement mutually acceptable exclusions from the rules on national treatment with respect to certain entities, products or services that are included in its coverage lists, having regard to the particular circumstances of each case. In such negotiations, the considerations mentioned in subparagraphs 1(a) through 1(c) shall be duly taken into account. A developing country participating in regional or global arrangements among developing countries referred to in subparagraph 1(d) may also negotiate exclusions to its 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, in particular, products or services which may be subject to common industrial development programmes.

5. After entry into force of this Agreement, a developing country Party may modify its coverage lists in accordance with the provisions for modification of such lists contained in paragraph 6 of Article XXIV, having regard to its development, financial and trade needs, or may request the Committee on Government Procurement (hereinafter referred to as "the Committee") to grant exclusions from the rules on national treatment for certain entities, products or services that are included in its coverage lists, having regard to the particular circumstances of each case and taking duly into account the provisions of subparagraphs 1(a) through 1(c). After entry into force of this Agreement, a developing country Party may also request the Committee to grant exclusions for certain entities, products or services that are included in its coverage lists in the light of its 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 subparagraph 1(d). 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 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 shall be subject to review in accordance with the provisions of paragraph 14 below.

**Technical Assistance for Developing Country Parties**

8. Each developed country Party shall, upon request, provide all technical assistance which it 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 developing country Parties, shall relate, *inter alia*, to:

- the solution of particular technical problems relating to the award of a specific contract; and

- any other problem which the Party making the request and another Party agree to deal with in the context of this assistance.
10. Technical assistance referred to in paragraphs 8 and 9 would include translation of qualification documentation and tenders made by suppliers of developing country Parties into an official language of the WTO designated by the entity, unless developed country Parties deem translation to be burdensome, and in that case explanation shall be given to developing country Parties upon their request addressed either to the developed country Parties or to their entities.

**Information Centres**

11. 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 intended procurements which have been published, addresses of the entities covered by this Agreement, and the nature and volume of products or services procured or to be procured, including available information about future tenders. The Committee may also set up an information centre.

**Special Treatment for Least-Developed Countries**

12. Having regard to paragraph 6 of the Decision of the CONTRACTING PARTIES to GATT 1947 1 of 28 November 1979 on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (BISD 265/203-205), special treatment shall be granted to least-developed country Parties and to the suppliers in those Parties with respect to products or services originating in those Parties, in the context of any general or specific measures in favour of developing country Parties. A Party may also grant the benefits of this Agreement to suppliers in least-developed countries which are not Parties, with respect to products or services originating in those countries.

13. Each developed country Party shall, upon request, provide assistance which it may deem appropriate to potential tenderers in least-developed countries in submitting their tenders and selecting the products or services which are likely to be of interest to its entities as well as to suppliers in least-developed countries, and likewise assist them to comply with technical regulations and standards relating to products or services which are the subject of the intended procurement.

**Review**

14. 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 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 III, 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 through 6 of this Article shall be modified or extended.

15. In the course of further rounds of negotiations in accordance with the provisions of paragraph 7 of Article XXIV, each developing country Party shall give consideration to the possibility of enlarging its coverage lists, having regard to its economic, financial and trade situation.

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Article VI

Technical Specifications

1. Technical specifications laying down the characteristics of the products or services to be procured, such as quality, performance, safety and dimensions, symbols, terminology, packaging, marking and labelling, or the processes and methods for their production and requirements relating to conformity assessment procedures prescribed by procuring entities, shall not be prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade.

2. Technical specifications prescribed by procuring entities shall, where appropriate
   (a) be in terms of performance rather than design or descriptive characteristics; and
   (b) be based on international standards, where such exist; otherwise, on national technical regulations, recognized national standards, or building codes.

3. There shall be no requirement or reference to a particular trademark or trade name, patent, design or type, specific origin, producer or supplier, 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 tender documentation.

4. Entities shall not seek or accept, in a manner which would have the effect of precluding competition, advice which may be used in the preparation of specifications for a specific procurement from a firm that may have a commercial interest in the procurement.

Article VII

Tendering Procedures

1. Each Party shall ensure that the tendering procedures of its entities are applied in a non-discriminatory manner and are consistent with the provisions contained in Articles VII through XVI.

2. Entities shall not provide to any supplier information with regard to a specific procurement in a manner which would have the effect of precluding competition.
3. For the purposes of this Agreement:

(a) Open tendering procedures are those procedures under which all interested suppliers may submit a tender.

(b) Selective tendering procedures are those procedures under which, consistent with paragraph 3 of Article X and other relevant provisions of this Agreement, those suppliers invited to do so by the entity may submit a tender.

(c) Limited tendering procedures are those procedures where the entity contacts suppliers individually, only under the conditions specified in Article XV.

Article VIII

Qualification of Suppliers

In the process of qualifying suppliers, entities shall not discriminate among suppliers of other Parties or between domestic suppliers and suppliers of other Parties. 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 in tendering procedures shall be limited to those which are essential to ensure the firm's capability to fulfill the contract in question. 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 suppliers of other Parties than to domestic suppliers and shall not discriminate among suppliers of other Parties. The financial, commercial and technical capacity of a supplier shall be judged on the basis both of that supplier's global business activity as well as of its activity in the territory of the procuring entity, taking due account of the legal relationship between the supply organizations;

(c) the process of, and the time required for, qualifying suppliers shall not be used in order to keep suppliers of other Parties off a suppliers' list or from being considered for a particular intended procurement. Entities shall recognize as qualified suppliers such domestic suppliers or suppliers of other Parties who meet the conditions for participation in a particular intended procurement. Suppliers requesting to participate in a particular intended procurement 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 suppliers may apply for qualification at any time; and that all qualified suppliers so requesting are included in the lists within a reasonably short time;
(e) if, after publication of the notice under paragraph 1 of Article IX, a supplier not yet
qualified requests to participate in an intended procurement, the entity shall promptly
start procedures for qualification;

(f) any supplier having requested to become a qualified supplier shall be advised by the
terms 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;

(g) each Party shall ensure that:

(i) each entity and its constituent parts follow a single qualification procedure,
except in cases of duly substantiated need for a different procedure; and

(ii) efforts be made to minimize differences in qualification procedures between
entities.

(h) nothing in subparagraphs (a) through (g) 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.

Article IX

Invitation to Participate Regarding Intended Procurement

1. In accordance with paragraphs 2 and 3, entities shall publish an invitation to participate for
all cases of intended procurement, except as otherwise provided for in Article XV (limited tendering).
The notice shall be published in the appropriate publication listed in Appendix II.

2. The invitation to participate may take the form of a notice of proposed procurement, as provided
for in paragraph 6.

3. Entities in Annexes 2 and 3 may use a notice of planned procurement, as provided for in
paragraph 7, or a notice regarding a qualification system, as provided for in paragraph 9, as an invitation
to participate.

4. Entities which use a notice of planned procurement as an invitation to participate shall
subsequently invite all suppliers who have expressed an interest to confirm their interest on the basis
of information which shall include at least the information referred to in paragraph 6.

5. Entities which use a notice regarding a qualification system as an invitation to participate shall
provide, subject to the considerations referred to in paragraph 4 of Article XVIII and in a timely manner,
information which allows all those who have expressed an interest to have a meaningful opportunity
to assess their interest in participating in the procurement. This information shall include the information
contained in the notices referred to in paragraphs 6 and 8, to the extent such information is available.
Information provided to one interested supplier shall be provided in a non-discriminatory manner to
the other interested suppliers.
6. Each notice of proposed procurement, referred to in paragraph 2, shall contain the following information:

(a) the nature and quantity, including any options for further procurement and, if possible, an estimate of the timing when such options may be exercised; in the case of recurring contracts the nature and quantity and, if possible, an estimate of the timing of the subsequent tender notices for the products or services to be procured;

(b) whether the procedure is open or selective or will involve negotiation;

(c) any date for starting delivery or completion of delivery of goods or services;

(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; and

(h) whether the entity is inviting offers for purchase, lease, rental or hire purchase, or more than one of these methods.

7. Each notice of planned procurement referred to in paragraph 3 shall contain as much of the information referred to in paragraph 6 as is available. It shall in any case include the information referred to in paragraph 8 and:

(a) a statement that interested suppliers should express their interest in the procurement to the entity;

(b) a contact point with the entity from which further information may be obtained.

8. For each case of intended procurement, the entity shall publish a summary notice in one of the official languages of the WTO. The notice shall contain at least the following information:

(a) the subject matter of the contract;

(b) the time-limits set for the submission of tenders or an application to be invited to tender; and

(c) the addresses from which documents relating to the contracts may be requested.
9. In the case of selective tendering procedures, entities maintaining permanent lists of qualified suppliers shall publish annually in one of the publications listed in Appendix III a notice of the following:

(a) the enumeration of the lists maintained, including their headings, in relation to the products or services or categories of products or services to be procured through the lists;

(b) the conditions to be fulfilled by suppliers with a view to their inscription on those lists and the methods according to which each of those conditions will be verified by the entity concerned; and

(c) the period of validity of the lists, and the formalities for their renewal.

When such a notice is used as an invitation to participate in accordance with paragraph 3, the notice shall, in addition, include the following information:

(d) the nature of the products or services concerned;

(e) a statement that the notice constitutes an invitation to participate.

However, when the duration of the qualification system is three years or less, and if the duration of the system is made clear in the notice and it is also made clear that further notices will not be published, it shall be sufficient to publish the notice once only, at the beginning of the system. Such a system shall not be used in a manner which circumvents the provisions of this Agreement.

10. If, after publication of an invitation to participate in any case of intended procurement, 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 intended procurement 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.

11. Entities shall make clear, in the notices referred to in this Article or in the publication in which the notices appear, that the procurement is covered by the Agreement.

Article X

Selection Procedures

1. To ensure optimum effective international competition under selective tendering procedures, entities shall, for each intended procurement, invite tenders from the maximum number of domestic suppliers and suppliers of other Parties, 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.

2. 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.
3. Suppliers requesting to participate in a particular intended procurement 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 Articles VIII and IX. The number of additional suppliers permitted to participate shall be limited only by the efficient operation of the procurement system.

4. Requests to participate in selective tendering procedures may be submitted by telex, telegram or facsimile.

Article XI

Time-limits for Tendering and Delivery

General

1. (a) Any prescribed time-limit shall be adequate to allow suppliers of other Parties 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 intended procurement, the extent of subcontracting anticipated and the normal time for transmitting tenders by mail from foreign as well as domestic points.

(b) Each Party shall ensure that its entities shall take due account of publication delays when setting the final date for receipt of tenders or of applications to be invited to tender.

Deadlines

2. Except in so far as provided in paragraph 3,

(a) in open procedures, the period for the receipt of tenders shall not be less than 40 days from the date of publication referred to in paragraph 1 of Article IX;

(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 not be less than 25 days from the date of publication referred to in paragraph 1 of Article IX; the period for receipt of tenders shall in no case be less than 40 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 not be less than 40 days from the date of the initial issuance of invitations to tender, whether or not the date of initial issuance of invitations to tender coincides with the date of the publication referred to in paragraph 1 of Article IX.
3. The periods referred to in paragraph 2 may be reduced in the circumstances set out below:

(a) if a separate notice has been published 40 days and not more than 12 months in advance and the notice contains at least:

(i) as much of the information referred to in paragraph 6 of Article IX as is available;

(ii) the information referred to in paragraph 8 of Article IX;

(iii) a statement that interested suppliers should express their interest in the procurement to the entity; and

(iv) a contact point with the entity from which further information may be obtained, the 40-day limit for receipt of tenders may be replaced by a period sufficiently long to enable responsive tendering, which, as a general rule, shall not be less than 24 days, but in any case not less than 10 days;

(b) in the case of the second or subsequent publications dealing with contracts of a recurring nature within the meaning of paragraph 6 of Article IX, the 40-day limit for receipt of tenders may be reduced to not less than 24 days;

(c) where a state of urgency duly substantiated by the entity renders impracticable the periods in question, the periods specified in paragraph 2 may be reduced but shall in no case be less than 10 days from the date of the publication referred to in paragraph 1 of Article IX; or

(d) the period referred to in paragraph 2(c) may, for procurements by entities listed in Annexes 2 and 3, be fixed by mutual agreement between the entity and the selected suppliers. In the absence of agreement, the entity may fix periods which shall be sufficiently long to enable responsive tendering and shall in any case not be less than 10 days.

4. Consistent with the entity's own reasonable needs, any delivery date shall take into account such factors as the complexity of the intended procurement, the extent of subcontracting anticipated and the realistic time required for production, de-stocking and transport of goods from the points of supply or for supply of services.

Article XII

Tender Documentation

1. 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 WTO.
2. Tender documentation provided to suppliers shall contain all information necessary to permit them to submit responsive tenders, including information required to be published in the notice of intended procurement, except for paragraph 6(g) of Article IX, and 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 or services required or of any requirements including technical specifications, conformity certification to be fulfilled, 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 products or services of other Parties, customs duties and other import charges, taxes and currency of payment;
(i) the terms of payment;
(j) any other terms or conditions;
(k) in accordance with Article XVII the terms and conditions, if any, under which tenders from countries not Parties to this Agreement, but which apply the procedures of that Article, will be entertained.

Forwarding of Tender Documentation by the Entities

3. (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.
Article XIII

Submission, Receipt and Opening of Tenders and Awarding of Contracts

1. 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 facsimile 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 facsimile. Tenders presented by telephone shall not be permitted. The content of the telex, telegram or facsimile shall prevail where there is a difference or conflict between that content and any documentation received after the time-limit; and

   (b) the opportunities that may be given to tenderers to correct unintentional errors of form between the opening of tenders and the awarding of the contract shall not be permitted to give rise to any discriminatory practice.

Receipt of Tenders

2. 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.

Opening of Tenders

3. All tenders solicited under open or selective procedures by entities shall be received and opened under procedures and conditions guaranteeing the regularity of the openings. The receipt and opening of tenders shall also be consistent with the national treatment and non-discrimination provisions of this Agreement. Information on the opening of tenders shall remain with the entity 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 XVIII, XIX, XX and XXII.

Award of Contracts

4. (a) 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 a supplier which complies 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.

   (b) Unless in the public interest an entity decides 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 products or services, or products or services of other Parties, 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.
Option Clauses

5. Option clauses shall not be used in a manner which circumvents the provisions of the Agreement.

Article XIV

Negotiation

1. A Party may provide for entities to conduct negotiations:

   (a) in the context of procurements in which they have indicated such intent, namely in the notice referred to in paragraph 2 of Article IX (the invitation to suppliers to participate in the procedure for the proposed procurement); or
   
   (b) when 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.

2. Negotiations shall primarily be used to identify the strengths and weaknesses in tenders.

3. Entities shall treat tenders in confidence. In particular, they shall not provide information intended to assist particular participants to bring their tenders up to the level of other participants.

4. Entities shall not, in the course of negotiations, discriminate between different suppliers. In particular, they shall ensure that:

   (a) any elimination of participants is carried out in accordance with the criteria set forth in the notices and tender documentation;
   
   (b) all modifications to the criteria and to the technical requirements are transmitted in writing to all remaining participants in the negotiations;
   
   (c) all remaining participants are afforded an opportunity to submit new or amended submissions on the basis of the revised requirements; and
   
   (d) when negotiations are concluded, all participants remaining in the negotiations shall be permitted to submit final tenders in accordance with a common deadline.

Article XV

Limited Tendering

1. The provisions of Articles VII through XIV governing open and selective tendering procedures need not apply in the following conditions, provided that limited tendering is not used with a view
to avoiding maximum possible competition or in a manner which would constitute a means of discrimination among suppliers of other Parties or protection to domestic producers or suppliers:

(a) in the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with 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, or in the absence of competition for technical reasons, the products or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists;

(c) in so far as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the entity, the products or services 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, services, or installations where a change of supplier would compel the entity to procure equipment or services not meeting requirements of interchangeability with already existing equipment or services;

(e) when an entity procures prototypes or a first product or service 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 procurements of products or services shall be subject to Articles VII through XIV;

(f) when additional construction services which were not included in the initial contract but which were within the objectives of the original tender documentation have, through unforeseeable circumstances, become necessary to complete the construction services described therein, and the entity needs to award contracts for the additional construction services to the contractor carrying out the construction services concerned since the separation of the additional construction services from the initial contract would be difficult for technical or economic reasons and cause significant inconvenience to the entity. However, the total value of contracts awarded for the additional construction services may not exceed 50 per cent of the amount of the main contract;

It is the understanding that "existing equipment" includes software to the extent that the initial procurement of the software was covered by the Agreement.

Original development of a first product or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the product or service is suitable for production or supply in quantity to acceptable quality standards. It does not extend to quantity production or supply to establish commercial viability or to recover research and development costs.
(g) for new construction services consisting of the repetition of similar construction services which conform to a basic project for which an initial contract was awarded in accordance with Articles VII through XIV and for which the entity has indicated in the notice of intended procurement concerning the initial construction service, that limited tendering procedures might be used in awarding contracts for such new construction services;

(h) for products purchased on a commodity market;

(i) for purchases made under exceptionally advantageous conditions which only arise in the very short term. This provision is intended to cover unusual disposals by firms which are not normally suppliers, or disposal of assets of businesses in liquidation or receivership. It is not intended to cover routine purchases from regular suppliers;

(j) in the case of contracts awarded to the winner of a design contest provided that the contest has been organized in a manner which is consistent with the principles of this Agreement, notably as regards the publication, in the sense of Article IX, of an invitation to suitably qualified suppliers, to participate in such a contest which shall be judged by an independent jury with a view to design contracts being awarded to the winners.

2. Entities shall prepare a report in writing on each contract awarded under the provisions of paragraph 1. Each report shall contain the name of the procuring entity, value and kind of goods or services procured, country of origin, and a statement of the conditions in 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 XVIII, XIX, XX and XXII.

Article XVI

Offsets

1. Entities shall not, in the qualification and selection of suppliers, products or services, or in the evaluation of tenders and award of contracts, impose, seek or consider offsets.7

2. Nevertheless, having regard to general policy considerations, including those relating to development, a developing country may at the time of accession negotiate conditions for the use of offsets, such as requirements for the incorporation of domestic content. Such requirements shall be used only for qualification to participate in the procurement process and not as criteria for awarding contracts. Conditions shall be objective, clearly defined and non-discriminatory. They shall be set forth in the country’s Appendix I and may include precise limitations on the imposition of offsets in any contract subject to this Agreement. The existence of such conditions shall be notified to the Committee and included in the notice of intended procurement and other documentation.

7Offsets in government procurement are measures used to encourage local development or improve the balance-of-payments accounts by means of domestic content, licensing of technology, investment requirements, counter-trade or similar requirements.
Article XVII

Transparency

1. Each Party shall encourage entities to indicate the terms and conditions, including any deviations from competitive tendering procedures or access to challenge procedures, under which tenders will be entertained from suppliers situated in countries not Parties to this Agreement but which, with a view to creating transparency in their own contract awards, nevertheless:

(a) specify their contracts in accordance with Article VI (technical specifications);

(b) publish the procurement notices referred to in Article IX, including, in the version of the notice referred to in paragraph 8 of Article IX (summary of the notice of intended procurement) which is published in an official language of the WTO, an indication of the terms and conditions under which tenders shall be entertained from suppliers situated in countries Parties to this Agreement;

(c) are willing to ensure that their procurement regulations shall not normally change during a procurement and, in the event that such change proves unavoidable, to ensure the availability of a satisfactory means of redress.

2. Governments not Parties to the Agreement which comply with the conditions specified in paragraphs 1(a) through 1(c), shall be entitled if they so inform the Parties to participate in the Committee as observers.

Article XVIII

Information and Review as Regards Obligations of Entities

1. Entities shall publish a notice in the appropriate publication listed in Appendix II not later than 72 days after the award of each contract under Articles XIII through XV. These notices shall contain:

(a) the nature and quantity of products or services in the contract award;

(b) the name and address of the entity awarding the contract;

(c) the date of award;

(d) the name and address of winning tenderer;

(e) the value of the winning award or the highest and lowest offer taken into account in the award of the contract;

(f) where appropriate, means of identifying the notice issued under paragraph 1 of Article IX or justification according to Article XV for the use of such procedure; and

(g) the type of procedure used.
2. Each entity shall, on request from a supplier of a Party, promptly provide:
   (a) an explanation of its procurement practices and procedures;
   (b) pertinent information concerning the reasons why the supplier’s application to qualify was rejected, why its existing qualification was brought to an end and why it was not selected; and
   (c) to an unsuccessful tenderer, pertinent information concerning the reasons why its tender was not selected and on the characteristics and relative advantages of the tender selected as well as the name of the winning tenderer.

3. Entities shall promptly inform participating suppliers of decisions on contract awards and, upon request, in writing.

4. However, entities may decide that certain information on the contract award, contained in paragraphs 1 and 2(c), be withheld where release of such information 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.

Article XIX

Information and Review as Regards Obligations of Parties

1. Each Party shall promptly publish any law, regulation, judicial decision, administrative ruling of general application, and any procedure (including standard contract clauses) regarding government procurement covered by this Agreement, in the appropriate publications listed in Appendix IV and in such a manner as to enable other Parties and suppliers to become acquainted with them. Each Party shall be prepared, upon request, to explain to any other Party its government procurement procedures.

2. The government of an unsuccessful tenderer which is a Party to this Agreement may seek, without prejudice to the provisions under Article XXII, such additional information on the contract award as may be necessary to ensure that the procurement was made fairly and impartially. To this end, the procuring 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.

3. Available information concerning procurement by covered entities and their individual contract awards shall be provided, upon request, to any other Party.

4. 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.
5. Each Party shall collect and provide to the Committee on an annual basis statistics on its procurements covered by this Agreement. Such reports shall contain the following information with respect to contracts awarded by all procurement entities covered under this Agreement:

(a) for entities in Annex 1, statistics on the estimated value of contracts awarded, both above and below the threshold value, on a global basis and broken down by entities; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value on a global basis and broken down by categories of entities;

(b) for entities in Annex 1, statistics on the number and total value of contracts awarded above the threshold value, broken down by entities and categories of products and services according to uniform classification systems; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value broken down by categories of entities and categories of products and services;

(c) for entities in Annex 1, statistics, broken down by entity and by categories of products and services, on the number and total value of contracts awarded under each of the cases of Article XV; for categories of entities in Annexes 2 and 3, statistics on the total value of contracts awarded above the threshold value under each of the cases of Article XV; and

(d) for entities in Annex 1, statistics, broken down by entities, on the number and total value of contracts awarded under derogations to the Agreement contained in the relevant Annexes; for categories of entities in Annexes 2 and 3, statistics on the total value of contracts awarded under derogations to the Agreement contained in the relevant Annexes.

To the extent that such information is available, each Party shall provide statistics on the country of origin of products and services purchased by its entities. With a view to ensuring that such statistics are comparable, the Committee shall provide guidance on methods to be used. With a view to ensuring effective monitoring of procurement covered by this Agreement, the Committee may decide unanimously to modify the requirements of subparagraphs (a) through (d) as regards the nature and the extent of statistical information to be provided and the breakdowns and classifications to be used.

Article XX

Challenge Procedures

Consultations

1. In the event of a complaint by a supplier that there has been a breach of this Agreement in the context of a procurement, each Party shall encourage the supplier to seek resolution of its complaint in consultation with the procuring entity. In such instances the procuring entity shall accord impartial and timely consideration to any such complaint, in a manner that is not prejudicial to obtaining corrective measures under the challenge system.
Challenge

2. Each Party shall provide non-discriminatory, timely, transparent and effective procedures enabling suppliers to challenge alleged breaches of the Agreement arising in the context of procurements in which they have, or have had, an interest.

3. Each Party shall provide its challenge procedures in writing and make them generally available.

4. Each Party shall ensure that documentation relating to all aspects of the process concerning procurements covered by this Agreement shall be retained for three years.

5. The interested supplier may be required to initiate a challenge procedure and notify the procuring entity within specified time-limits from the time when the basis of the complaint is known or reasonably should have been known, but in no case within a period of less than 10 days.

6. Challenges shall be heard by a court or by an impartial and independent review body with no interest in the outcome of the procurement and the members of which are secure from external influence during the term of appointment. A review body which is not a court shall either be subject to judicial review or shall have procedures which provide that:

   (a) participants can be heard before an opinion is given or a decision is reached;
   (b) participants can be represented and accompanied;
   (c) participants shall have access to all proceedings;
   (d) proceedings can take place in public;
   (e) opinions or decisions are given in writing with a statement describing the basis for the opinions or decisions;
   (f) witnesses can be presented;
   (g) documents are disclosed to the review body.

7. Challenge procedures shall provide for:

   (a) rapid interim measures to correct breaches of the Agreement and to preserve commercial opportunities. Such action may result in suspension of the procurement process. However, procedures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account in deciding whether such measures should be applied. In such circumstances, just cause for not acting shall be provided in writing;
   (b) an assessment and a possibility for a decision on the justification of the challenge;
   (c) correction of the breach of the Agreement or compensation for the loss or damages suffered, which may be limited to costs for tender preparation or protest.

8. With a view to the preservation of the commercial and other interests involved, the challenge procedure shall normally be completed in a timely fashion.
Article XXI

Institutions

1. A Committee on Government Procurement composed of representatives from each of the Parties shall be established. This Committee shall elect its own Chairman and Vice-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 working parties or other subsidiary bodies which shall carry out such functions as may be given to them by the Committee.

Article XXII

Consultations and Dispute Settlement

1. The provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes under the WTO Agreement (hereinafter referred to as the "Dispute Settlement Understanding") shall be applicable except as otherwise specifically provided below.

2. If any Party considers that any benefit accruing to it, directly or indirectly, under this Agreement is being nullified or impaired, or that the attainment of any objective of this Agreement is being impeded as the result of the failure of another Party or Parties to carry out its obligations under this Agreement, or the application by another Party or Parties of any measure, whether or not it conflicts with the provisions of this Agreement, it may with a view to reaching a mutually satisfactory resolution of the matter, make written representations or proposals to the other Party or Parties which it considers to be concerned. Such action shall be promptly notified to the Dispute Settlement Body established under the Dispute Settlement Understanding (hereinafter referred to as "DSB"), as specified below. Any Party thus approached shall give sympathetic consideration to the representations or proposals made to it.

3. The DSB shall have the authority to establish panels, adopt panel and Appellate Body reports, make recommendations or give rulings on the matter, maintain surveillance of implementation of rulings and recommendations, and authorize suspension of concessions and other obligations under this Agreement or consultations regarding remedies when withdrawal of measures found to be in contravention of the Agreement is not possible, provided that only Members of the WTO Party to this Agreement shall participate in decisions or actions taken by the DSB with respect to disputes under this Agreement.

4. Panels shall have the following terms of reference unless the parties to the dispute agree otherwise within 20 days of the establishment of the panel:

"To examine, in the light of the relevant provisions of this Agreement and of (name of any other covered Agreement cited by the parties to the dispute), the matter referred to the DSB by (name of party) in document ... and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in this Agreement."

In the case of a dispute in which provisions both of this Agreement and of one or more other Agreements listed in Appendix 1 of the Dispute Settlement Understanding are invoked by one of the parties to the dispute, paragraph 3 shall apply only to those parts of the panel report concerning the interpretation and application of this Agreement.
5. Panels established by the DSB to examine disputes under this Agreement shall include persons qualified in the area of government procurement.

6. Every effort shall be made to accelerate the proceedings to the greatest extent possible. Notwithstanding the provisions of paragraphs 8 and 9 of Article 12 of the Dispute Settlement Understanding, the panel shall attempt to provide its final report to the parties to the dispute not later than four months, and in case of delay not later than seven months, after the date on which the composition and terms of reference of the panel are agreed. Consequently, every effort shall be made to reduce also the periods foreseen in paragraph 1 of Article 20 and paragraph 4 of Article 21 of the Dispute Settlement Understanding by two months. Moreover, notwithstanding the provisions of paragraph 5 of Article 21 of the Dispute Settlement Understanding, the panel shall attempt to issue its decision, in case of a disagreement as to the existence or consistency with a covered Agreement of measures taken to comply with the recommendations and rulings, within 60 days.

7. Notwithstanding paragraph 2 of Article 22 of the Dispute Settlement Understanding, any dispute arising under any Agreement listed in Appendix 1 to the Dispute Settlement Understanding other than this Agreement shall not result in the suspension of concessions or other obligations under this Agreement, and any dispute arising under this Agreement shall not result in the suspension of concessions or other obligations under any other Agreement listed in the said Appendix 1.

Article XXIII

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 or intellectual property; or relating to the products or services of handicapped persons, of philanthropic institutions or of prison labour.

Article XXIV

Final Provisions

1. Acceptance and Entry into Force

This Agreement shall enter into force on 1 January 1996 for those governments whose agreed coverage is contained in Annexes 1 through 5 of Appendix I of this Agreement and which have, by signature, accepted the Agreement on 15 April 1994 or have, by that date, signed the Agreement subject to ratification and subsequently ratified the Agreement before 1 January 1996.

*For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Communities.*
2. **Accession**

Any government which is a Member of the WTO, or prior to the date of entry into force of the WTO Agreement which is a contracting party to GATT 1947, and which is not a Party to this Agreement may accede to this Agreement on terms to be agreed between that government and the Parties. Accession shall take place by deposit with the Director-General of the WTO of an instrument of accession which states the terms so agreed. The Agreement shall enter into force for an acceding government on the 30th day following the date of its accession to the Agreement.

3. **Transitional Arrangements**

(a) Hong Kong and Korea may delay application of the provisions of this Agreement, except Articles XXI and XXII, to a date not later than 1 January 1997. The commencement date of their application of the provisions, if prior to 1 January 1997, shall be notified to the Director-General of the WTO 30 days in advance.

(b) During the period between the date of entry into force of this Agreement and the date of its application by Hong Kong, the rights and obligations between Hong Kong and all other Parties to this Agreement which were on 15 April 1994 Parties to the Agreement on Government Procurement done at Geneva on 12 April 1979 as amended on 2 February 1987 (the "1988 Agreement") shall be governed by the substantive provisions of the 1988 Agreement, including its Annexes as modified or rectified, which provisions are incorporated herein by reference for that purpose and shall remain in force until 31 December 1996.

(c) Between Parties to this Agreement which are also Parties to the 1988 Agreement, the rights and obligations of this Agreement shall supersede those under the 1988 Agreement.

(d) Article XXII shall not enter into force until the date of entry into force of the WTO Agreement. Until such time, the provisions of Article VII of the 1988 Agreement shall apply to consultations and dispute settlement under this Agreement, which provisions are hereby incorporated in the Agreement by reference for that purpose. These provisions shall be applied under the auspices of the Committee under this Agreement.

(e) Prior to the date of entry into force of the WTO Agreement, references to WTO bodies shall be construed as referring to the corresponding GATT body and references to the Director-General of the WTO and to the WTO Secretariat shall be construed as references to, respectively, the Director-General to the CONTRACTING PARTIES to GATT 1947 and to the GATT Secretariat.

4. **Reservations**

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

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*All provisions of the 1988 Agreement except the Preamble, Article VII and Article IX other than paragraphs 5(a) and (b) and paragraph 10.*
5. **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 lists 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.

6. **Rectifications or Modifications**

(a) Rectifications, transfers of an entity from one Annex to another or, in exceptional cases, other modifications relating to Appendices I through IV shall be notified to the Committee, along with information as to the likely consequences of the change for the mutually agreed coverage provided in this Agreement. If the rectifications, transfers or other modifications are of a purely formal or minor nature, they shall become effective provided there is no objection within 30 days. In other cases, the Chairman of the Committee shall promptly convene a meeting of the Committee. The Committee shall consider the proposal and any claim for compensatory adjustments, with a view to maintaining a balance of rights and obligations and a comparable level of mutually agreed coverage provided in this Agreement prior to such notification. In the event of agreement not being reached, the matter may be pursued in accordance with the provisions contained in Article XXII.

(b) Where a Party wishes, in exercise of its rights, to withdraw an entity from Appendix I on the grounds that government control or influence over it has been effectively eliminated, that Party shall notify the Committee. Such modification shall become effective the day after the end of the following meeting of the Committee, provided that the meeting is no sooner than 30 days from the date of notification and no objection has been made. In the event of an objection, the matter may be pursued in accordance with the procedures on consultations and dispute settlement contained in Article XXII. In considering the proposed modification to Appendix I and any consequential compensatory adjustment, allowance shall be made for the market-opening effects of the removal of government control or influence.

7. **Reviews, Negotiations and Future Work**

(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 General Council of the WTO of developments during the periods covered by such reviews.

(b) Not later than the end of the third year from the date of entry into force of this Agreement and periodically thereafter, the Parties thereto shall undertake further negotiations, with a view to improving this Agreement and achieving the greatest possible extension of its coverage among all Parties on the basis of mutual reciprocity, having regard to the provisions of Article V relating to developing countries.
(c) Parties shall seek to avoid introducing or prolonging discriminatory measures and practices which distort open procurement and shall, in the context of negotiations under subparagraph (b), seek to eliminate those which remain on the date of entry into force of this Agreement.

8. Information Technology

With a view to ensuring that the Agreement does not constitute an unnecessary obstacle to technical progress, Parties shall consult regularly in the Committee regarding developments in the use of information technology in government procurement and shall, if necessary, negotiate modifications to the Agreement. These consultations shall in particular aim to ensure that the use of information technology promotes the aims of open, non-discriminatory and efficient government procurement through transparent procedures, that contracts covered under the Agreement are clearly identified and that all available information relating to a particular contract can be identified. When a Party intends to innovate, it shall endeavour to take into account the views expressed by other Parties regarding any potential problems.

9. Amendments

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 enter into force for any Party until it has been accepted by such Party.

10. Withdrawal

(a) Any Party may withdraw from this Agreement. The withdrawal shall take effect upon the expiration of 60 days from the date on which written notice of withdrawal is received by the Director-General of the WTO. Any Party may upon such notification request an immediate meeting of the Committee.

(b) If a Party to this Agreement does not become a Member of the WTO within one year of the date of entry into force of the WTO Agreement or ceases to be a Member of the WTO, it shall cease to be a Party to this Agreement with effect from the same date.

11. 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.

12. Notes, Appendices and Annexes

The Notes, Appendices and Annexes to this Agreement constitute an integral part thereof.

13. Secretariat

This Agreement shall be serviced by the WTO Secretariat.
14. **Deposit**

This Agreement shall be deposited with the Director-General of the WTO, who shall promptly furnish to each Party a certified true copy of this Agreement, of each rectification or modification thereto pursuant to paragraph 6 and of each amendment thereto pursuant to paragraph 9, and a notification of each acceptance thereof or accession thereto pursuant to paragraphs 1 and 2 and of each withdrawal therefrom pursuant to paragraph 10 of this Article.

15. **Registration**

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

*Done* at Marrakesh this fifteenth day of April one thousand nine hundred and ninety-four in a single copy, in the English, French and Spanish languages, each text being authentic, except as otherwise specified with respect to the Appendices hereto.

*[For the signatures, see p. 478 of this volume.]*
NOTES

The terms "country" or "countries" as used in this Agreement, including the Appendices, are to be understood to include any separate customs territory Party to this Agreement.

In the case of a separate customs territory Party to this Agreement, where an expression in this Agreement is qualified by the term "national", such expression shall be read as pertaining to that customs territory, unless otherwise specified.

Article 1, 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.
APPENDIX I

Annexes 1 through 5 setting out the scope of this Agreement:

Annex 1 Central Government Entities
Annex 2 Sub-Central Government Entities
Annex 3 All Other Entities that Procure in Accordance with the Provisions of this Agreement
Annex 4 Services
Annex 5 Construction Services

APPENDICE I

Annexes 1 à 5 définissant la portée du présent accord:

Annexe 1 Entités du gouvernement central
Annexe 2 Entités des gouvernements sous-centraux
Annexe 3 Toutes les autres entités qui passent des marchés conformément aux dispositions du présent accord
Annexe 4 Services
Annexe 5 Services de construction

APÉNDICE I

Anexos 1 a 5, en los que se establece el alcance del presente Acuerdo:

Anexo 1 Entidades de los gobiernos centrales
Anexo 2 Entidades de los gobiernos subcentrales
Anexo 3 Demás entidades que se rigen en sus contratos por las disposiciones del presente Acuerdo
Anexo 4 Servicios
Anexo 5 Servicios de construcción
AUSTRIA

(Authentic in the English language only)

ANNEX 1

Entities which Procure in Accordance With the Provisions of this Agreement

<table>
<thead>
<tr>
<th>Supplies</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold: SDRs 130,000</td>
<td>Threshold: works SDRs 5,000,000; other services SDRs 130,000</td>
</tr>
</tbody>
</table>

List of Entities:

<table>
<thead>
<tr>
<th>List of Entities which procure the services, specified in Annexes 4 and 5:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Present coverage of entities:</td>
</tr>
<tr>
<td>1. Federal Chancellery - Procurement Office</td>
</tr>
<tr>
<td>2. Federal Ministry for Foreign Affairs</td>
</tr>
<tr>
<td>3. Federal Ministry of Health, Sports and Consumer Protection</td>
</tr>
<tr>
<td>4. Federal Ministry of Finance</td>
</tr>
<tr>
<td>(a) Procurement Office</td>
</tr>
<tr>
<td>(b) Division VI/5 (EDP procurement of the Federal Ministry of Finance and of the Federal Office of Accounts)</td>
</tr>
<tr>
<td>(c) Division III/1 (procurement of technical appliances, equipments and goods for the customs guard)</td>
</tr>
<tr>
<td>5. Federal Ministry for Environment, Youth and Family Procurement Office</td>
</tr>
<tr>
<td>6. Federal Ministry for Economic Affairs</td>
</tr>
<tr>
<td>7. Federal Ministry of the Interior</td>
</tr>
<tr>
<td>(a) Division I/5 (Procurement Office)</td>
</tr>
<tr>
<td>(b) EDP-Centre (procurement of electronical data processing machines (hardware))</td>
</tr>
<tr>
<td>(c) Division II/3 (procurement of technical appliances and equipments for the Federal Police)</td>
</tr>
</tbody>
</table>
Austria (cont'd)

(d) Division I/6 [procurement of goods (other than those procured by Division II/3) for the Federal Police]
(e) Division II/21

8. Federal Ministry for Justice, Procurement Office

9. Federal Ministry of Defence¹⁰ (non-warlike materials contained in Annex I, Part II, Austria, of the GATT Agreement on Government Procurement)

10. Federal Ministry of Agriculture and Forestry

11. Federal Ministry of Labour and Social Affairs, Procurement Office

12. Federal Ministry of Education and Fine Arts

13. Federal Ministry for Public Economy and Transport

14. Federal Ministry of Science and Research

15. Austrian Central Statistical Office

16. Austrian State Printing Office

17. Federal Office of Metrology and Surveying

18. Federal Institute for Testing and Research, Arsenal (BVFA)

19. Federal Workshops for Artificial Limbs

20. AUSTRO CONTROL Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung (Austro Control GmbH)


22. Headquarters of the Postal and Telegraph Administration (postal business only)

(B) All other central public authorities including their regional and local sub-divisions provided that they do not have an industrial or commercial character.

¹⁰Continuation of present exceptions
**Austria (cont'd)**

**ANNEX 2**

*Entities which Procure in Accordance With the Provisions of this Agreement*

<table>
<thead>
<tr>
<th>Supplies</th>
<th>Services</th>
</tr>
</thead>
</table>
| **Threshold:** SDR 200,000 | **Threshold:**  
- works SDRs 5,000,000;  
- other services SDRs 200,000 |

**List of Entities:**

All regional and local public authorities and bodies governed by public law not having a commercial or industrial character established at the state, district and municipal level in the States of:

- Lower Austria,  
- Upper Austria,  
- Styria,  
- Salzburg,  
- the Burgenland,  
- the Tirol,  
- Vorarlberg,  
- Vienna,  
- Carinthia.

Same as for supply contracts
ANNEX 3

Other Entities which Procure in Accordance With
the Provisions of this Agreement

Supplies

Threshold: SDRs 400,000 for entities listed under pt. 1 and 2

List of Entities:
Public entities of the following headings

1. Entities in the water and energy sector

The covered entities are those which exercise as a principal activity, the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport and distribution of drinking water, and electricity

Austria offers entities covered by that description listed under Annexes 1 and 2

2. Entities in the transport sector

The covered entities are those which exercise as a principal activity

(i) the operation of networks providing a service to the public in the field of transport by trolley bus, bus or cable

(ii) the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carrier by inland waterway or the provision of airports or other terminal facilities by air

Austria offers entities covered by that description listed in Annexes 1 and 2

Services

Threshold:
works SDRs 5,000,000;
other services SDRs 400,000

List of entities which procure the services, specified in Annexes 4 and 5:
Same as for supply contracts
ANNEX 4

*Services*

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

<table>
<thead>
<tr>
<th>CPC Reference No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6112, 6122, 633, 886</td>
</tr>
<tr>
<td>712 (except 71235), 7512, 87304</td>
</tr>
<tr>
<td>73 (except 7321)</td>
</tr>
<tr>
<td>71235, 7321</td>
</tr>
<tr>
<td>752* (except 7524, 7525, 7526)</td>
</tr>
<tr>
<td>ex 81</td>
</tr>
<tr>
<td>812, 814</td>
</tr>
<tr>
<td>84</td>
</tr>
<tr>
<td>862</td>
</tr>
<tr>
<td>864</td>
</tr>
<tr>
<td>865, 866</td>
</tr>
<tr>
<td>867</td>
</tr>
<tr>
<td>871</td>
</tr>
<tr>
<td>874, 82201, 82202</td>
</tr>
<tr>
<td>88442</td>
</tr>
<tr>
<td>94</td>
</tr>
</tbody>
</table>

Notes to Annex 4

- except voice telephony, telex, radiotelephony, paging and satellite services
- except contracts for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services
Austria (cont’d)

ANNEX 5

Construction Services

Threshold:

SDRs 5,000,000

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of services contained in Division 51, CPC which are included:

511 Pre-erection work at construction sites
512 General construction works for buildings
513 General construction works for civil engineering
514 + 516 Installation and assembly works
515 Special trade construction work
517 Building completion and finishing works
518 Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator
Austria (cont’d)

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Austria will not extend the benefits of this Agreement:

- as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada and the USA,

- as regards municipalities under Annex 2 to Switzerland pending the outcome of bilateral negotiations,

- as regards the award of contracts by entities listed in Annex 3:
  
  (a) (water), to the suppliers and service providers of Canada and the USA;
  
  (b) (electricity), to the suppliers and service providers of Canada, Hong Kong, Japan and the USA;
  
  (c) (airports), to the suppliers and service providers of Canada, Korea and the USA;
  
  (d) (ports), to the suppliers and service providers of Canada and the USA;
  
  (e) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA

until such time as Austria has accepted that the Parties concerned give comparable and effective access for Austria’s undertakings to the relevant markets;

- to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

2. The provisions of Article XX shall not apply to suppliers and service providers of:

- Israel, Japan and Korea in contesting the award of contracts by entities governed by public law as defined in any EC-directive relating to the co-ordination of procedures for the award of public works contracts referred to in Annex XVI to the EEA Agreement;

- Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium-sized enterprises under the relevant provisions of Austrian law, until such time as Austria accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority business;

- Israel, Japan and Korea in contesting the award of contracts by Austria’s entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.
3. Until such time as Austria has accepted that the Parties concerned provide access for Austrian suppliers and service providers to their own markets, Austria will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment),

- Canada as regards procurement of FSC 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;

- Korea and Israel as regards procurement by entities listed in Annex 3 as regards procurement of HS Nos 8504, 8535, 8537 and 8644 (electrical transformers, plugs, switches and insulated cables) and for Israel, HS Nos 8501, 8536 and 902830;

- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

4. The Agreement shall not apply to contracts awarded under:

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;

- an international agreement relating to the stationing of troops;

- the particular procedure of an international organization.

5. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

6. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.

7. This Agreement shall not apply to contracts awarded by entities in Annex 3:

- for the purchase of water and for the supply of energy or of fuels for the production of energy;

- for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-EEA country;

- for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
8. This Agreement shall not be applicable to contracts:
   - for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;
   - for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

9. The thresholds in the Annexes will be applied so as to conform with the public procurement thresholds of the EEA Agreement.

10. The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by Austria in conformity with her commitments under the GATS.
CANADA

(Authentic in the English and French languages)

ANNEX 1

Federal Government Entities

Thresholds:

- 130,000 SDRs - Goods
- 130,000 SDRs - Services covered in Annex 4
- 5,000,000 SDRs - Construction covered in Annex 5

List of entities:

1. Department of Agriculture
2. Department of Communications (not including procurements respecting FSCs 36, 70 and 74)
3. Department of Consumer and Corporate Affairs
4. Department of Employment and Immigration
5. Immigration and Refugee Board
6. Employment and Immigration Commission
7. Department of Energy, Mines and Resources
8. Atomic Energy Control Board
9. National Energy Board (on its own account)
10. Department of the Environment
11. Department of External Affairs
12. Canadian International Development Agency (on its own account)
13. Department of Finance
15. Canadian International Trade Tribunal
16. Municipal Development and Loan Board
17. Department of Fisheries and Oceans (not including procurements respecting FSCs 36, 70 and 74)
18. Department of Forestry
19. Department of Indian Affairs and Northern Development
20. Department of Industry, Science and Technology
21. Science Council of Canada
22. National Research Council of Canada
23. Natural Sciences and Engineering Research Council of Canada
24. Department of Justice
25. Canadian Human Rights Commission
26. Statute Revision Commission
27. Supreme Court of Canada
28. Department of Labour
29. Canada Labour Relations Board
30. Department of National Health and Welfare
31. Medical Research Council
32. Department of National Revenue
33. Department of Public Works
34. Department of Secretary of State of Canada
35. Social Science and Humanities Research Council
Canada (cont’d)

36. Office of the Coordinator, Status of Women
37. Public Service Commission
38. Department of the Solicitor General
39. Correctional Service of Canada
40. National Parole Board
41. Department of Supply and Services (on its own account)
42. Canadian General Standards Board
43. Department of Transport (not including procurements respecting FSCs 36, 70 and 74. For purposes of Article XXIII the national security considerations applicable to The Department of National Defence are equally applicable to the Canadian Coast Guard.)
44. Treasury Board Secretariat and the Office of the Controller General
45. Department of Veterans Affairs
46. Veterans Land Administration
47. Department of Western Economic Diversification (on its own account)
48. Atlantic Canada Opportunities Agency (on its own account)
49. Auditor General of Canada
50. Federal Office of Regional Development (Quebec) (on its own account)
51. Canadian Centre for Management Development
52. Canadian Radio-television and Telecommunications Commission (on its own account)
53. Canadian Sentencing Commission
54. Civil Aviation Tribunal
55. Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario
56. Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance
57. Commissioner for Federal Judicial Affairs
58. Competition Tribunal Registry
59. Copyright Board
60. Emergency Preparedness Canada
61. Federal Court of Canada
62. Grain Transportation Agency (on its own account)
63. Hazardous Materials Information Review Commission
64. Information and Privacy Commissioners
65. Investment Canada
66. Department of Multiculturalism and Citizenship
67. The National Archives of Canada
68. National Farm Products Marketing Council
69. The National Library
70. National Transportation Agency (on its own account)
71. Northern Pipeline Agency (on its own account)
72. Patented Medicine Prices Review Board
73. Petroleum Monitoring Agency
74. Privy Council Office
75. Canadian Intergovernmental Conference Secretariat
76. Commissioner of Official Languages
77. Economic Council of Canada
78. Public Service Staff Relations Board
79. Office of the Secretary to the Governor General
80. Office of the Chief Electoral Officer
81. Federal Provincial Relations Office
Canada (cont'd)

82. Procurement Review Board
83. Royal Commission on Electoral Reform and Party Financing
84. Royal Commission on National Passenger Transportation
85. Royal Commission on New Reproductive Technologies
86. Royal Commission on the Future of the Toronto Waterfront
87. Statistics Canada
88. Tax Court of Canada, Registry of the
89. Agricultural Stabilization Board
90. Canadian Aviation Safety Board
91. Canadian Centre for Occupational Health and Safety
92. Canadian Transportation Accident Investigation and Safety Board
93. Director of Soldier Settlement
94. Director, The Veterans' Land Act
95. Fisheries Prices Support Board
96. National Battlefields Commission
97. Royal Canadian Mounted Police
98. Royal Canadian Mounted Police External Review Committee
99. Royal Canadian Mounted Police Public Complaints Commission
100. Department of National Defence

THE FOLLOWING PRODUCTS PURCHASED BY THE DEPARTMENT OF NATIONAL DEFENCE, COAST GUARD AND THE RCMP ARE INCLUDED IN THE COVERAGE OF THIS AGREEMENT SUBJECT TO THE PROVISIONS OF ARTICLE XXIII. (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 equipment
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 Life-saving 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
Canada (cont’d)

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

Note to Annex 1

The General Notes apply to this Annex.
Canada (cont’d)

ANNEX 2

Sub-Central Government Entities

<table>
<thead>
<tr>
<th>Thresholds:</th>
<th>Goods</th>
</tr>
</thead>
<tbody>
<tr>
<td>355,000 SDRs</td>
<td></td>
</tr>
<tr>
<td>355,000 SDRs</td>
<td><strong>Services</strong> to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.</td>
</tr>
<tr>
<td>5,000,000 SDRs</td>
<td><strong>Construction Services</strong> to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.</td>
</tr>
</tbody>
</table>

List of Entities:

The Canadian Government offers to cover entities in all ten provinces on the basis of commitments obtained from provincial governments. The initial provincial entities list will be specified on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.

Notes to Annex 2

1. Exceptions for all Provinces: steel, motor vehicles and coal

   Province-specific exceptions: in addition, a limited number of individual provincial exceptions may be specified at a later date in accordance with commitments received from such provinces.

2. Nothing in this offer shall be construed to prevent any provincial entity from applying restrictions that promote the general environmental quality in that province, as long as such restrictions are not disguised barriers to international trade.

3. This offer shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

4. The General Notes apply to this Annex.
Canada (cont’d)

ANNEX 3

Government Enterprises

Thresholds:  
- Goods 355,000 SDRs  
- Services covered in Annex 4 355,000 SDRs  
- Construction covered in Annex 5 5,000,000 SDRs

Federal Enterprises

1. Canada Post Corporation
2. National Capital Commission
3. St. Lawrence Seaway Authority (For greater certainty, Article XIX:4 applies to procurements by St. Lawrence Seaway Authority respecting the protection of the commercial confidentiality of information provided.)
4. Royal Canadian Mint (not including procurement by or on behalf of the Royal Canadian Mint of direct inputs for use in minting anything other than Canadian legal tender. For greater certainty, Article XIX:4 applies to procurements by the Royal Canadian Mint respecting the protection of the commercial confidentiality of information provided.)
5. Canadian Museum of Civilization
6. Canadian Museum of Nature
7. National Gallery of Canada
8. National Museum of Science and Technology

Sub-central Enterprises

Coverage of Sub-central Enterprises for Goods, Services and Construction Services is to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.

Note to Annex 3

The General Notes apply to this Annex.
Canada (cont'd)

ANNEX 4

Services

Canada offers to include in this "Services" Annex Federal entities listed under Annex 1 and Federal enterprises listed under Annex 3. The inclusion of "Services" for sub-central entities under Annex 2 and sub-central enterprises under Annex 3 are to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement. With respect to the terms of this Agreement, those services to be included are as identified within the document MTN.GNS/W/120. Domestically, Canada will be utilizing the "Common Classification System" for purposes of implementing this Agreement. This list of services may be revised following further technical work among the Parties and adjustments, as appropriate, to establish equitable coverage.

Canada offers to cover the following services with respect to the CPC services classification system:

861 Legal Services (advisory services on foreign and international law only)
862 Accounting, auditing and book-keeping services
863 Taxation Services (excluding legal services)
8671 Architectural services
8672 Engineering services
8673 Integrated engineering services (excluding 86731 Integrated engineering services for transportation infrastructure turnkey projects)
8674 Urban planning and landscape architectural services
841 Consultancy services related to the installation of computer hardware
842 Software implementation services, including systems and software consulting services, systems analysis, design, programming and maintenance services
843 Data processing services, including processing, tabulation and facilities management services
844 Data base services
845 Maintenance and repair services of office machinery and equipment including computers
849 Other computer services
821 Real estate services involving own or leased property
822 Real estate services on a fee or contract basis
Canada (cont’d)

83106 to 83109
only
Leasing or rental services concerning machinery and equipment without operator

83203 to 83209
only
Leasing or rental services concerning personal and household goods

86501 General management consulting services
86503 Marketing management consulting services
86504 Human resources management consulting services
86505 Production management consulting services
8660 Services related to management consulting (except 86602 Arbitration and conciliation services)
8676 Technical testing and analysis services including quality control and inspection (except with reference to FSC 58 and transportation equipment)
8814 Services incidental to forestry and logging, including forest management
883 Services incidental to mining, including drilling and field services
633 Repair services of personal and household goods
8861 to 8864, and 8866 Repair services incidental to metal products, machinery and equipment
874 Building-cleaning services
876 Packaging services
7512 Commercial courier services (including multi-modal)
7523 Electronic mail
7523 Voice mail
7523 On-line information and data base retrieval
7523 Electronic data interchange (EDI)
7523 Enhanced/value-added facsimile services, including store and forward, store and retrieve
Code and protocol conversion
Canada (cont'd)

843 On-line information and/or data processing (including transaction processing)
940 Sewage and refuse disposal, sanitation and similar services
641 Hotel and similar accommodation services
642/3 Food and beverage serving services
7471 Travel agency and tour operator services

Notes to Annex 4

1. The General Notes apply to this Annex.

2. This offer is subject to the terms and conditions set out in the Canadian offer on trade in services.

3. Canada's offer in telecommunications is limited to enhanced or value added services for the supply of which the underlying telecommunications facilities are leased from providers of public telecommunications transport networks.

4. The Canadian offer does not include the following:

- management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development;
- coin minting;
- public utilities;
- architectural and engineering related to airfield, communications and missile facilities;
- shipbuilding and repair and related architectural and engineering services;
- all services, with reference to those goods purchased by the Department of National Defence, the Royal Canadian Mounted Police and the Canadian Coast Guard which are not identified as subject to coverage by this agreement;
- services procured in support of military forces located overseas;
- printing and publishing services; and,
- procurement of transportation services that form a part of, or are incidental to, a procurement contract.
Canada (cont'd)

ANNEX 5

Construction Services

Canada offers to include in this "Construction Services" Annex, Federal entities listed under Annex 1 and Federal enterprises listed under Annex 3. The inclusion of "Construction Services" for sub-central entities under Annex 2 and sub-central enterprises under Annex 3 are to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new government procurement agreement.

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of Division 51, CPC:

All services contained in Division 51 CPC.

Notes to Annex 5

1. Notwithstanding anything in this Agreement, this Agreement does not apply to procurements in respect of:
   (a) Dredging; and
   (b) Construction contracts tendered on behalf of the Departments of Transport.

2. The General Notes apply to this Annex.
GENERAL NOTES

1. Notwithstanding anything in these Annexes, the Agreement does not apply to procurements in respect of:

(a) shipbuilding and repair;

(b) urban rail and urban transportation equipment, systems, components and materials incorporated therein as well as all project related materials of iron or steel;

(c) contracts respecting FSC 58 (communications, detection and coherent radiation equipment);

(d) set-asides for small and minority businesses;

(e) agricultural products made in furtherance of agricultural support programs or human feeding programs;

(f) national security exemptions include oil purchases related to any strategic reserve requirements; and,

(g) national security exceptions including procurements made in support of safeguarding nuclear materials or technology.

2. Procurement in terms of Canadian coverage is defined as contractual transactions to acquire property or services for the direct benefit or use of the government. The procurement process is the process that begins after an entity has decided on its requirement and continues through to and including contract award. It does not include non-contractual agreements or any form of government assistance, including but not limited to, cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and government provision of goods and services, given to individuals, firms, private institutions, and sub-central governments. It does not include procurements made with a view to commercial resale or made by one entity or enterprise of another entity or enterprise of Canada.

3. Any exclusion that is related either specifically or generally to Federal or sub-central entities or enterprises in Annex 1, Annex 2 or Annex 3 will also apply to any successor entity or entities, enterprise or enterprises, in such a manner as to maintain the value of this offer.

4. Until such time as there is a mutually agreed list of services to be covered by all Parties, a service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has provided reciprocal access to that service.

5. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.
Canada (cont'd)

6. The offer by Canada, with respect to goods and services (including construction) in Annexes 2 and 3, is subject to negotiation of mutually acceptable commitments (including thresholds) with other Parties, with initial commitments to be specified on or before 15 April 1994 and specific commitments to be confirmed within eighteen months after the conclusion of the new Government Procurement Agreement.

7. The Agreement shall not apply to contracts under an international agreement and intended for the joint implementation or exploitation of a project.

8. For the European Union, Canada's offer excludes procurements of FSC 70, 74 and 36 until such time as reciprocal access is provided.

9. For the European Union, this Agreement shall not apply to contracts awarded by entities in Annexes 1 and 2 in connection with activities in the field of drinking water, energy, transport or telecommunications.
EUROPEAN COMMUNITIES

ANNEX 1

Entities which Procure in Accordance
With the Provisions of this Agreement

Supplies
Services specified in Annex 4

Thresholds: SDR 130,000

Works specified in Annex 5

Threshold: SDR 5,000,000

List of Entities:

1. European Communities entities:
   - The Council of the European Union;
   - The European Commission.

2. The following contracting authorities of the State:

BELGIQUE

(La version française fait foi)

A. - L'Etat Fédéral:
   - Services du Premier Ministre
   - Ministère des Affaires économiques
   - Ministère des Affaires étrangères, du Commerce extérieur et de la
     Coopération au Développement
   - Ministère de l'Agriculture
   - Ministère des Classes moyennes
   - Ministère des Communications et de l'Infrastructure
   - Ministère de la Défense nationale\(^\text{11}\)
   - Ministère de l'Emploi et du Travail
   - Ministère des Finances
   - Ministère de l'Intérieur et de la Fonction publique
   - Ministère de la Justice
   - Ministère de la Santé publique et de l'Environnement

\(^{11}\text{Matériel non militaire figurant dans la partie I(3) de la présente annexe}\)
DENMARK

(Authentic in the English language only)

1. Prime Minister's Office - two departments;
2. Ministry of Labour - five directorates and institutions;
3. Ministry of Foreign Affairs (three departments);
4. Ministry of Housing - five directorates and institutions;
5. Ministry of Energy - one directorate and Research Establishment "Risoe".
6. Ministry of Finance (two departments) - four directorates and institutions including the Directorate for Government Procurement - five other institutions;
7. Ministry of Taxes and Duties (two departments) - five directorates and institutions;
8. Ministry of Fisheries - four institutions;
9. Ministry of Industry (Full name: Ministry of Industry, Trade, Handicraft and Shipping) - nine directorates and institutions;
10. Ministry of the Interior - Danish National Civil Defence Directorate - one directorate;
11. Ministry of Justice - Office of the Chief of Danish Police - five other directorates and institutions;
12. Ministry of Ecclesiastical Affairs - nineteen directorates and institutions;
13. Ministry of Agriculture - five directorates;
14. Ministry of Environment - three directorates and several state-owned museums and higher education institutions;
15. Ministry of Cultural Affairs - four directorates;
16. Ministry of Social Affairs - six directorates;
17. Ministry of Education - twelve universities and other higher education institutions;

12 Activités postales visées par la loi du 24 décembre 1993
EC (cont’d)

18. Ministry of Economic Affairs
   (three departments);
19. Ministry of Defence
20. Ministry of Health — several institutions including State Serum
    Institut and University Hospital of Copenhagen;
21. Ministry for Research & Technology
22. Ministry of Transport — 25 directorates, departments and
    Institutions;
23. Ministry for Communication and Tourism
24. Ministry for Business Policies Coordination
25. Folketinget (Parliament)

FEDERAL REPUBLIC OF GERMANY

(Authentic in the English language only)

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 for Food, Agriculture and Forestry
5. Federal Ministry of Finance
6. Federal Ministry for Research and Technology
7. Federal Ministry of the Interior (civil goods only)
8. Federal Ministry of Health
9. Federal Ministry for Women and Youth
10. Federal Ministry for Family Affairs and Senior Citizens
11. Federal Ministry of Justice
12. Federal Ministry for Regional Planning, Building and Urban Development
13. Federal Ministry of Post and Telecommunications
14. Federal Ministry of Economic Affairs
15. Federal Ministry for Economic Co-operation
16. Federal Ministry of Defence

Note

According to existing national obligations, the entities contained in this list must, in conformity with
special procedures, award contracts to certain groups in order to remove difficulties caused by the
last war.

13Non-warlike materials contained in Part I (3) of this Annex
14With the exception of the Telecommunications services of the postal- and telegraphic service.
15Except telecommunication equipment
EC (cont’d)

- Palais de la découverte;
- Parcs nationaux;
- Réunion des musées nationaux;
- Syndicat des transports parisiens;
- Thermes nationaux - Aix-les-Bains;
- Universités.

3. Autre organisme public national

- Union des groupements d’achats publics (U.G.A.P.).

GREECE

(Authentic in the English language only)

List of entities

1. Ministry of National Economy
2. Ministry of Education and Religion
3. Ministry of Commerce
4. Ministry of Industry, Energy and Technology
5. Ministry of Merchant Marine
6. Ministry to the Prime Minister
7. Ministry of the Aegean
8. Ministry of Foreign Affairs
9. Ministry of Justice
10. Ministry of the Interior
11. Ministry of Labour
12. Ministry of Culture and Sciences
13. Ministry of Environment, Planning and Public Works
14. Ministry of Finance
15. Ministry of Transport and Communications
16. Ministry of Health and Social Security
17. Ministry of Macedonia and Thrace
18. Army General Staff
19. Navy General Staff
20. Airforce General Staff
21. Ministry of Agriculture
22. General Secretariat for Press and Information
23. General Secretariat for Youth
24. General State Laboratory
25. General Secretariat for Further Education
26. General Secretariat of Equality
27. General Secretariat for Social Security
28. General Secretariat for Greeks Living Abroad
29. General Secretariat for Industry
EC (cont’d)

30. General Secretariat for Research and Technology
31. General Secretariat for Sports
32. General Secretariat for Public Works
33. National Statistical Service
34. National Welfare Organisation
35. Workers’ Housing Organisation
36. National Printing Office
37. Greek Atomic Energy Commission
38. Greek Highway Fund
39. University of Athens
40. University of the Aegean
41. University of Thessaloniki
42. University of Thrace
43. University of Ioannina
44. University of Patras
45. Polytechnic School of Crete
46. Sivitanidios Technical School
47. University of Macedonia
48. Eginio Hospital
49. Areteio Hospital
50. National Centre of Public Administration
51. Hellenic Post (EL. TA.)
52. Public Material Management Organisation
53. Farmers’ Insurance Organisation
54. School Building Organisation

IRELAND

(Authentic in the English language only)

1. Main purchasing entities

Office of Public Works

2. Other departments

- President’s Establishment;
- Houses of the Oireachtas (Parliament);
- Department of the Taoiseach (Prime Minister);
- Office of the Tanaiste (Deputy Prime Minister)
- Central Statistics Office;
- Department of Arts, Culture and the Gaeltacht
- National Gallery of Ireland;
- Department of Finance;
- State Laboratory;
- Office of the Comptroller and Auditor General;
EC (cont’d)

- Office of the Attorney General;
- Office of the Director of Public Prosecutions;
- Valuation Office;
- Civil Service Commission;
- Office of the Ombudsman;
- Office of the Revenue Commissioners;
- Department of Justice;
- Commissioners of Charitable Donations and Bequests for Ireland;
- Department of the Environment;
- Department of Education;
- Department of the Marine;
- Department of Agriculture, Food and Forestry;
- Department of Enterprise and Employment
- Department of Trade and Tourism;
- Department of Defencea;
- Department of Foreign Affairs;
- Department of Social Welfare;
- Department of Health;
- Department of Transport, Energy and Communications.

ITALY

(Authentic in the English language only)

Purchasing Entities

1. Ministry of the Treasury 10
2. Ministry of Finance 20
3. Ministry of Justice
4. Ministry of Foreign Affairs
5. Ministry of Education
6. Ministry of the Interior
7. Ministry of Public Works
8. Ministry for Co-ordination (International Relations and EC Agricultural Policies)
9. Ministry of Industry, Trade and Craft Trades
10. Ministry of Employment and Social Security
11. Ministry of Health
12. Ministry of Cultural Affairs and the Environment
13. Ministry of Defence21
14. Budget and Economic Planning Ministry
15. Ministry of Foreign Trade
16. Ministry of Posts and Telecommunications22

10Non-warlike materials contained in Part I (3) of this Annex
20Acting as the central purchasing entity for most of the other Ministries or entities
21Not including purchases made by the tobacco and salt monopolies
22Non-warlike materials contained in Part I (3) of this Annex
2Posta business only
EC (cont’d)

17. Ministry of the Environment
18. Ministry of University and Scientific and Technological Research

LUXEMBOURG

(La version française fait foi)

1. Ministère d’État: Service central des imprimés et des fournitures de l’Etat;
2. Ministère de l’agriculture: Administration des Services techniques de l’Agriculture;
3. Ministère de l’éducation nationale: Lycées d’enseignement secondaire et d’enseignement secondaire technique;
4. Ministère de la famille et de la solidarité sociale: Maisons de retraite;
5. Ministère de la force publique: Armée - Gendarmerie - Police;
6. Ministère de la justice: Etablissements pénitentiaires;
7. Ministère de la santé publique: Hôpital neuropsychiatrique;
8. Ministère des travaux publics: Bâtiments publics - Ponts et Chaussées;
9. Ministère des Communications: Centre informatique de l’Etat

THE NETHERLANDS

(Authentic in the English language only)

List of entities

Ministries and central governmental bodies

1. Ministry of General Affairs - Ministerie van Algemene Zaken
   - Advisory Council on Government Policy - Bureau van de Wetenschappelijke Raad voor het Regeringsbeleid
   - National Information Office - Rijksvoorlichtingsdienst
   - Government Personnel Information System Service - Dienst Informatievoorziening Overheids personeel
   - Redundancy Payment and Benefits Agency - Dienst Uitvoering Ontslaguitkeringsregelingen
   - Public Servants Medical Expenses Agency - Dienst Ziektekostenvoorziening Overheids personeel
   - RPD Advisory Service - RPD Advies
   - Central Archives and Inderdepartmental Text Processing - CAS/TTW

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^Matériel non-militaire figurant dans la partie I (3) de la présente annexe
3. Ministry of Foreign Affairs + Directorate-General for Development Cooperation of the Ministry of Foreign affairs - Ministerie van Buitenlandse Zaken + Ministerie voor Ontwikkelingssamenwerking

4. Ministry of Defence - Ministerie van Defensie
   - Directorate of material Royal Netherlands Navy - Directie materieel Koninklijke Marine
   - Directorate of material Royal Netherlands Army - Directie materieel Koninklijke Landmacht
   - Directorate of material Royal Netherlands Airforce - Directie materieel Koninklijke Luchtmacht

5. Ministry of Economic Affairs - Ministerie van Economische Zaken
   - Economic Investigation Agency - Economische Controledienst
   - Central Plan Bureau - Centraal Planbureau
   - Netherlands Central Bureau of Statistics - Centraal Bureau voor de Statistiek
   - Senter - Senter
   - Industrial Property Office - Bureau voor de Industriële Eigendom
   - Central Licensing Office for Import and Export - Centrale Dienst voor de In- en Uitvoer
   - State Supervision of Mines - Staatsstoezicht op de Mijnen
   - Geological Survey of the Netherlands - Rijks Geologische Dienst

6. Ministry of Finance - Ministerie van Financiën
   - State Property Department - Dienst der Domeinen
   - Directorates of the State Tax Department - Directies der Rijksbelastingen
   - State Tax Department/Fiscal Intelligence and Information Department - Belastingdienst/FIOD
   - State Tax Department/Computer Centre - Belastingdienst/Automatiseringscentrum
   - State Tax Department/Training - Belastingdienst/Opleidingen

7. Ministry of Justice - Ministerie van Justitie
   - Child Care and Protection Board - Raden voor de Kinderbescherming in de provincies
   - State Institutions for Child care and Protection - Rijksinrichtingen voor de Kinderbescherming in de provincies
   - Prisons - Penitentiaire inrichtingen in de provincie
   - State Institutions for Persons Placed under Hospital Order - Rijksinrichtingen voor T.B.S.- verpleging in de provincies
   - Internal Facilities Service of the Directorate for Young Offenders and Young Peoples Institute - Dienst Facilitaire Zaken van de Directie Delinquentenzorg en Jeugdinrichtingen
   - Legal Aid Department - Dienst Gerechtelijke Ondersteuning in de arrondbestemmingen

*Non-Warlike materials contained in Part I (3) of this annex*
EC (cont'd)

- Central Collection Office for the Courts - Centraal Ontvangstkantoor der Gerechten
- Central Debt Collection Agency of the Ministry of Justice - Centraal Justitie Incassobureau
- National Criminal Investigation Department - Rijksrecherche
- Forensic Laboratory - Gerechtelijk Laboratorium
- National Police Services Force - Korps Landelijke Politiediensten
- District offices of the Immigration and Naturalisation Service - Districtskantoren Immigratie- en Naturalisatiedienst

   - National Forest Service - Staatsbosbeheer
   - Agricultural Research Service - Dienst Landbouwkundig Onderzoek
   - Agricultural Extension Service - Dienst Landbouwvoorlichting
   - Land Development Service - Landinrichtingsdienst
   - National Inspection Service for Animals and Animal Protection - Rijksdienst voor de Keuring van Vee en Vlees
   - Plant Protection Service - Plantenziektenkundige Dienst
   - General Inspection Service - Algemene Inspectiedienst
   - National Fisheries Research Institute - Rijksinstituut voor Visserijonderzoek
   - Government Institute for Quality Control of Agricultural Products - Rijkskwaliteit Instituut voor Land- en Tuinbouwprodukten
   - Game Fund - Jachtfonds

   - Royal Library - Koninklijke Bibliotheek
   - Institute for Netherlands History - Instituut voor Nederlandse Geschiedenis
   - Netherlands State Institute for War Documentation - Rijksinstituut voor Oorlogsdocumentatie
   - Institute for Educational Research - Instituut voor Onderzoek van het Onderwijs
   - National Institute for Curriculum Development - Instituut voor de Leerplanontwikkeling

10. Ministry of Social Affairs and Employment - Ministerie van Sociale Zaken en Werkgelegenheid
    - Wages Inspection Service - Loontechnische dienst
    - Inspectorate for Social Affairs and Employment - Inspectie en Informatie Sociale Zaken en Werkgelegenheid
    - National Social Assistance Consultancies Services - Rijksconsulentschappen Sociale Zekerheid
    - Steam Equipment Supervision Service - Dienst voor het Stoomwezen
    - Conscientious Objectors Employment Department - Tewerkstelling erkend gewetenbezwaarden militaire dienst
    - Directorate for Equal Opportunities - Directie Emancipatie
EC (cont’d)

   - Directorate-General for Transport - Directoraat-Generaal Vervoer
   - Directorate-General for Public Works and Water Management - Directoraat-Generaal Rijkswaterstaat
   - Directorate-General for Civil Aviation - Directoraat-Generaal Rijksluchtvaardienst
   - Telecommunications and Post Department - Hoofddirectie Telecommunicatie en Post
   - Regional Offices of the Directorates-General and General Management, Inland Waterway Navigation Service - De regionale organisatie van de directoraat en de hoofddirectie Vaarwegmarkeringen dienst

12. Ministry of Housing, Physical Planning and Environment - Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer
   - Directorate-General for Environment Management - Directoraat-Generaal Milieubeheer
   - Directorate-General for Public Housing - Directoraat-Generaal van de Volkshuisvesting
   - Government Buildings Agency - Rijksgebouwendienst
   - National Physical Planning Agency - Rijksplanologische Dienst

   - Social and Cultural Planning Office - Sociaal en Cultureel Planbureau
   - Inspectorate for Child and Youth Care and Protection Services - Inspectie Jeugdhulpverlening en Jeugdbescherming
   - Medical Inspectorate of Health Care - Inspecties van net Staatstoezicht op de Volksgezondheid
   - Cultural Castle Council - Rijksdienst Kastelenbeheer
   - National Archives Department - Rijksarchiefdienst
   - Department for the Conservation of Historic Buildings and Sites - Rijksdienst voor de Monumentenzorg
   - National Institute of Public Health and Environmental Protection - Rijksinstituut voor Milieuhygiëne
   - National Archeological Field Survey Commission - Rijksdienst voor het Oudheidkundig Bodemonderzoek
   - Netherlands Office for Fine Arts - Rijksdienst Beeldende Kunst

15. Higher Colleges of State - Hogere Colleges van Staat
16. Council of State - Raad van State
17. Netherlands Court of Audit - Algemene Rekenkamer
18. National Ombudsman - Nationale Ombudsman
EC (cont’d)

PORTUGAL

(Authentic in the English language only)

**Prime Minister’s Office**

Legal Centre  
Centre for Studies and Training (Local Government)  
Government Computer Network Management Centre  
National Council for Civil Defence Planning  
Permanent Council for Industrial Conciliation  
Department for Vocational and Advanced Training  
Ministerial Department with special responsibility for Macao  
Ministerial Department responsible for Community Service by Conscientious Objectors  
Institute for Youth  
National Administration Institute  
Secretariat-General, Prime Minister’s Office  
Secretariat for Administrative Modernization  
Social Services, Prime Minister’s Office

**Ministry of Home Affairs**

Directorate-General for Roads  
Ministerial Department responsible for Studies and Planning  
Civilian administrations  
Customs Police  
Republican National Guard  
Police  
Secretariat-General  
Technical Secretariat for Electoral Matters  
Customs and Immigration Department  
Intelligence and Security Department  
National Fire Service

**Ministry of Agriculture**

Control Agency for Community Aid to Olive Oil Production  
Regional Directorate for Agriculture (Beira Interior)  
Regional Directorate for Agriculture (Beira Litoral)  
Regional Directorate for Agriculture (Entre Douro e Minho)  
Regional Directorate for Agriculture (Trás-os-Montes)  
Regional Directorate for Agriculture (Alentejo)  
Regional Directorate for Agriculture (Algarve)  
Regional Directorate for Agriculture (Ribatejo e Oeste)  
General Inspectorate and Audit Office (Management Audits)  
Viticulture Institute
EC (cont’d)

National Agricultural Research Institute
Institute for the Regulation and Guidance of Agricultural Markets
Institute for Agricultural Structures and Rural Development
Institute for Protection of Agri-food Production
Institute for Forests
Institute for Agricultural Markets and Agri-Foods Industry
Secretariat-General
IFADAP (Financial Institute for the Development of Agriculture and Fishing) (a)
INGA (National Agricultural Intervention and Guarantee Institute) (a)

(a) Authority under joint Ministry of Finance and Ministry of Agriculture control

Ministry of the Environment and Natural Resources

Directorate-General for Environment
Institute for Environmental Promotion
Institute for the Consumer
Institute for Meteorology
Secretariat-General
Institute for Natural Conservancy
Ministerial Department for the Improvement of the Estoril Coast
Regional Directorates for Environment and Natural Resources
Water Institute

Ministry of Trade and Tourism

Commission responsible for the Application of Economic Penalties
Directorate-General for Competition and Prices
Directorate-General for Inspection (Economic Affairs)
Directorate-General for Tourism
Directorate-General for Trade
Tourism Fund
Ministerial Department responsible for Community Affairs
ICEP (Portuguese Foreign Trade Institute)
General Inspectorate for Gambling
National Institute for Training in Tourism
Regional Tourist Boards
Secretariat-General
ENATUR (National Tourism Enterprise) - Public enterprise (a)

(a) Authority under joint Ministry of Trade and Tourism and Ministry of Finance control
EC (cont’d)

Ministry of Defence

National Security Authority
National Council for Emergency Civil Planning
Directorate-General for Armaments and Defence Equipments
Directorate-General for Infrastructure
Directorate-General for Personnel
Directorate-General for National Defence Policy
Secretariat-General

Office of the Chief of Staff of the Armed Forces

Administrative Council of the Office of the Chief of Staff
of the Armed Forces
Commission of Maintenance of NATO Infrastructure
Executive Commission of NATO Infrastructure
Social Works of the Armed Forces

Office of the Chief of Staff, Air Force

Air Force Logistics and Administrative Commando
General Workshop for Aeronautical Equipment

Office of the Chief of Staff, Army

Logistics Department
Directorate for Army Engineering
Directorate for Army Communications
Service Directorate for Fortifications and Army Works
Service Directorate for the Army Physical Education
Service Directorate Responsible for the Army Computer
Service Directorate for Intendancy
Service Directorate for Equipment
Service Directorate for Health
Directorate for Transports
Main Army Hospital
General Workshop of Uniforms and Equipment
General Workshop of Engineering Equipment
Bakery
Army Laboratory for Chemical and Pharmaceutical Products

25Non-warlike materials contained in Part 1 (3) of this annex
EC (cont’d)

Office of the Chief of Staff, Navy

Directorate for Naval Facilities
Directorate-General for Naval Equipment
Directorate for Instruction and Training
Directorate of the Service of Naval Health
The Navy Hospital
Directorate for Supplies
Directorate for Transport
Directorate of the Service of Maintenance
Armed Computer Service
Continent Naval Commando
Açores Naval Commando
Madeira Naval Commando
Commando of Lisbon Naval Station
Army Centre for Physical Education
Administrative Council of Central Navy Administration
Naval War Height Institute
Directorate-General for the Navy
Directorate-General for Lighthouses and School for Lighthouse Keepers
The Hydrographic Institute
Vasco da Gama Aquarium
The Alfeite Arsenal

Ministry of Education

Secretariat-General
Department for Planning and Financial Management
Department for Higher Education
Department for Secondary Education
Department for Basic Education
Department for Educational Resources Management
General Inspectorate of Education
Bureau for the Launching and Coordination of the School Year
Regional Directorate for Education (North)
Regional Directorate for Education (Centra)
Regional Directorate for Education (Lisbon)
Regional Directorate for Education (Alentejo)
Regional Directorate for Education (Algarve)
Camões Institute
Institute for Innovation in Education Antonio Aurélio da Costa Ferreira
Institute for Sports
Department of European Affairs
Ministry of Education Press

Non-warlike materials contained in Part I (3) of this Annex
EC (cont’d)

Ministry of Employment and Social Security

National Insurance and Occupational Health Fund
Institute for Development and Inspection of Labour Conditions
Social Welfare Funds
Casa Pia de Lisboa (a)
National Centre for Pensions
Regional Social Security centres
Commission on Equal Opportunity and Rights for Women
Statistics Department
Studies and Planning Department
Department of International Relations and Social Security Agreements
European Social Fund Department
Department of European Affairs and External Relations
Directorate-General for Social Works
Directorate-General for the Family
Directorate-General for Technical Support to Management
Directorate-General for Employment and Vocational Training
Directorate-General for Social Security Schemes
Social Security Financial Stabilization Fund
General Inspectorate for Social Security
Social Security Financial Management Institute
Employment and Vocational Training Institute
National Institute for Workers’ Leisure Time
Secretariat-General
National Secretariat for Rehabilitation
Social Services
Santa Casa de Misericordia de Lisboa (a)

(a) Authority under joint control of the Ministry of Employment and Social Security and the Ministry of Health Control

Ministry of Finance

ADSE (Directorate-General for the Protection of Civil Servants)
Legal Affairs Office
Directorate-General for Public Administration
Directorate-General for Public Accounts and General Budget Supervision
Directorate-General for the State Loans Board
Directorate-General for the Customs Service
Directorate-General for Taxation
Directorate-General for State Assets
Directorate-General for the Treasury
Ministerial Department responsible for Economic Studies
Ministerial Department responsible for European Affairs
GAPEEP (Ministerial Department responsible for Studies on the Funding of the State and Public Enterprises)
EC (cont'd)

General Inspectorate for Finance
Institute for Information Technology
State Loans Board
Secretariat-General
SOFE (Social Services of the Ministry of Finance)

Ministry of Industry and Energy

Regional Delegation for Industry and Energy (Lisbon and Tagus Valley)
Regional Delegation for Industry and Energy (Alentejo)
Regional Delegation for Industry and Energy (Algarve)
Regional Delegation for Industry and Energy (Centre)
Regional Delegation for Industry and Energy (North)
Directorate-General for Industry
Directorate-General for Energy
Geological and Mining Institute
Ministerial Department responsible for Studies and Planning
Ministerial Department responsible for Oil Exploration and Production
Ministerial Department responsible for Community Affairs
National Industrial Property Institute
Portuguese Institute for Quality
INETI (National Institute for Industrial Engineering and Technology)
Secretariat-General
PEDIP Manager's Department
Legal Affairs Office
Commission for Emergency Industrial Planning
Commission for Emergency Energy Planning
IAPMEI (Institute for Support of Small and Medium-sized enterprises and Investments)

Ministry of Justice

Centre for Legal Studies
Social Action and Observation Centres
The High Council of the Judiciary (Conselho Superior de Magistratura)
Central Registry
Directorate-General for Registers and Other Official Documents
Directorate-General for Computerized Services
Directorate-General for Legal Services
Directorate-General for the Prison Service
Directorate-General for the Protection and Care of Minors Prison Establishments
Ministerial Department responsible for European Law
Ministerial Department responsible for Documentation and Comparative Law
Ministerial Department responsible for Studies and Planning
Ministerial Department responsible for Financial Management
Ministerial Department responsible for Planning and Coordinating Drug Control
São João Deus Prison Hospital
Corpus Christi Institute
EC (cont'd)

Guarda Institute
Institute for the Rehabilitation of Offenders
São Domingos Benfica Institute
National Police and Forensic Science Institute
Navarro Paiva Institute
Padre António Oliveira Institute
São Fiel Institute
São José Institute
Vila Fernando Institute
Criminology Institutes
Forensic Medicine Institutes
Criminal Investigation Department
Secretariat-General
Social Services

Ministry of Public Works, Transport and Communications

Council for Public and Private Works Markets
Directorate-General for Civil Aviation
Directorate-General for National Buildings and Monuments
Directorate-General for Road and Rail Transport
Ministerial Department responsible for River Crossings (Tagus)
Ministerial Department for Investment Coordination
Ministerial Department responsible for the Lisbon Railway Junction
Ministerial Department responsible for the Oporto Railway Junction
Ministerial Department responsible for Navigation on the Douro
Ministerial Department responsible for the European Communities
General Inspectorate for Public Works, Transport and Communications
Independent Executive for Roads
National Civil Engineering Laboratory
Social Works Department of the Ministry of Public Works, Transport and Communications
Secretariat-General
Institute for Management and Sales of State Housing
CTT - Post & Telecommunications of Portugal SA

Ministry of Foreign Affairs

Directorate-General for Consular Affairs and for Financial Administration
Directorate-General for the European Communities
Directorate-General for Cooperation
Institute for Portuguese Emigrants and Portuguese Communities Abroad
Institute for Economic Cooperation
Secretariat-General

Postal Business only

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EC (cont’d)

Ministry of Territorial Planning and Management

Academy of Science
Legal Affairs Office
National Centre for Geographical Data
Regional Coordination Committee (Centre)
Regional Coordination Committee (Lisbon and Tagus Valley)
Regional Coordination Committee (Alentejo)
Regional Coordination Committee (Algarve)
Regional Coordination Committee (North)
Central Planning Department
Ministerial Department for European Issues and External Relations
Directorate-General for Local Government
Directorate-General for Regional Development
Directorate-General for Town and Country Planning
Ministerial Department responsible for Coordination of the Alqueva Project
General Inspectorate for Territorial Administration
National Statistical Institute
António Sergio Cooperative Institute
Institute for Scientific and Tropical Research
Geographical and Land Register Institute
National Scientific and Technological Research Board
Secretariat-General

Ministry of the Sea

Directorate General for Fishing
Directorate General for Ports, Navigation and Maritime Transport
Portuguese Institute for Maritime Exploration
Maritime Administration for North, Centre & South
National Institute for Port Pilotage
Institute for Port Labour
Port Administration of Douro and Leixões
Port Administration of Lisbon
Port Administration of Setúbal and Sesimbra
Port Administration of Sines
Independent Executive for Ports
Infante D Henrique Nautical School
Portugues Fishing School and School of Sailing and Marine Craft
Secretariat General

Ministry of Health

Regional Health Administrations
Health Centres
Mental Health Centres
Histocompatibility Centres
EC (cont’d)

Regional Alcoholism Centres
Department for Studies and Health Planning
Health Human Resource Department
Directorate-General for Health
Directorate-General for Health Installations & Equipment
National Institute for Chemistry and Medicament
Supporting Centers for Drug Addicts
Institute for Computer and Finacial Management of Health Services
Infirmary Technical Schools
Health Service Technical Colleges
Central Hospitals
District Hospitals
General Inspectorate of Health
National Institute of Emergency Care
Dr Ricardo Jorge National Health Institute
Dr Jacinto De Magalhaes Institute of Genetic Medicine
Dr Gama Pinto Institute of Opthalmology
Portuguese Blood institute
General Practitioners Institutes
Secretariat-General
Service for Prevention and Treatment of Drug Dependence
Social Services, Ministry of Health

UNITED KINGDOM

(Authentic in the English language only)

Cabinet office
Chessington Computer Centre
Civil Service College
Recruitment and Assessment Service
Civil Service Occupational Health Service
Office of Public Services and Science
Parliamentary Counsel Office
The Government Centre on Information Systems (CCTA)

Central Office of Information
Charity Commission
Crown Prosecution Service
Crown Estate Commissioners (Vote Expenditure only)
Customs and Excise Department
Department for National Savings
Department for Education
Higher Education Funding Council for England

Department of Employment
Employment Appeal Tribunal
Industrial Tribunals
Office of Manpower Economics

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EC (cont’d)

Department of Health
Central Council for Education and Training in Social Work
Dental Practice Board
English National Board for Nursing, Midwifery and Health Visitors
National Health Service Authorities and Trusts
Prescription Pricing Authority
Public Health Laboratory Service Board
U.K. Central Council for Nursing, Midwifery and Health Visiting

Department of National Heritage
British Library
British Museum
Historic Buildings and Monuments Commission for England (English Heritage)
Imperial War Museum
Museums and Galleries Commission
National Gallery
National Maritime Museum
National Portrait Gallery
Natural History Museum
Royal Commission on Historical Manuscripts
Royal Commission on Historical Monuments of England
Royal Fine Art Commission (England)
Science Museum
Tate Gallery
Victoria and Albert Museum
Wallace Collection

Department of Social Security
Medical Boards and Examining Medical Officers (War Pensions)
Regional Medical Service
Independent Tribunal Service
Disability Living Allowance Advisory Board
Occupational Pensions Board
Social Security Advisory Committee

Department of the Environment
Building Research Establishment Agency
Commons Commission
Countryside Commission
Valuation tribunal
Rent Assessment Panels
Royal Commission on Environmental Pollution
The Buying Agency

Department of the Procurator General and Treasury Solicitor
Legal Secretariat to the Law Officers

Department of Trade and Industry
Laboratory of the Government Chemist
National Engineering Laboratory
National Physical Laboratory
National Weights and Measures Laboratory
Domestic Coal Consumers’ Council
EC (cont'd)

Electricity Committees
Gas Consumers' Council
Central Transport Consultative Committees
Monopolies and Mergers Commission
Patent Office
Department of Transport
  Coastguard Services
  Transport Research Laboratory
Export Credits Guarantee Department
Foreign and Commonwealth Office
  Wilton Park Conference Centre
Government Actuary's Department
Government Communications Headquarters
Home Office
  Boundary Commission for England
  Gaming Board for Great Britain
  Inspectors of Constabulary
  Parole Board and Local Review Committees
House of Commons
House of Lords
Inland Revenue, Board of
Intervention Board for Agricultural Produce
Lord Chancellor's Department
  Combined Tax Tribunal
  Council on Tribunals
  Immigration Appellate Authorities
    Immigration Adjudicators
    Immigration Appeal Tribunal
Lands Tribunal
Law Commission
Legal Aid Fund (England and Wales)
Pensions Appeal Tribunals
Public Trust Office
Office of the Social Security Commissioners
Supreme Court Group (England and Wales)
  Court of Appeal - Criminal
  Circuit Offices and Crown, County and Combined Courts (England & Wales)
Transport Tribunal
Ministry of Agriculture, Fisheries and Food
  Agricultural Development and Advisory Service
  Agricultural Dwelling House Advisory Committees
  Agricultural Land Tribunals
  Agricultural Wages Board and Committees
  Cattle Breeding Centre
  Plant Variety Rights Office
  Royal Botanic Gardens, Kew
EC (cont’d)

Ministry of Defence
  Meteorological Office
  Procurement Executive
National Audit Office
National Investment and Loans Office
Northern Ireland Court Service
  Coroners Courts
  County Courts
  Court of Appeal and High Court of Justice in Northern Ireland
  Crown Court
  Enforcement of Judgments Office
  Legal Aid Fund
  Magistrates Court
  Pensions Appeals Tribunals
Northern Ireland, Department of Agriculture
Northern Ireland, Department of Economic Development
Northern Ireland, Department of Education
Northern Ireland, Department of the Environment
Northern Ireland, Department of Finance and Personnel
Northern Ireland, Department of Health and Social Services
Northern Ireland Office
  Crown Solicitor’s Office
  Department of the Director of Public Prosecutions for Northern Ireland
  Northern Ireland Forensic Science Laboratory
  Office of Chief Electoral Officer for Northern Ireland
  Police Authority for Northern Ireland
  Probation Board for Northern Ireland
  State Pathologist Service
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
Ordnance Survey
Overseas Development Administration
  Natural Resources Institute
Paymaster General’s Office
Postal Business of the Post Office
Privy Council Office
Public Record Office
Registry of Friendly Societies
Royal Commission on Historical Manuscripts
Royal Hospital, Chelsea
Royal Mint
Scotland, Crown Office and Procurator
  Fiscal Service

*Non-warlike materials contained in Part I (3) of this annex
EC (cont’d)

Scotland, Registers of Scotland
Scotland, General Register Office
Scotland, Lord Advocate’s Department
Scotland, Queen’s and Lord Treasurer’s Remembrancer
Scottish Courts Administration
  Accountant of Court’s Office
  Court of Justiciary
  Court of Session
  Lands Tribunal for Scotland
  Pensions Appeal Tribunals
  Scottish Land Court
  Scottish Law Commission
  Sheriff Courts
  Social Security Commissioners’ Office
The Scottish Office Central Services
The Scottish Office Agriculture and Fisheries Department:
  Crofters Commission
  Red Deer Commission
  Royal Botanic Garden, Edinburgh
The Scottish Office Industry Department
The Scottish Office Education Department
  National Galleries of Scotland
  National Library of Scotland
  National Museums of Scotland
  Scottish Higher Education Funding Council
The Scottish Office Environment Department
  Rent Assesment Panel and Committees
  Royal Commission on the Ancient and Historical Monuments of Scotland
  Royal Fine Art Commission for Scotland
The Scottish Office Home and Health Departments
  HM Inspectorate of Constabulary
  Local Health Councils
  National Board for Nursing, Midwifery and Health Visiting for Scotland
  Parole Board for Scotland and Local Review Committees
  Scottish Council for Postgraduate Medical Education
  Scottish Crime Squad
  Scottish Criminal Record Office
  Scottish Fire Service Training School
  Scottish National Health Service Authorities and Trusts
  Scottish Police College
Scottish Record Office
HM Stationery Office (HMSO)
HM Treasury
  Forward
Welsh Office
  Royal Commission of Ancient and Historical Monuments in Wales
  Welsh National Board for Nursing, Midwifery and Health Visiting
  Local Government Boundary Commission for Wales
  Valuation Tribunals (Wales)
EC (cont’d)

Welsh Higher Education Funding Council
Welsh National Health Service Authorities and Trusts
Welsh Rent Assessment Panels

3. List of supplies and equipment purchased by Ministries 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:
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 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
EC (cont’d)

Chapter 30: Pharmaceutical products

Chapter 31: Fertilizers

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

Chapter 33: Essential oils and resinoids; perfumery, cosmetic or 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
EC (cont'd)

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:
89.01 A: 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 or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles

Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings

except:
ex 94.01 A: aircraft seats

Chapter 95: Articles and manufactures of carving or moulding material

Chapter 96: Brooms, brushes, powder-puffs and sieves

Chapter 98: Miscellaneous manufactured articles
ANNEX 2

Entities which Procure in Accordance With the Provisions of this Agreement

Supplies
Services specified in Annex 4

Thresholds: SDR 200,000

Works specified in Annex 5

Threshold: SDR 5,000,000

List of Entities:

1. Contracting authorities of the regional or local public authorities

2. Bodies governed by public law as defined in Directive 93/37/EEC.
   The following bodies fulfil these criteria:

I. BELGIQUE

(La version française fait foi)

Organismes

- Archives générales du Royaume et Archives de l'État dans les Provinces - Algemeen Rijksarchief en Rijksarchief in de Provinciën.
- Conseil autonome de l'Enseignement communautaire - Autonome Raad van het Gemeenschapsonderwijs.
- Radio et Télévision belge, émissions néerlandaises - Belgische Radio en Televisie, Nederlandse uitzendingen.
- Bibliothèque royale Albert 1er - Koninklijke Bibliotheek Albert I.
- Bureau d'Intervention et de Restitution belge.
- Caisse auxiliaire de Paiement des Allocations de Chômage - Hulpkas voor Werkloosheidsuitkeringen.
- Caisse nationale des Pensions de Retraite et de Survie - Rijkskas voor Rust- en Overlevingspensioenen.
- Caisse nationale des Calamités - Nationale Kas voor de Rampenschade.
EC (cont’d)

- Institut pour la Formation permanente et continue des Classes moyennes et des petites et moyennes Entreprises - Institut für ständige Aus- und Weiterbildung Mittelstand sowie für die mittleren und kleinen Unternehmen.
- Institut scientifique de Service public en Région wallone.
- Office de Contrôle des Assurances.
- Office de la Communauté germanophone pour les Personnes ayant un Handicap et pour l’Aide sociale spéciale - Dienststelle der Deutschsprachigen Gemeinschaft für Personen mit einer Behinderung sowie für die besondere soziale Fürsorge.
- Office flamand du Commerce extérieur - Vlaamse Dienst voor buitenlandse Handel.
- Office wallon de Développement rural.
- Société flamande pour l’Environnement - Vlaamse milieumaatschappij.
- Société flamande terrienne - Vlaamse Landmaatschappij
- Société publique des Décarts pour la Région flamande - Openbare Vlaamse Afvalstofmaatschappij.
- Société wallone terrienne.
- Sofibri.
- Société publique d’Aide à la Qualité de l’Environnement.

Catégories

- Les sociétés de développement régional
- les centres publics d’aide sociale
- les fabriques d’église et les organismes chargés de la gestion du temporel des cultes reconnus
- les polders et wateringues
- les comités de remembrement des biens ruraux

II. DENMARK

(Authentic in the English language only)

Bodies

- Danmarks Radio
- Det Landsdækkende Fjernsyn TV 2
- Danmarks Nationalbank
- Storebæltssforbindelsen A/S
- Byfornyelsesselskabet København

Categories

- Andre Forvaltningssubjekter (other public administrative bodies)
EC (cont'd)

III. GERMANY

(Authentic in the English language only)

Categories

1. Legal persons governed by public law

Authorities, establishments and foundations governed by public law and created by federal, State or local authorities in particular in the following sectors:

1.1 Authorities

- wissenschaftliche Hochschulen und verfassliche Studentenschaften (universities and established student bodies)
- berufsständige Vereinigungen (Rechtsanwalts-, Notar-, Steuerberater-, Wirtschaftsprüfer-, Architekten-, Ärzte- und Apothekerkammern) (professional associations representing lawyers, notaries, tax consultants, accountants, architects, medical practitioners and pharmacists)
- Wirtschaftsvereinigungen (Landwirtschafts-, Handwerks-, Industrie- und Handelskammern, Handwerkskammern, Handwerkerschaften) (business and trade associations: agricultural and craft associations, chambers of industry and commerce, craftsmen's guilds, tradesmen's associations)
- Sozialversicherungen (Krankenkassen, Unfall- und Rentenversicherungsträger) (social security institutions: health, accident and pension insurance funds)
- kassenärztliche Vereinigungen (associations of panel doctors)
- Genossenschaften und Verbände (cooperatives and other associations)

1.2 Establishments and foundations

Non-industrial and non-commercial establishments subject to state control and operating in the general interest, particularly in the following fields:

- rechtsfähige Bundesanstalten (Federal institutions having legal capacity)
- Versorgungsanstalten und Studentenwerke (pension organizations and students' unions)
- Kultur-, Wohlfahrts- und Hilfsstiftungen (cultural, welfare and relief foundations)

2. Legal persons governed by private law

Non-industrial and non-commercial establishments subject to state control and operating in the general interest (including "kommunale Versorgungsunternehmen" - municipal utilities), particularly in the following fields:

- Gesundheitswesen (Krankenhäuser, Kurmittelbetriebe, medizinische Forschungseinrichtungen, Untersuchungs- und Tierkörperbeseitigungsanstalten) (health: hospitals, health resort establishments, medical research institutes, testing and carcassdisposal establishments)
EC (cont’d)

- Kultur (öffentliche Bühnen, Orchester, Museen, Bibliotheken, Archive, zoologische und botanische Gärten) (culture: public theatres, orchestras, museums, libraries, archives, zoological and botanical gardens)
- Soziales (Kindergärten, Kindertageshelme, Erholungseinrichtungen, Kinder- und Jugendheime, Freizeiteinrichtungen, Gemeinschafts- und Bürgerhäuser, Frauenhäuser, Altersheime, Obdachlosenunterkünfte) (social welfare: nursery schools, children’s play schools, resthomes, children’s homes, hostels for young people, leisure centres, community and civic centres, homes for battered wives, old people’s homes, accommodation for the homeless)
- Sport (Schwimmbäder, Sportanlagen und einrichtungen) (sport: swimming baths, sports facilities)
- Sicherheit (Feuerwehren, Rettungsdienste) (safety: firebrigades, other emergency services)
- Bildung (Umschulungs-, Aus-, Fort- und Weiterbildungs-einrichtungen, Volkshochschulen) (education: training, further training and retraining establishments, adult evening classes)
- Wissenschaft, Forschung und Entwicklung (Großforschungseinrichtungen, wissenschaftliche Gesellschaften und Vereine, Wissenschaftsförderung) (science, research and development: large scale research institutes, scientific societies and associations, bodies promoting science)
- Entsorgung (Straßentreinigung, Abfall- und Abwasserbeseitigung) (refuse and garbage disposal services: street cleaning, waste and sewage disposal)
- Bauwesen und Wohnungswirtschaft (Stadtplanung, Stadtentwicklung, Wohnungsunternehmen, Wohnraumvermittlung) (building, civil engineering and housing: town planning, urban development, housing enterprises, housing agency services)
- Wirtschaft (Wirtschaftsförderungsgesellschaften) (economy: organizations promoting economic development)
- Friedhofs- und Bestattungswesen (cemeteries and burial services)
- Zusammenarbeit mit den Entwicklungsländern (Finanzierung, technische Zusammenarbeit, Entwicklungshilfe, Ausbildung) (cooperation with developing countries: financing, technical cooperation, development aid, training).

V. ESPAÑA

(Esta lista es auténtica en la versión española)

Categorías

- Entidades Gestoras y Servicios Comunes de la Seguridad Social
- Organismos Autónomos de la Administración del Estado
- Organismos Autónomos de las Comunidades Autónomas
- Organismos Autónomos de las Entidades Locales
- Otras entidades sometidas a la legislación de contratos del Estado español
EC (cont’d)

VI. FRANCE

(La version française fait foi)

Catégories

Les établissements publics régionaux, départementaux ou locaux à caractère administratif:
- collèges
- lycées
- établissements publics hospitaliers
- offices publics d’habitation à loyer modéré (OPHLM)

Les groupements de collectivités territoriales:
- syndicats de communes
- districts
- communautés urbaines
- institutions interdépartementales et interregionales
- les communautés de communes et les communautés de villes.

IV. GREECE

(Authentic in the English language only)

Categories

Other legal persons governed by public law whose public contracts are subject to State control.

VII. IRELAND

(Authentic in the English language only)

Bodies

- Local Government Computer Services Board
- Local Government Staff Negotiations Board
- An Bord Trachtala (Irish Export Board)
- Forfas
- Forbairt
- I.D.A. (Ire) Ltd
- Irish Goods Council (Promotion of Irish Goods)
- Córas Beostoic agus Feola (CBF) (Irish Meat Board)
- Bord Fáilte Éireann (Irish Tourism Board)
- Údarás na Gaeltachta (Development Authority for Gaeltacht Regions)
- An Bord Pleanála (Irish Planning Board)
EC (cont'd)

Categories

- Third Level Educational Bodies of a public character
- National Training, Cultural or Research Agencies
- Hospital Boards of a public character
- National Health & Social Agencies of a public character
- Central & Regional Fishery Boards.

VIII. ITALY

(Authentic in the English language only)

Categories

- consorzi per le opere idrauliche
  (consortia for water engineering works)
- le universita' statali, gli istituti universitari statali, i consorzi per i lavori interessanti le universita'
  (State universities, State university institutes, consortia for university development work)
- gli istituti superiori scientifici e culturali, gli osservatori astronomici, astrofisici, geofisici o vulcanologici
  (higher scientific and cultural institutes, astronomical, astrophysical, geophysical or vulcanological observatories)
- enti di ricerca e sperimentazione
  (organizations conducting research and experimental work)
- le istituzioni pubbliche di assistenza e di beneficenza
  (public welfare and benevolent institutions)
- enti che gestiscono forme obbligatorie di previdenza ed assistenza
  (agencies administering compulsory social security and welfare schemes)
- consorzi di bonifica
  (land reclamation consortia)
- enti di sviluppo o di irrigazione
  (development or irrigation agencies)
- consorzi per le aree industriali
  (associations for industrial areas)
- comunita' montane
  (groupings of municipalities in mountain areas)
- enti preposti a servizi di pubblico interesse
  (organizations providing services in the public interest)
- enti pubblici proposti ad attivita' di spettacolo, sportivo, turistiche e del tempo libero
  (public bodies engaged in entertainment, sport, tourism and leisure activities)
- enti culturali e di promozione artistica
  (organizations promoting culture and artistic activities).
No. 31874. MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION. CONCLUDED AT MARRAKESH ON 15 APRIL 1994

AGREEMENT² ON GOVERNMENT PROCUREMENT (WITH APPENDICES, RECTIFICATIONS AND MODIFICATIONS). CONCLUDED AT MARRAKESH ON 15 APRIL 1994

Authentic texts: English, French and Spanish.

Registered by the Director-General of the World Trade Organization, acting on behalf of the Parties, on 29 February 1996.


2 Came into force on 1 January 1996 in respect of the following States and Organization whose agreed coverage is contained in Annexes 1 to 5 of Appendix I, which had accepted it by signature or by deposit of an instrument of ratification or approval with the Director-General of the World Trade Organization, in accordance with article XXIV (1):

<table>
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<tr>
<th>Participant</th>
<th>Date of definitive signature (s) or of deposit of the instrument of ratification or approval (AA)</th>
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<td>Belgium</td>
<td>30 December 1994</td>
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<tr>
<td>Canada*</td>
<td>22 December 1995</td>
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<td>European Community</td>
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<td>Finland</td>
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* See p. 499 of this volume for the texts of the declarations made upon ratification.
AGREEMENT ON
GOVERNMENT PROCUREMENT

ACCORD SUR
LES MARCHES PUBLICS

ACUERDO SOBRE
CONTRATACIÓN PÚBLICA

Marrakesh
15 April 1994
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APPENDICES TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Appendix I  Annexes 1 through 5 setting out the scope of this Agreement

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Appendix II Publications utilized by Parties for the Publication of Notices of Intended Procurements - paragraph 1 of Article IX, and of Post-Award Notices - paragraph 1 of Article XVIII

Appendix III Publications utilized by Parties for the Publication Annually of Information on Permanent Lists of Qualified Suppliers in the case of Selective Tendering Procedures - paragraph 9 of Article IX

Appendix IV Publications utilized by Parties for the Publication of Laws, Regulations, Judicial Decisions, Administrative Rulings of General Application and Any Procedure Regarding Government Procurement covered by this Agreement - paragraph 1 of Article XIX
AGREEMENT ON GOVERNMENT PROCUREMENT

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

Recognizing the need for an effective multilateral 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 services and to foreign or domestic suppliers so as to afford protection to domestic products or services or domestic suppliers and should not discriminate among foreign products or services or among foreign 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;

Recognizing the need to take into account the development, financial and trade needs of developing countries, in particular the least-developed countries;

Desiring, in accordance with paragraph 6(b) of Article IX of the Agreement on Government Procurement done on 12 April 1979,\(^1\) as amended on 2 February 1987,\(^2\) to broaden and improve the Agreement on the basis of mutual reciprocity and to expand the coverage of the Agreement to include service contracts;

Desiring to encourage acceptance of and accession to this Agreement by governments not party to it;

Having undertaken further negotiations in pursuance of these objectives;

Hereby agree as follows:

\(^1\)United Nations, Treaty Series, vol. 1235, p. 258
\(^2\)Ibid., vol. 1511, p. 286.
Article I

Scope and Coverage

1. This Agreement applies to any law, regulation, procedure or practice regarding any procurement by entities covered by this Agreement, as specified in Appendix I.¹

2. This Agreement applies to procurement by any contractual means, including through such methods as purchase or as lease, rental or hire purchase, with or without an option to buy, including any combination of products and services.

3. Where entities, in the context of procurement covered under this Agreement, require enterprises not included in Appendix I to award contracts in accordance with particular requirements, Article III shall apply mutatis mutandis to such requirements.

4. This Agreement applies to any procurement contract of a value of not less than the relevant threshold specified in Appendix I.

Article II

Valuation of Contracts

1. The following provisions shall apply in determining the value of contracts² for purposes of implementing this Agreement.

2. Valuation shall take into account all forms of remuneration, including any premiums, fees, commissions and interest receivable.

3. The selection of the valuation method by the entity shall not be used, nor shall any procurement requirement be divided, with the intention of avoiding the application of this Agreement.

4. If an individual requirement for a procurement results in the award of more than one contract, or in contracts being awarded in separate parts, the basis for valuation shall be either:

   (a) the actual value of similar recurring contracts concluded over the previous fiscal year or 12 months adjusted, where possible, for anticipated changes in quantity and value over the subsequent 12 months; or

   (b) the estimated value of recurring contracts in the fiscal year or 12 months subsequent to the initial contract.

¹For each Party, Appendix I is divided into five Annexes:
- Annex 1 contains central government entities.
- Annex 2 contains sub-central government entities.
- Annex 3 contains all other entities that procure in accordance with the provisions of this Agreement.
- Annex 4 specifies services, whether listed positively or negatively, covered by this Agreement.
- Annex 5 specifies covered construction services.
Relevant thresholds are specified in each Party’s Annexes.

²This Agreement shall apply to any procurement contract for which the contract value is estimated to equal or exceed the threshold at the time of publication of the notice in accordance with Article IX.
5. In cases of contracts for the lease, rental or hire purchase of products or services, or in the case of contracts which do not specify a total price, the basis for valuation shall be:

(a) in the case of fixed-term contracts, where their term is 12 months or less, the total contract value for their duration, or, where their term exceeds 12 months, their total value including the estimated residual value;

(b) in the case of contracts for an indefinite period, the monthly instalment multiplied by 48.

If there is any doubt, the second basis for valuation, namely (b), is to be used.

6. In cases where an intended procurement specifies the need for option clauses, the basis for valuation shall be the total value of the maximum permissible procurement, inclusive of optional purchases.

Article III
National Treatment and Non-discrimination

1. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Agreement, each Party shall provide immediately and unconditionally to the products, services and suppliers of other Parties offering products or services of the Parties, treatment no less favourable than:

(a) that accorded to domestic products, services and suppliers; and

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

2. With respect to all laws, regulations, procedures and practices regarding government procurement covered by this Agreement, each Party shall ensure:

(a) that its entities shall not treat a locally-established supplier less favourably than another locally-established supplier on the basis of degree of foreign affiliation or ownership; and

(b) that its entities shall not discriminate against locally-established suppliers on the basis of the country of production of the good or service being supplied, provided that the country of production is a Party to the Agreement in accordance with the provisions of Article IV.

3. The provisions of paragraphs 1 and 2 shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations and formalities, and measures affecting trade in services other than laws, regulations, procedures and practices regarding government procurement covered by this Agreement.
Article IV

Rules of Origin

1. A Party shall not apply rules of origin to products or services imported or supplied 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 the transaction in question to imports or supplies of the same products or services from the same Parties.

2. Following the conclusion of the work programme for the harmonization of rules of origin for goods to be undertaken under the Agreement on Rules of Origin in Annex 1A of the Agreement Establishing the World Trade Organization (hereinafter referred to as "WTO Agreement") and negotiations regarding trade in services, Parties shall take the results of that work programme and those negotiations into account in amending paragraph 1 as appropriate.

Article V

Special and Differential Treatment for Developing Countries

Objectives

1. 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 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; and

   (d) encourage their economic development through regional or global arrangements among developing countries presented to the Ministerial Conference of the World Trade Organization (hereinafter referred to as the "WTO") and not disapproved by it.

2. Consistently with the provisions of this Agreement, each Party 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 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 shall be duly taken into account in the course of negotiations with respect to the procurement of developing countries to be covered by the provisions of this Agreement. Developed countries, in the preparation
of their coverage lists under the provisions of this Agreement, shall endeavour to include entities procuring products and services of export interest to developing countries.

Agreed Exclusions

4. A developing country may negotiate with other participants in negotiations under this Agreement mutually acceptable exclusions from the rules on national treatment with respect to certain entities, products or services that are included in its coverage lists, having regard to the particular circumstances of each case. In such negotiations, the considerations mentioned in subparagraphs 1(a) through 1(c) shall be duly taken into account. A developing country participating in regional or global arrangements among developing countries referred to in subparagraph 1(d) may also negotiate exclusions to its 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, in particular, products or services which may be subject to common industrial development programmes.

5. After entry into force of this Agreement, a developing country Party may modify its coverage lists in accordance with the provisions for modification of such lists contained in paragraph 6 of Article XXIV, having regard to its development, financial and trade needs, or may request the Committee on Government Procurement (hereinafter referred to as “the Committee”) to grant exclusions from the rules on national treatment for certain entities, products or services that are included in its coverage lists, having regard to the particular circumstances of each case and taking duly into account the provisions of subparagraphs 1(a) through 1(c). After entry into force of this Agreement, a developing country Party may also request the Committee to grant exclusions for certain entities, products or services that are included in its coverage lists in the light of its 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 subparagraph 1(d). 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 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 shall be subject to review in accordance with the provisions of paragraph 14 below.

Technical Assistance for Developing Country Parties

8. Each developed country Party shall, upon request, provide all technical assistance which it 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 developing country Parties, shall relate, inter alia, to:

- the solution of particular technical problems relating to the award of a specific contract; and

- any other problem which the Party making the request and another Party agree to deal with in the context of this assistance.
10. Technical assistance referred to in paragraphs 8 and 9 would include translation of qualification documentation and tenders made by suppliers of developing country Parties into an official language of the WTO designated by the entity, unless developed country Parties deem translation to be burdensome, and in that case explanation shall be given to developing country Parties upon their request addressed either to the developed country Parties or to their entities.

Information Centres

11. 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 intended procurements which have been published, addresses of the entities covered by this Agreement, and the nature and volume of products or services procured or to be procured, including available information about future tenders. The Committee may also set up an information centre.

Special Treatment for Least-Developed Countries

12. Having regard to paragraph 6 of the Decision of the CONTRACTING PARTIES to GATT 1947 of 28 November 1979 on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (BISD 26S/203-205), special treatment shall be granted to least-developed country Parties and to the suppliers in those Parties with respect to products or services originating in those Parties, in the context of any general or specific measures in favour of developing country Parties. A Party may also grant the benefits of this Agreement to suppliers in least-developed countries which are not Parties, with respect to products or services originating in those countries.

13. Each developed country Party shall, upon request, provide assistance which it may deem appropriate to potential tenderers in least-developed countries in submitting their tenders and selecting the products or services which are likely to be of interest to its entities as well as to suppliers in least-developed countries, and likewise assist them to comply with technical regulations and standards relating to products or services which are the subject of the intended procurement.

Review

14. 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 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 III, 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 through 6 of this Article shall be modified or extended.

15. In the course of further rounds of negotiations in accordance with the provisions of paragraph 7 of Article XXIV, each developing country Party shall give consideration to the possibility of enlarging its coverage lists, having regard to its economic, financial and trade situation.
Article VI

Technical Specifications

1. Technical specifications laying down the characteristics of the products or services to be procured, such as quality, performance, safety and dimensions, symbols, terminology, packaging, marking and labelling, or the processes and methods for their production and requirements relating to conformity assessment procedures prescribed by procuring entities, shall not be prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade.

2. Technical specifications prescribed by procuring entities shall, where appropriate
   (a) be in terms of performance rather than design or descriptive characteristics; and
   (b) be based on international standards, where such exist; otherwise, on national technical regulations, recognized national standards, or building codes.

3. There shall be no requirement or reference to a particular trademark or trade name, patent, design or type, specific origin, producer or supplier, 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 tender documentation.

4. Entities shall not seek or accept, in a manner which would have the effect of precluding competition, advice which may be used in the preparation of specifications for a specific procurement from a firm that may have a commercial interest in the procurement.

Article VII

Tendering Procedures

1. Each Party shall ensure that the tendering procedures of its entities are applied in a non-discriminatory manner and are consistent with the provisions contained in Articles VII through XVI.

2. Entities shall not provide to any supplier information with regard to a specific procurement in a manner which would have the effect of precluding competition.
3. For the purposes of this Agreement:

(a) Open tendering procedures are those procedures under which all interested suppliers may submit a tender.

(b) Selective tendering procedures are those procedures under which, consistent with paragraph 3 of Article X and other relevant provisions of this Agreement, those suppliers invited to do so by the entity may submit a tender.

(c) Limited tendering procedures are those procedures where the entity contacts suppliers individually, only under the conditions specified in Article XV.

Article VIII

Qualification of Suppliers

In the process of qualifying suppliers, entities shall not discriminate among suppliers of other Parties or between domestic suppliers and suppliers of other Parties. 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 in tendering procedures shall be limited to those which are essential to ensure the firm’s capability to fulfil the contract in question. 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 suppliers of other Parties than to domestic suppliers and shall not discriminate among suppliers of other Parties. The financial, commercial and technical capacity of a supplier shall be judged on the basis both of that supplier’s global business activity as well as of its activity in the territory of the procuring entity, taking due account of the legal relationship between the supply organizations;

(c) the process of, and the time required for, qualifying suppliers shall not be used in order to keep suppliers of other Parties off a suppliers’ list or from being considered for a particular intended procurement. Entities shall recognize as qualified suppliers such domestic suppliers or suppliers of other Parties who meet the conditions for participation in a particular intended procurement. Suppliers requesting to participate in a particular intended procurement 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 suppliers may apply for qualification at any time; and that all qualified suppliers so requesting are included in the lists within a reasonably short time;
(e) if, after publication of the notice under paragraph 1 of Article IX, a supplier not yet qualified requests to participate in an intended procurement, the entity shall promptly start procedures for qualification;

(f) 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;

(g) each Party shall ensure that:

(i) each entity and its constituent parts follow a single qualification procedure, except in cases of duly substantiated need for a different procedure; and

(ii) efforts be made to minimize differences in qualification procedures between entities.

(h) nothing in subparagraphs (a) through (g) 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.

Article IX

Invitation to Participate Regarding Intended Procurement

1. In accordance with paragraphs 2 and 3, entities shall publish an invitation to participate for all cases of intended procurement, except as otherwise provided for in Article XV (limited tendering). The notice shall be published in the appropriate publication listed in Appendix II.

2. The invitation to participate may take the form of a notice of proposed procurement, as provided for in paragraph 6.

3. Entities in Annexes 2 and 3 may use a notice of planned procurement, as provided for in paragraph 7, or a notice regarding a qualification system, as provided for in paragraph 9, as an invitation to participate.

4. Entities which use a notice of planned procurement as an invitation to participate shall subsequently invite all suppliers who have expressed an interest to confirm their interest on the basis of information which shall include at least the information referred to in paragraph 6.

5. Entities which use a notice regarding a qualification system as an invitation to participate shall provide, subject to the considerations referred to in paragraph 4 of Article XVIII and in a timely manner, information which allows all those who have expressed an interest to have a meaningful opportunity to assess their interest in participating in the procurement. This information shall include the information contained in the notices referred to in paragraphs 6 and 8, to the extent such information is available. Information provided to one interested supplier shall be provided in a non-discriminatory manner to the other interested suppliers.
6. Each notice of proposed procurement, referred to in paragraph 2, shall contain the following information:

   (a) the nature and quantity, including any options for further procurement and, if possible, an estimate of the timing when such options may be exercised; in the case of recurring contracts the nature and quantity and, if possible, an estimate of the timing of the subsequent tender notices for the products or services to be procured;

   (b) whether the procedure is open or selective or will involve negotiation;

   (c) any date for starting delivery or completion of delivery of goods or services;

   (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; and

   (h) whether the entity is inviting offers for purchase, lease, rental or hire purchase, or more than one of these methods.

7. Each notice of planned procurement referred to in paragraph 3 shall contain as much of the information referred to in paragraph 6 as is available. It shall in any case include the information referred to in paragraph 8 and:

   (a) a statement that interested suppliers should express their interest in the procurement to the entity;

   (b) a contact point with the entity from which further information may be obtained.

8. For each case of intended procurement, the entity shall publish a summary notice in one of the official languages of the WTO. The notice shall contain at least the following information:

   (a) the subject matter of the contract;

   (b) the time-limits set for the submission of tenders or an application to be invited to tender; and

   (c) the addresses from which documents relating to the contracts may be requested.
9. In the case of selective tendering procedures, entities maintaining permanent lists of qualified suppliers shall publish annually in one of the publications listed in Appendix III a notice of the following:

(a) the enumeration of the lists maintained, including their headings, in relation to the products or services or categories of products or services to be procured through the lists;

(b) the conditions to be fulfilled by suppliers with a view to their inscription on those lists and the methods according to which each of those conditions will be verified by the entity concerned; and

(c) the period of validity of the lists, and the formalities for their renewal.

When such a notice is used as an invitation to participate in accordance with paragraph 3, the notice shall, in addition, include the following information:

(d) the nature of the products or services concerned;

(e) a statement that the notice constitutes an invitation to participate.

However, when the duration of the qualification system is three years or less, and if the duration of the system is made clear in the notice and it is also made clear that further notices will not be published, it shall be sufficient to publish the notice once only, at the beginning of the system. Such a system shall not be used in a manner which circumvents the provisions of this Agreement.

10. If, after publication of an invitation to participate in any case of intended procurement, 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 intended procurement 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.

11. Entities shall make clear, in the notices referred to in this Article or in the publication in which the notices appear, that the procurement is covered by the Agreement.

Article X

Selection Procedures

1. To ensure optimum effective international competition under selective tendering procedures, entities shall, for each intended procurement, invite tenders from the maximum number of domestic suppliers and suppliers of other Parties, 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.

2. 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.
3. Suppliers requesting to participate in a particular intended procurement 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 Articles VIII and IX. The number of additional suppliers permitted to participate shall be limited only by the efficient operation of the procurement system.

4. Requests to participate in selective tendering procedures may be submitted by telex, telegram or facsimile.

**Article XI**

*Time-limits for Tendering and Delivery*

**General**

1. (a) Any prescribed time-limit shall be adequate to allow suppliers of other Parties 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 intended procurement, the extent of subcontracting anticipated and the normal time for transmitting tenders by mail from foreign as well as domestic points.

(b) Each Party shall ensure that its entities shall take due account of publication delays when setting the final date for receipt of tenders or of applications to be invited to tender.

**Deadlines**

2. Except in so far as provided in paragraph 3,

(a) in open procedures, the period for the receipt of tenders shall not be less than 40 days from the date of publication referred to in paragraph 1 of Article IX;

(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 not be less than 25 days from the date of publication referred to in paragraph 1 of Article IX; the period for receipt of tenders shall in no case be less than 40 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 not be less than 40 days from the date of the initial issuance of invitations to tender, whether or not the date of initial issuance of invitations to tender coincides with the date of the publication referred to in paragraph 1 of Article IX.
3. The periods referred to in paragraph 2 may be reduced in the circumstances set out below:

(a) if a separate notice has been published 40 days and not more than 12 months in advance and the notice contains at least:

(i) as much of the information referred to in paragraph 6 of Article IX as is available;

(ii) the information referred to in paragraph 8 of Article IX;

(iii) a statement that interested suppliers should express their interest in the procurement to the entity; and

(iv) a contact point with the entity from which further information may be obtained, the 40-day limit for receipt of tenders may be replaced by a period sufficiently long to enable responsive tendering, which, as a general rule, shall not be less than 24 days, but in any case not less than 10 days;

(b) in the case of the second or subsequent publications dealing with contracts of a recurring nature within the meaning of paragraph 6 of Article IX, the 40-day limit for receipt of tenders may be reduced to not less than 24 days;

(c) where a state of urgency duly substantiated by the entity renders impracticable the periods in question, the periods specified in paragraph 2 may be reduced but shall in no case be less than 10 days from the date of the publication referred to in paragraph 1 of Article IX; or

(d) the period referred to in paragraph 2(c) may, for procurements by entities listed in Annexes 2 and 3, be fixed by mutual agreement between the entity and the selected suppliers. In the absence of agreement, the entity may fix periods which shall be sufficiently long to enable responsive tendering and shall in any case not be less than 10 days.

4. Consistent with the entity's own reasonable needs, any delivery date shall take into account such factors as the complexity of the intended procurement, the extent of subcontracting anticipated and the realistic time required for production, de-stocking and transport of goods from the points of supply or for supply of services.

**Article XII**

**Tender Documentation**

1. 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 WTO.
2. Tender documentation provided to suppliers shall contain all information necessary to permit them to submit responsive tenders, including information required to be published in the notice of intended procurement, except for paragraph 6(g) of Article IX, and 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 or services required or of any requirements including technical specifications, conformity certification to be fulfilled, 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 products or services of other Parties, customs duties and other import charges, taxes and currency of payment;
(i) the terms of payment;
(j) any other terms or conditions;
(k) in accordance with Article XVII the terms and conditions, if any, under which tenders from countries not Parties to this Agreement, but which apply the procedures of that Article, will be entertained.

Forwarding of Tender Documentation by the Entities

3. (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.
Article XIII

Submission, Receipt and Opening of Tenders and Awarding of Contracts

1. 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 facsimile 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 facsimile. Tenders presented by telephone shall not be permitted. The content of the telex, telegram or facsimile shall prevail where there is a difference or conflict between that content and any documentation received after the time-limit; and

   (b) the opportunities that may be given to tenderers to correct unintentional errors of form between the opening of tenders and the awarding of the contract shall not be permitted to give rise to any discriminatory practice.

Receipt of Tenders

2. 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.

Opening of Tenders

3. All tenders solicited under open or selective procedures by entities shall be received and opened under procedures and conditions guaranteeing the regularity of the openings. The receipt and opening of tenders shall also be consistent with the national treatment and non-discrimination provisions of this Agreement. Information on the opening of tenders shall remain with the entity 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 XVIII, XIX, XX and XXII.

Award of Contracts

4. (a) 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 a supplier which complies 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.

   (b) Unless in the public interest an entity decides 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 products or services, or products or services of other Parties, 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.
Awards shall be made in accordance with the criteria and essential requirements specified in the tender documentation.

Option Clauses

5. Option clauses shall not be used in a manner which circumvents the provisions of the Agreement.

Article XIV

Negotiation

1. A Party may provide for entities to conduct negotiations:

   (a) in the context of procurements in which they have indicated such intent, namely in the notice referred to in paragraph 2 of Article IX (the invitation to suppliers to participate in the procedure for the proposed procurement); or
   
   (b) when 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.

2. Negotiations shall primarily be used to identify the strengths and weaknesses in tenders.

3. Entities shall treat tenders in confidence. In particular, they shall not provide information intended to assist particular participants to bring their tenders up to the level of other participants.

4. Entities shall not, in the course of negotiations, discriminate between different suppliers. In particular, they shall ensure that:

   (a) any elimination of participants is carried out in accordance with the criteria set forth in the notices and tender documentation;
   
   (b) all modifications to the criteria and to the technical requirements are transmitted in writing to all remaining participants in the negotiations;
   
   (c) all remaining participants are afforded an opportunity to submit new or amended submissions on the basis of the revised requirements; and
   
   (d) when negotiations are concluded, all participants remaining in the negotiations shall be permitted to submit final tenders in accordance with a common deadline.

Article XV

Limited Tendering

1. The provisions of Articles VII through XIV governing open and selective tendering procedures need not apply in the following conditions, provided that limited tendering is not used with a view
to avoiding maximum possible competition or in a manner which would constitute a means of discrimination among suppliers of other Parties or protection to domestic producers or suppliers:

(a) in the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with 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, or in the absence of competition for technical reasons, the products or services can be supplied only by a particular supplier and no reasonable alternative or substitute exists;

(c) in so far as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the entity, the products or services 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, services, or installations where a change of supplier would compel the entity to procure equipment or services not meeting requirements of interchangeability with already existing equipment or services;

(e) when an entity procures prototypes or a first product or service 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 procurements of products or services shall be subject to Articles VII through XIV;

(f) when additional construction services which were not included in the initial contract but which were within the objectives of the original tender documentation have, through unforeseeable circumstances, become necessary to complete the construction services described therein, and the entity needs to award contracts for the additional construction services to the contractor carrying out the construction services concerned since the separation of the additional construction services from the initial contract would be difficult for technical or economic reasons and cause significant inconvenience to the entity. However, the total value of contracts awarded for the additional construction services may not exceed 50 per cent of the amount of the main contract;

3It is the understanding that "existing equipment" includes software to the extent that the initial procurement of the software was covered by the Agreement.

4Original development of a first product or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the product or service is suitable for production or supply in quantity to acceptable quality standards. It does not extend to quantity production or supply to establish commercial viability or to recover research and development costs.
(g) for new construction services consisting of the repetition of similar construction services which conform to a basic project for which an initial contract was awarded in accordance with Articles VII through XIV and for which the entity has indicated in the notice of intended procurement concerning the initial construction service, that limited tendering procedures might be used in awarding contracts for such new construction services;

(h) for products purchased on a commodity market;

(i) for purchases made under exceptionally advantageous conditions which only arise in the very short term. This provision is intended to cover unusual disposals by firms which are not normally suppliers, or disposal of assets of businesses in liquidation or receivership. It is not intended to cover routine purchases from regular suppliers;

(j) in the case of contracts awarded to the winner of a design contest provided that the contest has been organized in a manner which is consistent with the principles of this Agreement, notably as regards the publication, in the sense of Article IX, of an invitation to suitably qualified suppliers, to participate in such a contest which shall be judged by an independent jury with a view to design contracts being awarded to the winners.

2. Entities shall prepare a report in writing on each contract awarded under the provisions of paragraph 1. Each report shall contain the name of the procuring entity, value and kind of goods or services procured, country of origin, and a statement of the conditions in 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 XVIII, XIX, XX and XXII.

Article XVI

Offsets

1. Entities shall not, in the qualification and selection of suppliers, products or services, or in the evaluation of tenders and award of contracts, impose, seek or consider offsets.7

2. Nevertheless, having regard to general policy considerations, including those relating to development, a developing country may at the time of accession negotiate conditions for the use of offsets, such as requirements for the incorporation of domestic content. Such requirements shall be used only for qualification to participate in the procurement process and not as criteria for awarding contracts. Conditions shall be objective, clearly defined and non-discriminatory. They shall be set forth in the country's Appendix I and may include precise limitations on the imposition of offsets in any contract subject to this Agreement. The existence of such conditions shall be notified to the Committee and included in the notice of intended procurement and other documentation.

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7Offsets in government procurement are measures used to encourage local development or improve the balance-of-payments accounts by means of domestic content, licensing of technology, investment requirements, counter-trade or similar requirements.
Article XVII

Transparency

1. Each Party shall encourage entities to indicate the terms and conditions, including any deviations from competitive tendering procedures or access to challenge procedures, under which tenders will be entertained from suppliers situated in countries not Parties to this Agreement but which, with a view to creating transparency in their own contract awards, nevertheless:

(a) specify their contracts in accordance with Article VI (technical specifications);

(b) publish the procurement notices referred to in Article IX, including, in the version of the notice referred to in paragraph 8 of Article IX (summary of the notice of intended procurement) which is published in an official language of the WTO, an indication of the terms and conditions under which tenders shall be entertained from suppliers situated in countries Parties to this Agreement;

(c) are willing to ensure that their procurement regulations shall not normally change during a procurement and, in the event that such change proves unavoidable, to ensure the availability of a satisfactory means of redress.

2. Governments not Parties to the Agreement which comply with the conditions specified in paragraphs 1(a) through 1(c), shall be entitled if they so inform the Parties to participate in the Committee as observers.

Article XVIII

Information and Review as Regards Obligations of Entities

1. Entities shall publish a notice in the appropriate publication listed in Appendix II not later than 72 days after the award of each contract under Articles XIII through XV. These notices shall contain:

(a) the nature and quantity of products or services in the contract award;

(b) the name and address of the entity awarding the contract;

(c) the date of award;

(d) the name and address of winning tenderer;

(e) the value of the winning award or the highest and lowest offer taken into account in the award of the contract;

(f) where appropriate, means of identifying the notice issued under paragraph 1 of Article IX or justification according to Article XV for the use of such procedure; and

(g) the type of procedure used.
2. Each entity shall, on request from a supplier of a Party, promptly provide:

(a) an explanation of its procurement practices and procedures;

(b) pertinent information concerning the reasons why the supplier’s application to qualify was rejected, why its existing qualification was brought to an end and why it was not selected; and

(c) to an unsuccessful tenderer, pertinent information concerning the reasons why its tender was not selected and on the characteristics and relative advantages of the tender selected as well as the name of the winning tenderer.

3. Entities shall promptly inform participating suppliers of decisions on contract awards and, upon request, in writing.

4. However, entities may decide that certain information on the contract award, contained in paragraphs 1 and 2(c), be withheld where release of such information 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.

Article XIX

Information and Review as Regards Obligations of Parties

1. Each Party shall promptly publish any law, regulation, judicial decision, administrative ruling of general application, and any procedure (including standard contract clauses) regarding government procurement covered by this Agreement, in the appropriate publications listed in Appendix IV and in such a manner as to enable other Parties and suppliers to become acquainted with them. Each Party shall be prepared, upon request, to explain to any other Party its government procurement procedures.

2. The government of an unsuccessful tenderer which is a Party to this Agreement may seek, without prejudice to the provisions under Article XXII, such additional information on the contract award as may be necessary to ensure that the procurement was made fairly and impartially. To this end, the procuring 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.

3. Available information concerning procurement by covered entities and their individual contract awards shall be provided, upon request, to any other Party.

4. 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.
5. Each Party shall collect and provide to the Committee on an annual basis statistics on its procurements covered by this Agreement. Such reports shall contain the following information with respect to contracts awarded by all procurement entities covered under this Agreement:

(a) for entities in Annex 1, statistics on the estimated value of contracts awarded, both above and below the threshold value, on a global basis and broken down by entities; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value on a global basis and broken down by categories of entities;

(b) for entities in Annex 1, statistics on the number and total value of contracts awarded above the threshold value, broken down by entities and categories of products and services according to uniform classification systems; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value broken down by categories of entities and categories of products and services;

(c) for entities in Annex 1, statistics, broken down by entity and by categories of products and services, on the number and total value of contracts awarded under each of the cases of Article XV; for categories of entities in Annexes 2 and 3, statistics on the total value of contracts awarded above the threshold value under each of the cases of Article XV; and

(d) for entities in Annex 1, statistics, broken down by entities, on the number and total value of contracts awarded under derogations to the Agreement contained in the relevant Annexes; for categories of entities in Annexes 2 and 3, statistics on the total value of contracts awarded under derogations to the Agreement contained in the relevant Annexes.

To the extent that such information is available, each Party shall provide statistics on the country of origin of products and services purchased by its entities. With a view to ensuring that such statistics are comparable, the Committee shall provide guidance on methods to be used. With a view to ensuring effective monitoring of procurement covered by this Agreement, the Committee may decide unanimously to modify the requirements of subparagraphs (a) through (d) as regards the nature and the extent of statistical information to be provided and the breakdowns and classifications to be used.

**Article XX**

**Challenge Procedures**

**Consultations**

1. In the event of a complaint by a supplier that there has been a breach of this Agreement in the context of a procurement, each Party shall encourage the supplier to seek resolution of its complaint in consultation with the procuring entity. In such instances the procuring entity shall accord impartial and timely consideration to any such complaint, in a manner that is not prejudicial to obtaining corrective measures under the challenge system.
**Challenge**

2. Each Party shall provide non-discriminatory, timely, transparent and effective procedures enabling suppliers to challenge alleged breaches of the Agreement arising in the context of procurements in which they have, or have had, an interest.

3. Each Party shall provide its challenge procedures in writing and make them generally available.

4. Each Party shall ensure that documentation relating to all aspects of the process concerning procurements covered by this Agreement shall be retained for three years.

5. The interested supplier may be required to initiate a challenge procedure and notify the procuring entity within specified time-limits from the time when the basis of the complaint is known or reasonably should have been known, but in no case within a period of less than 10 days.

6. Challenges shall be heard by a court or by an impartial and independent review body with no interest in the outcome of the procurement and the members of which are secure from external influence during the term of appointment. A review body which is not a court shall either be subject to judicial review or shall have procedures which provide that:

   (a) participants can be heard before an opinion is given or a decision is reached;

   (b) participants can be represented and accompanied;

   (c) participants shall have access to all proceedings;

   (d) proceedings can take place in public;

   (e) opinions or decisions are given in writing with a statement describing the basis for the opinions or decisions;

   (f) witnesses can be presented;

   (g) documents are disclosed to the review body.

7. Challenge procedures shall provide for:

   (a) rapid interim measures to correct breaches of the Agreement and to preserve commercial opportunities. Such action may result in suspension of the procurement process. However, procedures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account in deciding whether such measures should be applied. In such circumstances, just cause for not acting shall be provided in writing;

   (b) an assessment and a possibility for a decision on the justification of the challenge;

   (c) correction of the breach of the Agreement or compensation for the loss or damages suffered, which may be limited to costs for tender preparation or protest.

8. With a view to the preservation of the commercial and other interests involved, the challenge procedure shall normally be completed in a timely fashion.
Article XXI

Institutions

1. A Committee on Government Procurement composed of representatives from each of the Parties shall be established. This Committee shall elect its own Chairman and Vice-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 working parties or other subsidiary bodies which shall carry out such functions as may be given to them by the Committee.

Article XXII

Consultations and Dispute Settlement

1. The provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes under the WTO Agreement (hereinafter referred to as the "Dispute Settlement Understanding") shall be applicable except as otherwise specifically provided below.

2. If any Party considers that any benefit accruing to it, directly or indirectly, under this Agreement is being nullified or impaired, or that the attainment of any objective of this Agreement is being impeded as the result of the failure of another Party or Parties to carry out its obligations under this Agreement, or the application by another Party or Parties of any measure, whether or not it conflicts with the provisions of this Agreement, it may with a view to reaching a mutually satisfactory resolution of the matter, make written representations or proposals to the other Party or Parties which it considers to be concerned. Such action shall be promptly notified to the Dispute Settlement Body established under the Dispute Settlement Understanding (hereinafter referred to as "DSB"), as specified below. Any Party thus approached shall give sympathetic consideration to the representations or proposals made to it.

3. The DSB shall have the authority to establish panels, adopt panel and Appellate Body reports, make recommendations or give rulings on the matter, maintain surveillance of implementation of rulings and recommendations, and authorize suspension of concessions and other obligations under this Agreement or consultations regarding remedies when withdrawal of measures found to be in contravention of the Agreement is not possible, provided that only Members of the WTO Party to this Agreement shall participate in decisions or actions taken by the DSB with respect to disputes under this Agreement.

4. Panels shall have the following terms of reference unless the parties to the dispute agree otherwise within 20 days of the establishment of the panel:

"To examine, in the light of the relevant provisions of this Agreement and of (name of any other covered Agreement cited by the parties to the dispute), the matter referred to the DSB by (name of party) in document ... and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in this Agreement."

In the case of a dispute in which provisions both of this Agreement and of one or more other Agreements listed in Appendix 1 of the Dispute Settlement Understanding are invoked by one of the parties to the dispute, paragraph 3 shall apply only to those parts of the panel report concerning the interpretation and application of this Agreement.
5. Panels established by the DSB to examine disputes under this Agreement shall include persons qualified in the area of government procurement.

6. Every effort shall be made to accelerate the proceedings to the greatest extent possible. Notwithstanding the provisions of paragraphs 8 and 9 of Article 12 of the Dispute Settlement Understanding, the panel shall attempt to provide its final report to the parties to the dispute not later than four months, and in case of delay not later than seven months, after the date on which the composition and terms of reference of the panel are agreed. Consequently, every effort shall be made to reduce also the periods foreseen in paragraph 1 of Article 20 and paragraph 4 of Article 21 of the Dispute Settlement Understanding by two months. Moreover, notwithstanding the provisions of paragraph 5 of Article 21 of the Dispute Settlement Understanding, the panel shall attempt to issue its decision, in case of a disagreement as to the existence or consistency with a covered Agreement of measures taken to comply with the recommendations and rulings, within 60 days.

7. Notwithstanding paragraph 2 of Article 22 of the Dispute Settlement Understanding, any dispute arising under any Agreement listed in Appendix 1 to the Dispute Settlement Understanding other than this Agreement shall not result in the suspension of concessions or other obligations under this Agreement, and any dispute arising under this Agreement shall not result in the suspension of concessions or other obligations under any other Agreement listed in the said Appendix 1.

Article XXIII

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 or intellectual property; or relating to the products or services of handicapped persons, of philanthropic institutions or of prison labour.

Article XXIV

Final Provisions

1. Acceptance and Entry into Force

This Agreement shall enter into force on 1 January 1996 for those governments whose agreed coverage is contained in Annexes 1 through 5 of Appendix I of this Agreement and which have, by signature, accepted the Agreement on 15 April 1994 or have, by that date, signed the Agreement subject to ratification and subsequently ratified the Agreement before 1 January 1996.

4For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Communities.
2. **Accession**

Any government which is a Member of the WTO, or prior to the date of entry into force of the WTO Agreement which is a contracting party to GATT 1947, and which is not a Party to this Agreement may accede to this Agreement on terms to be agreed between that government and the Parties. Accession shall take place by deposit with the Director-General of the WTO of an instrument of accession which states the terms so agreed. The Agreement shall enter into force for an acceding government on the 30th day following the date of its accession to the Agreement.

3. **Transitional Arrangements**

(a) Hong Kong and Korea may delay application of the provisions of this Agreement, except Articles XXI and XXII, to a date not later than 1 January 1997. The commencement date of their application of the provisions, if prior to 1 January 1997, shall be notified to the Director-General of the WTO 30 days in advance.

(b) During the period between the date of entry into force of this Agreement and the date of its application by Hong Kong, the rights and obligations between Hong Kong and all other Parties to this Agreement which were on 15 April 1994 Parties to the Agreement on Government Procurement done at Geneva on 12 April 1979 as amended on 2 February 1987 (the “1988 Agreement”) shall be governed by the substantive provisions of the 1988 Agreement, including its Annexes as modified or rectified, which provisions are incorporated herein by reference for that purpose and shall remain in force until 31 December 1996.

(c) Between Parties to this Agreement which are also Parties to the 1988 Agreement, the rights and obligations of this Agreement shall supersede those under the 1988 Agreement.

(d) Article XXII shall not enter into force until the date of entry into force of the WTO Agreement. Until such time, the provisions of Article VII of the 1988 Agreement shall apply to consultations and dispute settlement under this Agreement, which provisions are hereby incorporated in the Agreement by reference for that purpose. These provisions shall be applied under the auspices of the Committee under this Agreement.

(e) Prior to the date of entry into force of the WTO Agreement, references to WTO bodies shall be construed as referring to the corresponding GATT body and references to the Director-General of the WTO and to the WTO Secretariat shall be construed as references to, respectively, the Director-General to the CONTRACTING PARTIES to GATT 1947 and to the GATT Secretariat.

4. **Reservations**

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

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*All provisions of the 1988 Agreement except the Preamble, Article VII and Article IX other than paragraphs 5(a) and (b) and paragraph 10.*
5. **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 lists 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.

6. **Rectifications or Modifications**

   (a) Rectifications, transfers of an entity from one Annex to another or, in exceptional cases, other modifications relating to Appendices I through IV shall be notified to the Committee, along with information as to the likely consequences of the change for the mutually agreed coverage provided in this Agreement. If the rectifications, transfers or other modifications are of a purely formal or minor nature, they shall become effective provided there is no objection within 30 days. In other cases, the Chairman of the Committee shall promptly convene a meeting of the Committee. The Committee shall consider the proposal and any claim for compensatory adjustments, with a view to maintaining a balance of rights and obligations and a comparable level of mutually agreed coverage provided in this Agreement prior to such notification. In the event of agreement not being reached, the matter may be pursued in accordance with the provisions contained in Article XXII.

   (b) Where a Party wishes, in exercise of its rights, to withdraw an entity from Appendix I on the grounds that government control or influence over it has been effectively eliminated, that Party shall notify the Committee. Such modification shall become effective the day after the end of the following meeting of the Committee, provided that the meeting is no sooner than 30 days from the date of notification and no objection has been made. In the event of an objection, the matter may be pursued in accordance with the procedures on consultations and dispute settlement contained in Article XXII. In considering the proposed modification to Appendix I and any consequential compensatory adjustment, allowance shall be made for the market-opening effects of the removal of government control or influence.

7. **Reviews, Negotiations and Future Work**

   (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 General Council of the WTO of developments during the periods covered by such reviews.

   (b) Not later than the end of the third year from the date of entry into force of this Agreement and periodically thereafter, the Parties thereto shall undertake further negotiations, with a view to improving this Agreement and achieving the greatest possible extension of its coverage among all Parties on the basis of mutual reciprocity, having regard to the provisions of Article V relating to developing countries.
(c) Parties shall seek to avoid introducing or prolonging discriminatory measures and practices which distort open procurement and shall, in the context of negotiations under subparagraph (b), seek to eliminate those which remain on the date of entry into force of this Agreement.

8. Information Technology

With a view to ensuring that the Agreement does not constitute an unnecessary obstacle to technical progress, Parties shall consult regularly in the Committee regarding developments in the use of information technology in government procurement and shall, if necessary, negotiate modifications to the Agreement. These consultations shall in particular aim to ensure that the use of information technology promotes the aims of open, non-discriminatory and efficient government procurement through transparent procedures, that contracts covered under the Agreement are clearly identified and that all available information relating to a particular contract can be identified. When a Party intends to innovate, it shall endeavour to take into account the views expressed by other Parties regarding any potential problems.

9. Amendments

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 enter into force for any Party until it has been accepted by such Party.

10. Withdrawal

(a) Any Party may withdraw from this Agreement. The withdrawal shall take effect upon the expiration of 60 days from the date on which written notice of withdrawal is received by the Director-General of the WTO. Any Party may upon such notification request an immediate meeting of the Committee.

(b) If a Party to this Agreement does not become a Member of the WTO within one year of the date of entry into force of the WTO Agreement or ceases to be a Member of the WTO, it shall cease to be a Party to this Agreement with effect from the same date.

11. 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.

12. Notes, Appendices and Annexes

The Notes, Appendices and Annexes to this Agreement constitute an integral part thereof.

13. Secretariat

This Agreement shall be serviced by the WTO Secretariat.
14. **Deposit**

This Agreement shall be deposited with the Director-General of the WTO, who shall promptly furnish to each Party a certified true copy of this Agreement, of each rectification or modification thereto pursuant to paragraph 6 and of each amendment thereto pursuant to paragraph 9, and a notification of each acceptance thereof or accession thereto pursuant to paragraphs 1 and 2 and of each withdrawal therefrom pursuant to paragraph 10 of this Article.

15. **Registration**

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

_Done_ at Marrakesh this fifteenth day of April one thousand nine hundred and ninety-four in a single copy, in the English, French and Spanish languages, each text being authentic, except as otherwise specified with respect to the Appendices hereto.

_[For the signatures, see p. 478 of this volume.]_
NOTES

The terms "country" or "countries" as used in this Agreement, including the Appendices, are to be understood to include any separate customs territory Party to this Agreement.

In the case of a separate customs territory Party to this Agreement, where an expression in this Agreement is qualified by the term "national", such expression shall be read as pertaining to that customs territory, unless otherwise specified.

Article 1, 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.
APPENDICES

APPENDICES

APÉNDICES
APPENDIX I

Annexes 1 through 5 setting out the scope of this Agreement:

Annex 1 Central Government Entities
Annex 2 Sub-Central Government Entities
Annex 3 All Other Entities that Procure in Accordance with the Provisions of this Agreement
Annex 4 Services
Annex 5 Construction Services

APPENDICE I

Annexes 1 à 5 définissant la portée du présent accord:

Annexe 1 Entités du gouvernement central
Annexe 2 Entités des gouvernements sous-centraux
Annexe 3 Toutes les autres entités qui passent des marchés conformément aux dispositions du présent accord
Annexe 4 Services
Annexe 5 Services de construction

APÉNDICE I

Anexos 1 a 5, en los que se establece el alcance del presente Acuerdo:

Anexo 1 Entidades de los gobiernos centrales
Anexo 2 Entidades de los gobiernos subcentrales
Anexo 3 Demás entidades que se rigen en sus contratos por las disposiciones del presente Acuerdo
Anexo 4 Servicios
Anexo 5 Servicios de construcción
ANNEX 1

Entities which Procure in Accordance With the Provisions of this Agreement

Supplies

| Threshold: | SDRs 130,000 |

Services

| Threshold: | works SDRs 5,000,000; other services SDRs 130,000 |

List of Entities:

(A) Present coverage of entities:

1. Federal Chancellery - Procurement Office
2. Federal Ministry for Foreign Affairs
3. Federal Ministry of Health, Sports and Consumer Protection
4. Federal Ministry of Finance
   (a) Procurement Office
   (b) Division VI/5 (EDP procurement of the Federal Ministry of Finance and the Federal Office of Accounts)
   (c) Division III/1 (procurement of technical appliances, equipments and goods for the customs guard)
5. Federal Ministry for Environment, Youth and Family Procurement Office
6. Federal Ministry for Economic Affairs
7. Federal Ministry of the Interior
   (a) Division I/5 (Procurement Office)
   (b) EDP-Centre (procurement of electronical data processing machines (hardware))
   (c) Division II/3 (procurement of technical appliances and equipments for the Federal Police)
Austria (cont’d)

(d) Division I/6 [procurement of goods (other than those procured by Division II/3) for the Federal Police]
(e) Division II/21

8. Federal Ministry for Justice, Procurement Office

9. Federal Ministry of Defence\(^\text{10}\) (non-warlike materials contained in Annex I, Part II, Austria, of the GATT Agreement on Government Procurement)

10. Federal Ministry of Agriculture and Forestry

11. Federal Ministry of Labour and Social Affairs, Procurement Office

12. Federal Ministry of Education and Fine Arts

13. Federal Ministry for Public Economy and Transport

14. Federal Ministry of Science and Research

15. Austrian Central Statistical Office

16. Austrian State Printing Office

17. Federal Office of Metrology and Surveying

18. Federal Institute for Testing and Research, Arsenal (BVFA)

19. Federal Workshops for Artificial Limbs

20. AUSTRO CONTROL Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung (Austro Control GmbH)


22. Headquarters of the Postal and Telegraph Administration (postal business only)

(B) All other central public authorities including their regional and local sub-divisions provided that they do not have an industrial or commercial character.

\(^{10}\text{Continuation of present exceptions}\)
Austria (cont'd)

ANNEX 2

Entities which Procure in Accordance With
the Provisions of this Agreement

Supplies
Threshold: SDR 200,000

List of Entities:
All regional and local public authorities and bodies governed by public law not having a commercial or industrial character established at the state, district and municipal level in the States of:

Lower Austria,
Upper Austria,
Styria,
Salzburg,
the Burgenland,
the Tirol,
Vorarlberg,
Vienna,
Carinthia.

Services
Threshold:
works SDRs 5,000,000;
other services SDRs 200,000

List of entities which procure the services, specified in Annexes 4 and 5:
Same as for supply contracts
Austria (cont'd)

ANNEX 3

Other Entities which Procure in Accordance With the Provisions of this Agreement

Supplies

Threshold: SDRs 400,000 for entities listed under pt. 1 and 2

List of Entities:

Public entities of the following headings

1. **Entities in the water and energy sector**

   The covered entities are those which exercise as a principal activity, the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport and distribution of drinking water, and electricity

   Austria offers entities covered by that description listed under Annexes 1 and 2

2. **Entities in the transport sector**

   The covered entities are those which exercise as a principal activity

   (i) the operation of networks providing a service to the public in the field of transport by trolley bus, bus or cable

   (ii) the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carrier by inland waterway or the provision of airports or other terminal facilities by air

   Austria offers entities covered by that description listed in Annexes 1 and 2

Services

Threshold: works SDRs 5,000,000; other services SDRs 400,000

List of entities which procure the services, specified in Annexes 4 and 5:

Same as for supply contracts
ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

<table>
<thead>
<tr>
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<td>712 (except 71235), 7512, 87304</td>
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<td>874, 82201, 82202</td>
<td></td>
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<tr>
<td>88442</td>
<td></td>
</tr>
</tbody>
</table>

Notes to Annex 4

* except voice telephony, telex, radiotelephony, paging and satellite services

** except contracts for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services
Austria (cont'd)

ANNEX 5

Construction Services

Threshold:

SDRs 5,000,000

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of services contained in Division 51, CPC which are included:

- 511 Pre-erection work at construction sites
- 512 General construction works for buildings
- 513 General construction works for civil engineering
- 514 + 516 Installation and assembly works
- 515 Special trade construction work
- 517 Building completion and finishing works
- 518 Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator
Austria (cont'd)

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Austria will not extend the benefits of this Agreement:
   - as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada and the USA,
   - as regards municipalities under Annex 2 to Switzerland pending the outcome of bilateral negotiations,
   - as regards the award of contracts by entities listed in Annex 3:
     (a) (water), to the suppliers and service providers of Canada and the USA;
     (b) (electricity), to the suppliers and service providers of Canada, Hong Kong, Japan and the USA;
     (c) (airports), to the suppliers and service providers of Canada, Korea and the USA;
     (d) (ports), to the suppliers and service providers of Canada and the USA;
     (e) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA
   until such time as Austria has accepted that the Parties concerned give comparable and effective access for Austria's undertakings to the relevant markets;
   - to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

2. The provisions of Article XX shall not apply to suppliers and service providers of:
   - Israel, Japan and Korea in contesting the award of contracts by entities governed by public law as defined in any EC-directive relating to the co-ordination of procedures for the award of public works contracts referred to in Annex XVI to the EEA Agreement;
   - Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium-sized enterprises under the relevant provisions of Austrian law, until such time as Austria accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority business;
   - Israel, Japan and Korea in contesting the award of contracts by Austria's entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.
3. Until such time as Austria has accepted that the Parties concerned provide access for Austrian suppliers and service providers to their own markets, Austria will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment),

- Canada as regards procurement of FSC 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;

- Korea and Israel as regards procurement by entities listed in Annex 3 as regards procurement of HS Nos 8504, 8535, 8537 and 8644 (electrical transformers, plugs, switches and insulated cables) and for Israel, HS Nos 8501, 8536 and 902830;

- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

4. The Agreement shall not apply to contracts awarded under:

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;

- an international agreement relating to the stationing of troops;

- the particular procedure of an international organization.

5. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

6. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.

7. This Agreement shall not apply to contracts awarded by entities in Annex 3:

- for the purchase of water and for the supply of energy or of fuels for the production of energy;

- for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-EEA country;

- for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
8. This Agreement shall not be applicable to contracts:
   - for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;
   - for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

9. The thresholds in the Annexes will be applied so as to conform with the public procurement thresholds of the EEA Agreement.

10. The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by Austria in conformity with her commitments under the GATS.
CANADA

(Authentic in the English and French languages)

ANNEX 1

Federal Government Entities

Thresholds:  
130,000 SDRs - Goods  
130,000 SDRs - Services covered in Annex 4  
5,000,000 SDRs - Construction covered in Annex 5

List of entities:

1. Department of Agriculture
2. Department of Communications (not including procurements respecting FSCs 36, 70 and 74)
3. Department of Consumer and Corporate Affairs
4. Department of Employment and Immigration
5. Immigration and Refugee Board
6. Employment and Immigration Commission
7. Department of Energy, Mines and Resources
8. Atomic Energy Control Board
9. National Energy Board (on its own account)
10. Department of the Environment
11. Department of External Affairs
12. Canadian International Development Agency (on its own account)
13. Department of Finance
15. Canadian International Trade Tribunal
16. Municipal Development and Loan Board
17. Department of Fisheries and Oceans (not including procurements respecting FSCs 36, 70 and 74)
18. Department of Forestry
19. Department of Indian Affairs and Northern Development
20. Department of Industry, Science and Technology
21. Science Council of Canada
22. National Research Council of Canada
23. Natural Sciences and Engineering Research Council of Canada
24. Department of Justice
25. Canadian Human Rights Commission
26. Statute Revision Commission
27. Supreme Court of Canada
28. Department of Labour
29. Canada Labour Relations Board
30. Department of National Health and Welfare
31. Medical Research Council
32. Department of National Revenue
33. Department of Public Works
34. Department of Secretary of State of Canada
35. Social Science and Humanities Research Council
Canada (cont’d)

36. Office of the Coordinator, Status of Women
37. Public Service Commission
38. Department of the Solicitor General
39.Correctional Service of Canada
40. National Parole Board
41. Department of Supply and Services (on its own account)
42. Canadian General Standards Board
43. Department of Transport (not including procurements respecting FSCs 36, 70 and 74. For purposes of Article XXIII the national security considerations applicable to The Department of National Defence are equally applicable to the Canadian Coast Guard.)
44. Treasury Board Secretariat and the Office of the Controller General
45. Department of Veterans Affairs
46. Veterans Land Administration
47. Department of Western Economic Diversification (on its own account)
48. Atlantic Canada Opportunities Agency (on its own account)
49. Auditor General of Canada
50. Federal Office of Regional Development (Quebec) (on its own account)
51. Canadian Centre for Management Development
52. Canadian Radio-television and Telecommunications Commission (on its own account)
53. Canadian Sentencing Commission
54. Civil Aviation Tribunal
55. Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario
56. Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance
57. Commissioner for Federal Judicial Affairs
58. Competition Tribunal Registry
59. Copyright Board
60. Emergency Preparedness Canada
61. Federal Court of Canada
62. Grain Transportation Agency (on its own account)
63. Hazardous Materials Information Review Commission
64. Information and Privacy Commissioners
65. Investment Canada
66. Department of Multiculturalism and Citizenship
67. The National Archives of Canada
68. National Farm Products Marketing Council
69. The National Library
70. National Transportation Agency (on its own account)
71. Northern Pipeline Agency (on its own account)
72. Patented Medicine Prices Review Board
73. Petroleum Monitoring Agency
74. Privy Council Office
75. Canadian Intergovernmental Conference Secretariat
76. Commissioner of Official Languages
77. Economic Council of Canada
78. Public Service Staff Relations Board
79. Office of the Secretary to the Governor General
80. Office of the Chief Electoral Officer
81. Federal Provincial Relations Office
Canada (cont’d)

82. Procurement Review Board
83. Royal Commission on Electoral Reform and Party Financing
84. Royal Commission on National Passenger Transportation
85. Royal Commission on New Reproductive Technologies
86. Royal Commission on the Future of the Toronto Waterfront
87. Statistics Canada
88. Tax Court of Canada, Registry of the
89. Agricultural Stabilization Board
90. Canadian Aviation Safety Board
91. Canadian Centre for Occupational Health and Safety
92. Canadian Transportation Accident Investigation and Safety Board
93. Director of Soldier Settlement
94. Director, The Veterans’ Land Act
95. Fisheries Prices Support Board
96. National Battlefields Commission
97. Royal Canadian Mounted Police
98. Royal Canadian Mounted Police External Review Committee
99. Royal Canadian Mounted Police Public Complaints Commission
100. Department of National Defence

THE FOLLOWING PRODUCTS PURCHASED BY THE DEPARTMENT OF NATIONAL DEFENCE, COAST GUARD AND THE RCMP ARE INCLUDED IN THE COVERAGE OF THIS AGREEMENT SUBJECT TO THE PROVISIONS OF ARTICLE XXIII. (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 equipment
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 Life-saving 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
Canada (cont’d)

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

Note to Annex 1

The General Notes apply to this Annex.
ANNEX 2

Sub-Central Government Entities

<table>
<thead>
<tr>
<th>Thresholds:</th>
<th>Goods</th>
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<td>355,000 SDRs</td>
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<tr>
<td>355,000 SDRs</td>
<td>- Services to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.</td>
</tr>
<tr>
<td>5,000,000 SDRs</td>
<td>- Construction Services to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.</td>
</tr>
</tbody>
</table>

List of Entities:

The Canadian Government offers to cover entities in all ten provinces on the basis of commitments obtained from provincial governments. The initial provincial entities list will be specified on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.

Notes to Annex 2

1. Exceptions for all Provinces: steel, motor vehicles and coal

   Province-specific exceptions: in addition, a limited number of individual provincial exceptions may be specified at a later date in accordance with commitments received from such provinces.

2. Nothing in this offer shall be construed to prevent any provincial entity from applying restrictions that promote the general environmental quality in that province, as long as such restrictions are not disguised barriers to international trade.

3. This offer shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

4. The General Notes apply to this Annex.
Canada (cont’d)

ANNEX 3

Government Enterprises

**Thresholds:**
- 355,000 SDRs - *Goods*
- 355,000 SDRs - *Services* covered in Annex 4
- 5,000,000 SDRs - *Construction* covered in Annex 5

Federal Enterprises

1. Canada Post Corporation
2. National Capital Commission
3. St. Lawrence Seaway Authority (For greater certainty, Article XIX:4 applies to procurements by St. Lawrence Seaway Authority respecting the protection of the commercial confidentiality of information provided.)
4. Royal Canadian Mint (not including procurement by or on behalf of the Royal Canadian Mint of direct inputs for use in minting anything other than Canadian legal tender. For greater certainty, Article XIX:4 applies to procurements by the Royal Canadian Mint respecting the protection of the commercial confidentiality of information provided.)
5. Canadian Museum of Civilization
6. Canadian Museum of Nature
7. National Gallery of Canada
8. National Museum of Science and Technology

Sub-central Enterprises

Coverage of Sub-central Enterprises for Goods, Services and Construction Services is to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.

Note to Annex 3

The General Notes apply to this Annex.
Canada (cont’d)

ANNEX 4

Services

Canada offers to include in this "Services" Annex Federal entities listed under Annex 1 and Federal enterprises listed under Annex 3. The inclusion of "Services" for sub-central entities under Annex 2 and sub-central enterprises under Annex 3 are to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement. With respect to the terms of this Agreement, those services to be included are as identified within the document MTN.GNS/W/120. Domestically, Canada will be utilizing the "Common Classification System" for purposes of implementing this Agreement. This list of services may be revised following further technical work among the Parties and adjustments, as appropriate, to establish equitable coverage.

Canada offers to cover the following services with respect to the CPC services classification system:

861 Legal Services (advisory services on foreign and international law only)
862 Accounting, auditing and book-keeping services
863 Taxation Services (excluding legal services)
8671 Architectural services
8672 Engineering services
8673 Integrated engineering services (excluding 86731 Integrated engineering services for transportation infrastructure turnkey projects)
8674 Urban planning and landscape architectural services
841 Consultancy services related to the installation of computer hardware
842 Software implementation services, including systems and software consulting services, systems analysis, design, programming and maintenance services
843 Data processing services, including processing, tabulation and facilities management services
844 Data base services
845 Maintenance and repair services of office machinery and equipment including computers
849 Other computer services
821 Real estate services involving own or leased property
822 Real estate services on a fee or contract basis
Canada (cont’d)

83106 to 83109 only
Leasing or rental services concerning machinery and equipment without operator

83203 to 83209 only
Leasing or rental services concerning personal and household goods

86501 General management consulting services
86503 Marketing management consulting services
86504 Human resources management consulting services
86505 Production management consulting services
8660 Services related to management consulting (except 86602 Arbitration and conciliation services)
8676 Technical testing and analysis services including quality control and inspection (except with reference to FSC 58 and transportation equipment)
8814 Services incidental to forestry and logging, including forest management
883 Services incidental to mining, including drilling and field services
633 Repair services of personal and household goods
8861 to 8864, and 8866 Repair services incidental to metal products, machinery and equipment
874 Building-cleaning services
876 Packaging services
7512 Commercial courier services (including multi-modal)
7523 Electronic mail
7523 Voice mail
7523 On-line information and data base retrieval
7523 Electronic data interchange (EDI)
7523 Enhanced/value-added facsimile services, including store and forward, store and retrieve
Code and protocol conversion
Canada (cont’d)

843 On-line information and/or data processing (including transaction processing)
940 Sewage and refuse disposal, sanitation and similar services
641 Hotel and similar accommodation services
642/3 Food and beverage serving services
7471 Travel agency and tour operator services

Notes to Annex 4

1. The General Notes apply to this Annex.

2. This offer is subject to the terms and conditions set out in the Canadian offer on trade in services.

3. Canada’s offer in telecommunications is limited to enhanced or value added services for the supply of which the underlying telecommunications facilities are leased from providers of public telecommunications transport networks.

4. The Canadian offer does not include the following:
   * management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development;
   * coin minting;
   * public utilities;
   * architectural and engineering related to airfield, communications and missile facilities;
   * shipbuilding and repair and related architectural and engineering services;
   * all services, with reference to those goods purchased by the Department of National Defence, the Royal Canadian Mounted Police and the Canadian Coast Guard which are not identified as subject to coverage by this agreement;
   * services procured in support of military forces located overseas;
   * printing and publishing services; and,
   * procurement of transportation services that form a part of, or are incidental to, a procurement contract.
ANNEX 5

Construction Services

Canada offers to include in this "Construction Services" Annex, Federal entities listed under Annex 1 and Federal enterprises listed under Annex 3. The inclusion of "Construction Services" for sub-central entities under Annex 2 and sub-central enterprises under Annex 3 are to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new government procurement agreement.

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of Division 51, CPC:

All services contained in Division 51 CPC.

Notes to Annex 5

1. Notwithstanding anything in this Agreement, this Agreement does not apply to procurements in respect of:

   (a) Dredging; and

   (b) Construction contracts tendered on behalf of the Departments of Transport.

2. The General Notes apply to this Annex.
Canada (cont’d)

GENERAL NOTES

1. Notwithstanding anything in these Annexes, the Agreement does not apply to procurements in respect of:

(a) shipbuilding and repair;

(b) urban rail and urban transportation equipment, systems, components and materials incorporated therein as well as all project related materials of iron or steel;

(c) contracts respecting FSC 58 (communications, detection and coherent radiation equipment);

(d) set-asides for small and minority businesses;

(e) agricultural products made in furtherance of agricultural support programs or human feeding programs;

(f) national security exemptions include oil purchases related to any strategic reserve requirements; and,

(g) national security exceptions including procurements made in support of safeguarding nuclear materials or technology.

2. Procurement in terms of Canadian coverage is defined as contractual transactions to acquire property or services for the direct benefit or use of the government. The procurement process is the process that begins after an entity has decided on its requirement and continues through to and including contract award. It does not include non-contractual agreements or any form of government assistance, including but not limited to, cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and government provision of goods and services, given to individuals, firms, private institutions, and sub-central governments. It does not include procurements made with a view to commercial resale or made by one entity or enterprise of Canada.

3. Any exclusion that is related either specifically or generally to Federal or sub-central entities or enterprises in Annex 1, Annex 2 or Annex 3 will also apply to any successor entity or entities, enterprise or enterprises, in such a manner as to maintain the value of this offer.

4. Until such time as there is a mutually agreed list of services to be covered by all Parties, a service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has provided reciprocal access to that service.

5. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.
Canada (cont'd)

6. The offer by Canada, with respect to goods and services (including construction) in Annexes 2 and 3, is subject to negotiation of mutually acceptable commitments (including thresholds) with other Parties, with initial commitments to be specified on or before 15 April 1994 and specific commitments to be confirmed within eighteen months after the conclusion of the new Government Procurement Agreement.

7. The Agreement shall not apply to contracts under an international agreement and intended for the joint implementation or exploitation of a project.

8. For the European Union, Canada's offer excludes procurements of FSC 70, 74 and 36 until such time as reciprocal access is provided.

9. For the European Union, this Agreement shall not apply to contracts awarded by entities in Annexes 1 and 2 in connection with activities in the field of drinking water, energy, transport or telecommunications.
EUROPEAN COMMUNITIES

ANNEX 1

Entities which Procure in Accordance
With the Provisions of this Agreement

**Supplies**
Services specified in Annex 4

*Thresholds: SDR 130,000*

**Works specified in Annex 5**

*Threshold: SDR 5,000,000*

**List of Entities:**

1. **European Communities entities:**
   - The Council of the European Union;
   - The European Commission.

2. **The following contracting authorities of the State:**

**BELGIQUE**

(La version française fait foi)

A. - L'Etat Fédéral:
   - Services du Premier Ministre
   - Ministère des Affaires économiques
   - Ministère des Affaires étrangères, du Commerce extérieur et de la Coopération au Développement
   - Ministère de l'Agriculture
   - Ministère des Classes moyennes
   - Ministère des Communications et de l'Infrastructure
   - Ministère de la Défense nationale
   - Ministère de l'Emploi et du Travail
   - Ministère des Finances
   - Ministère de l'Intérieur et de la Fonction publique
   - Ministère de la Justice
   - Ministère de la Santé publique et de l'Environnement

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11Matériel non militaire figurant dans la partie 1(3) de la présente annexe
DENMARK

(Authentic in the English language only)

1. Prime Minister’s Office - two departments;
2. Ministry of Labour - five directorates and institutions;
3. Ministry of Foreign Affairs (three departments);
4. Ministry of Housing - five directorates and institutions;
5. Ministry of Energy - one directorate and Research Establishment “Risoe”;
6. Ministry of Finance (two departments) - four directorates and institutions including the Directorate for Government Procurement - five other institutions;
7. Ministry of Taxes and Duties (two departments) - five directorates and institutions;
8. Ministry of Fisheries - four institutions;
9. Ministry of Industry (Full name: Ministry of Industry, Trade, Handicraft and Shipping) - nine directorates and institutions;
10. Ministry of the Interior - Danish National Civil Defence Directorate one directorate;
11. Ministry of Justice - Office of the Chief of Danish Police - five other directorates and institutions;
12. Ministry of Ecclesiastical Affairs - nineteen directorates and institutions;
13. Ministry of Agriculture - five directorates;
14. Ministry of Environment - three directorates and several state-owned museums and higher education institutions;
15. Ministry of Cultural Affairs - four directorates;
16. Ministry of Social Affairs - six directorates;
17. Ministry of Education - twelve universities and other higher education institutions;

12 Activités postales visées par la loi du 24 décembre 1993
### EC (cont’d)

18. Ministry of Economic Affairs  
   (three departments);  
19. Ministry of Defence\(^b\)  
20. Ministry of Health  
   - several institutions including State Serum Institut and University Hospital of Copenhagen;  
21. Ministry for Research & Technology  
22. Ministry of Transport  
   - 25 directorates, departments and Institutions;  
23. Ministry for Communication\(^c\) and Tourism  
24. Ministry for Business Policies Coordination  
25. Folketinget (Parliament)

#### FEDERAL REPUBLIC OF GERMANY

(Authentic in the English language only)

**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 for Food, Agriculture and Forestry
5. Federal Ministry of Finance
6. Federal Ministry for Research and Technology
7. Federal Ministry of the Interior (civil goods only)
8. Federal Ministry of Health
9. Federal Ministry for Women and Youth
10. Federal Ministry for Family Affairs and Senior Citizens
11. Federal Ministry of Justice
12. Federal Ministry for Regional Planning, Building and Urban Development
13. Federal Ministry of Post and Telecommunications\(^d\)
14. Federal Ministry of Economic Affairs
15. Federal Ministry for Economic Co-operation
16. Federal Ministry of Defence\(^e\)

**Note**

According to existing national obligations, the entities contained in this list must, in conformity with special procedures, award contracts to certain groups in order to remove difficulties caused by the last war.

\(^{b}\)Non-warlike materials contained in Part 1 (3) of this Annex

\(^{c}\)With the exception of the Telecommunications services of the postal- and telegraphic service.

\(^{d}\)Except telecommunication equipment
EC (cont’d)

- Palais de la découverte;
- Parcs nationaux;
- Réunion des musées nationaux;
- Syndicat des transports parisiens;
- Thermes nationaux - Aix-les-Bains;
- Universités.

3. Autre organisme public national

- Union des groupements d’achats publics (U.G.A.P.).

GREECE

(Authentic in the English language only)

List of entities

1. Ministry of National Economy
2. Ministry of Education and Religion
3. Ministry of Commerce
4. Ministry of Industry, Energy and Technology
5. Ministry of Merchant Marine
6. Ministry to the Prime Minister
7. Ministry of the Aegean
8. Ministry of Foreign Affairs
9. Ministry of Justice
10. Ministry of the Interior
11. Ministry of Labour
12. Ministry of Culture and Sciences
13. Ministry of Environment, Planning and Public Works
14. Ministry of Finance
15. Ministry of Transport and Communications
16. Ministry of Health and Social Security
17. Ministry of Macedonia and Thrace
18. Army General Staff
19. Navy General Staff
20. Airforce General Staff
21. Ministry of Agriculture
22. General Secretariat for Press and Information
23. General Secretariat for Youth
24. General State Laboratory
25. General Secretariat for Further Education
26. General Secretariat of Equality
27. General Secretariat for Social Security
28. General Secretariat for Greeks Living Abroad
29. General Secretariat for Industry
**EC (cont’d)**

| 30. | General Secretariat for Research and Technology |
| 31. | General Secretariat for Sports |
| 32. | General Secretariat for Public Works |
| 33. | National Statistical Service |
| 34. | National Welfare Organisation |
| 35. | Workers’ Housing Organisation |
| 36. | National Printing Office |
| 37. | Greek Atomic Energy Commission |
| 38. | Greek Highway Fund |
| 39. | University of Athens |
| 40. | University of the Aegean |
| 41. | University of Thessaloniki |
| 42. | University of Thrace |
| 43. | University of Ioannina |
| 44. | University of Patras |
| 45. | Polytechnic School of Crete |
| 46. | Sivitanidios Technical School |
| 47. | University of Macedonia |
| 48. | Eginio Hospital |
| 49. | Areteio Hospital |
| 50. | National Centre of Public Administration |
| 51. | Hellenic Post (EL. TA.) |
| 52. | Public Material Management Organisation |
| 53. | Farmers’ Insurance Organisation |
| 54. | School Building Organisation |

**IRELAND**

(Authentic in the English language only)

1. **Main purchasing entities**

   Office of Public Works

2. **Other departments**

   - President’s Establishment;
   - Houses of the Oireachtas (Parliament);
   - Department of the Taoiseach (Prime Minister);
   - Office of the Tanaiste (Deputy Prime Minister)
   - Central Statistics Office;
   - Department of Arts, Culture and the Gaeltacht
   - National Gallery of Ireland;
   - Department of Finance;
   - State Laboratory;
   - Office of the Comptroller and Auditor General;
EC (cont’d)

- Office of the Attorney General;
- Office of the Director of Public Prosecutions;
- Valuation Office;
- Civil Service Commission;
- Office of the Ombudsman;
- Office of the Revenue Commissioners;
- Department of Justice;
- Commissioners of Charitable Donations and Bequests for Ireland;
- Department of the Environment;
- Department of Education;
- Department of the Marine;
- Department of Agriculture, Food and Forestry;
- Department of Enterprise and Employment
- Department of Trade and Tourism;
- Department of Defence;
- Department of Foreign Affairs;
- Department of Social Welfare;
- Department of Health;
- Department of Transport, Energy and Communications.

ITALY

(Authentic in the English language only)

Purchasing Entities

1. Ministry of the Treasury
2. Ministry of Finance
3. Ministry of Justice
4. Ministry of Foreign Affairs
5. Ministry of Education
6. Ministry of the Interior
7. Ministry of Public Works
8. Ministry for Co-ordination (International Relations and EC Agricultural Policies)
9. Ministry of Industry, Trade and Craft Trades
10. Ministry of Employment and Social Security
11. Ministry of Health
12. Ministry of Cultural Affairs and the Environment
13. Ministry of Defence
14. Budget and Economic Planning Ministry
15. Ministry of Foreign Trade
16. Ministry of Posts and Telecommunications

^Non-warlike materials contained in Part I (3) of this Annex
^Acting as the central purchasing entity for most of the other Ministries or entities
^Not including purchases made by the tobacco and salt monopolies
^Non-warlike materials contained in Part I (3) of this Annex
^Postal business only
EC (cont'd)

17. Ministry of the Environment
18. Ministry of University and Scientifical and Technological Research

LUXEMBOURG

(La version française fait foi)

1. Ministère d'Etat: Service central des imprimés et des fournitures de l'Etat;
2. Ministère de l'agriculture: Administration des Services techniques de l'Agriculture;
3. Ministère de l'éducation nationale: Lycées d'enseignement secondaire et d'enseignement secondaire technique;
4. Ministère de la famille et de la solidarité sociale: Maisons de retraite;
5. Ministère de la force publique: Armée - Gendarmerie - Police;
6. Ministère de la justice: Etablissements pénitentiaires;
7. Ministère de la santé publique: Hôpital neuropychiatrique;
8. Ministère des travaux publics: Bâtiments publics - Ponts et Chaussées;
9. Ministère des Communications: Centre informatique de l'Etat
10. Ministère de l'environnement: Commissariat général à la Protection des Eaux.

THE NETHERLANDS

(Authentic in the English language only)

List of entities

Ministries and central governmental bodies

1. Ministry of General Affairs - Ministerie van Algemene Zaken
   - Advisory Council on Government Policy - Bureau van de Wetenschappelijke Raad voor het Regeringsbeleid
   - National Information Office - Rijksvoorlichtingsdienst
   - Government Personnel Information System Service - Dienst Informatievoorziening Overheidspersoneel
   - Redundancy Payment and Benefits Agency - Dienst Uitvoering Ontslaguitkeringsregelingen
   - Public Servants Medical Expenses Agency - Dienst Ziektekostenvoorziening Overheidspersoneel
   - RPD Advisory Service - RPD Advies
   - Central Archives and Inderdepartmental Text Processing - CAS/ITW
3. Ministry of Foreign Affairs + Directorate-General for Development Cooperation of the Ministry of Foreign Affairs - Ministerie van Buitenlandse Zaken + Ministerie voor Ontwikkelingssamenwerking

4. Ministry of Defence - Ministerie van Defensie
   - Directorate of Material Royal Netherlands Navy - Directie Materieel Koninklijke Marine
   - Directorate of Material Royal Netherlands Army - Directie Materieel Koninklijke Landmacht
   - Directorate of Material Royal Netherlands Airforce - Directie Materieel Koninklijke Luchtmacht

5. Ministry of Economic Affairs - Ministerie van Economische Zaken
   - Economic Investigation Agency - Economische Controledienst
   - Central Plan Bureau - Centraal Planbureau
   - Netherlands Central Bureau of Statistics - Centraal Bureau voor de Statistiek
   - Senter - Senter
   - Industrial Property Office - Bureau voor de Industriële Eigendom
   - Central Licensing Office for Import and Export - Centrale Dienst voor de In- en Uitvoer
   - State Supervision of Mines - Staatszorg op de Mijnen
   - Geological Survey of the Netherlands - Rijks Geologische Dienst

6. Ministry of Finance - Ministerie van Financiën
   - State Property Department - Dienst der Domeinen
   - Directorates of the State Tax Department - Directies der Rijksbelastingen
   - State Tax Department/Fiscal Intelligence and Information Department - Belastingdienst/FIOD
   - State Tax Department/Computer Centre - Belastingdienst/Automatiseringscentrum
   - State Tax Department/Training - Belastingdienst/Opleidingen

7. Ministry of Justice - Ministerie van Justitie
   - Child Care and Protection Board - Raden voor de Kinderbescherming in de provincies
   - State Institutions for Child care and Protection - Rijksinrichtingen voor de Kinderbescherming in de provincies
   - Prisons - Penitentiaire inrichtingen in de provincie
   - State Institutions for Persons Placed under Hospital Order - Rijksinrichtingen voor T.B.S.-verpleging in de provincies
   - Internal Facilities Service of the Directorate for Young Offenders and Young Peoples Institute - Dienst Facilitaire Zaken van de Directie Delinquentenzorg en Jeugdinrichtingen
   - Legal Aid Department - Dienst Gerechtelijke Ondersteuning in de arrondisementen

*Non-Warlike materials contained in Part I (3) of this annex*
EC (cont’d)

- Central Collection Office for the Courts - Centraal Ontvangstkantoor der Gerechten
- Central Debt Collection Agency of the Ministry of Justice - Centraal Justitie Incassobureau
- National Criminal Investigation Department - Rijksrecherche
- Forensic Laboratory - Gerechtelijk Laboratorium
- National Police Services Force - Korps Landelijke Politiediensten
- District offices of the Immigration and Naturalisation Service - Districtskantoren Immigratie- en Naturalisatiedienst

   - National Forest Service - Staatsbosbeheer
   - Agricultural Research Service - Dienst Landbouwkundig Onderzoek
   - Agricultural Extension Service - Dienst Landbouwvoorlichting
   - Land Development Service - Landinrichtingsdienst
   - National Inspection Service for Animals and Animal Protection - Rijksdienst voor de Keuring van Vee en Vlees
   - Plant Protection Service - Plantenziektenkundige Dienst
   - General Inspection Service - Algemene Inspectiedienst
   - National Fisheries Research Institute - Rijksinstituut voor Visserijonderzoek
   - Government Institute for Quality Control of Agricultural Products - Rijkswaliteit Instituut voor Land- en Tuinbouwprodukten
   - Game Fund - Jachtfonds

   - Royal Library - Koninklijke Bibliotheek
   - Institute for Netherlands History - Instituut voor Nederlandse Geschiedenis
   - Netherlands State Institute for War Documentation - Rijksinstituut voor Oorlogsdocumentatie
   - Institute for Educational Research - Instituut voor Onderzoek van het Onderwijs
   - National Institute for Curriculum Development - Instituut voor de Leerplanontwikkeling

10. Ministry of Social Affairs and Employment - Ministerie van Sociale Zaken en Werkgelegenheid
    - Wages Inspection Service - Loontechinische dienst
    - Inspectorate for Social Affairs and Employment - Inspectie en Informatie Sociale Zaken en Werkgelegenheid
    - National Social Assistance Consultancies Services - Rijksconsulentenschappen Sociale Zekerheid
    - Steam Equipment Supervision Service - Dienst voor het Stoomwezen
    - Conscientious Objectors Employment Department - Tewerkstelling erkend gewetenbezwaarden militaire dienst
    - Directorate for Equal Opportunities - Directie Emancipatie
EC (cont’d)

   - Directorate-General for Transport - Directoraat-Generaal Vervoer
   - Directorate-General for Public Works and Water Management - Directoraat-Generaal Rijkswaterstaat
   - Directorate-General for Civil Aviation - Directoraat-Generaal Rijksluchtvaardienst
   - Telecommunications and Post Department - Hoofddirectie Telecommunicatie en Post
   - Regional Offices of the Directorates-General and General Management, Inland Waterway Navigation Service - De regionale organisatie van de directoraat-generaal en de hoofddirectie Vaarwegmarkeringdienst

12. Ministry of Housing, Physical Planning and Environment - Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer
   - Directorate-General for Environment Management - Directoraat-Generaal Milieubeheer
   - Directorate-General for Public Housing - Directoraat-Generaal van de Volkshuisvesting
   - Government Buildings Agency - Rijksgebouwendienst
   - National Physical Planning Agency - Rijksplanologische Dienst

   - Social and Cultural Planning Office - Sociaal en Cultureel Planbureau
   - Inspectorate for Child and Youth Care and Protection Services - Inspectie Jeugdhulpverlening en Jeugdbescherming
   - Medical Inspectorate of Health Care - Inspecties van het Staatstoezicht op de Volksgezondheid
   - Cultural Castle Council - Rijksdienst Kastelenbeheer
   - National Archives Department - Rijksarchiefdienst
   - Department for the Conservation of Historic Buildings and Sites - Rijksdienst voor de Monumentenzorg
   - National Institute of Public Health and Environmental Protection - Rijksinstituut voor Milieuhygiëne
   - National Archeological Field Survey Commission - Rijksdienst voor het Oudheidkundig Bodemonderzoek
   - Netherlands Office for Fine Arts - Rijksdienst Beeldende Kunst


15. Higher Colleges of State - Hogere Colleges van Staat

16. Council of State - Raad van State

17. Netherlands Court of Audit - Algemene Rekenkamer

18. National Ombudsman - Nationale Ombudsman
EC (cont’d)

PORTUGAL

(Authentic in the English language only)

Prime Minister’s Office

Legal Centre
Centre for Studies and Training (Local Government)
Government Computer Network Management Centre
National Council for Civil Defence Planning
Permanent Council for Industrial Conciliation
Department for Vocational and Advanced Training
Ministerial Department with special responsibility for Macao
Ministerial Department responsible for Community Service by Conscientious Objectors
Institute for Youth
National Administration Institute
Secretariat-General, Prime Minister’s Office
Secretariat for Administrative Modernization
Social Services, Prime Minister’s Office

Ministry of Home Affairs

Directorate-General for Roads
Ministerial Department responsible for Studies and Planning
Civilian administrations
Customs Police
Republican National Guard
Police
Secretariat-General
Technical Secretariat for Electoral Matters
Customs and Immigration Department
Intelligence and Security Department
National Fire Service

Ministry of Agriculture

Control Agency for Community Aid to Olive Oil Production
Regional Directorate for Agriculture (Beira Interior)
Regional Directorate for Agriculture (Beira Litoral)
Regional Directorate for Agriculture (Entre Douro e Minho)
Regional Directorate for Agriculture (Trás-os-Montes)
Regional Directorate for Agriculture (Alentejo)
Regional Directorate for Agriculture (Algarve)
Regional Directorate for Agriculture (Ribatejo e Oeste)
General Inspectorate and Audit Office (Management Audits)
Viticulture Institute
EC (cont'd)

National Agricultural Research Institute
Institute for the Regulation and Guidance of Agricultural Markets
Institute for Agricultural Structures and Rural Development
Institute for Protection of Agri-food Production
Institute for Forests
Institute for Agricultural Markets and Agri-Foods Industry
Secretariat-General
IFADAP (Financial Institute for the Development of Agriculture and Fishing) (a)
INGA (National Agricultural Intervention and Guarantee Institute) (a)

(a) Authority under joint Ministry of Finance and Ministry of Agriculture control

Ministry of the Environment and Natural Resources

Directorate-General for Environment
Institute for Environmental Promotion
Institute for the Consumer
Institute for Meteorology
Secretariat-General
Institute for Natural Conservancy
Ministerial Department for the Improvement of the Estoril Coast
Regional Directorates for Environment and Natural Resources
Water Institute

Ministry of Trade and Tourism

Commission responsible for the Application of Economic Penalties
Directorate-General for Competition and Prices
Directorate-General for Inspection (Economic Affairs)
Directorate-General for Tourism
Directorate-General for Trade
Tourism Fund
Ministerial Department responsible for Community Affairs
ICEP (Portuguese Foreign Trade Institute)
General Inspectorate for Gambling
National Institute for Training in Tourism
Regional Tourist Boards
Secretariat-General
ENATUR (National Tourism Enterprise) - Public enterprise (a)

(a) Authority under joint Ministry of Trade and Tourism and Ministry of Finance control
EC (cont’d)

Ministry of Defence

National Security Authority
National Council for Emergency Civil Planning
Directorate-General for Armaments and Defence Equipments
Directorate-General for Infrastructure
Directorate-General for Personnel
Directorate-General for National Defence Policy
Secretariat-General

Office of the Chief of Staff of the Armed Forces

Administrative Council of the Office of the Chief of Staff of the Armed Forces
Commission of Maintenance of NATO Infrastructure
Executive Commission of NATO Infrastructure
Social Works of the Armed Forces

Office of the Chief of Staff, Air Force

Air Force Logistics and Administrative Commando
General Workshop for Aeronautical Equipment

Office of the Chief of Staff, Army

Logistics Department
Directorate for Army Engineering
Directorate for Army Communications
Service Directorate for Fortifications and Army Works
Service Directorate for the Army Physical Education
Service Directorate Responsible for the Army Computer
Service Directorate for Intendancy
Service Directorate for Equipment
Service Directorate for Health
Directorate for Transports
Main Army Hospital
General Workshop of Uniforms and Equipment
General Workshop of Engineering Equipment
Bakery
Army Laboratory for Chemical and Pharmaceutical Products

Non-warlike materials contained in Part I (3) of this annex
EC (cont’d)

Office of the Chief of Staff, Navy

Directorate for Naval Facilities
Directorate-General for Naval Equipment
Directorate for Instruction and Training
Directorate of the Service of Naval Health
The Navy Hospital
Directorate for Supplies
Directorate for Transport
Directorate of the Service of Maintenance
Armed Computer Service
Continent Naval Commando
Açores Naval Commando
Madeira Naval Commando
Commando of Lisbon Naval Station
Army Centre for Physical Education
Administrative Council of Central Navy Administration
Naval War Height Institute
Directorate-General for the Navy
Directorate-General for Lighthouses and School for Lighthouse Keepers
The Hydrographic Institute
Vasco da Gama Aquarium
The Alfeite Arsenal

Ministry of Education

Secretariat-General
Department for Planning and Financial Management
Department for Higher Education
Department for Secondary Education
Department for Basic Education
Department for Educational Resources Management
General Inspectorate of Education
Bureau for the Launching and Coordination of the School Year
Regional Directorate for Education (North)
Regional Directorate for Education (Centra)
Regional Directorate for Education (Lisbon)
Regional Directorate for Education (Alentejo)
Regional Directorate for Education (Algarve)
Camões Institute
Institute for Innovation in Education Antonio Aurélio da Costa Ferreira
Institute for Sports
Department of European Affairs
Ministry of Education Press

Non-warlike materials contained in Part I (3) of this Annex
EC (cont’d)

Ministry of Employment and Social Security

National Insurance and Occupational Health Fund
Institute for Development and Inspection of Labour Conditions
Social Welfare Funds
Casa Pla de Lisboa (a)
National Centre for Pensions
Regional Social Security centres
Commission on Equal Opportunity and Rights for Women
Statistics Department
Studies and Planning Department
Department of International Relations and Social Security Agreements
European Social Fund Department
Department of European Affairs and External Relations
Directorate-General for Social Works
Directorate-General for the Family
Directorate-General for Technical Support to Management
Directorate-General for Employment and Vocational Training
Directorate-General for Social Security Schemes
Social Security Financial Stabilization Fund
General Inspectorate for Social Security
Social Security Financial Management Institute
Employment and Vocational Training Institute
National Institute for Workers’ Leisure Time
Secretariat-General
National Secretariat for Rehabilitation
Social Services
Santa Casa de Misericordia de Lisboa (a)

(a) Authority under joint control of the Ministry of Employment and Social Security and the Ministry of Health Control

Ministry of Finance

ADSE (Directorate-General for the Protection of Civil Servants)
Legal Affairs Office
Directorate-General for Public Administration
Directorate-General for Public Accounts and General Budget Supervision
Directorate-General for the State Loans Board
Directorate-General for the Customs Service
Directorate-General for Taxation
Directorate-General for State Assets
Directorate-General for the Treasury
Ministerial Department responsible for Economic Studies
Ministerial Department responsible for European Affairs
GAFEEP (Ministerial Department responsible for Studies on the Funding of the State and Public Enterprises)
EC (cont’d)

General Inspectorate for Finance
Institute for Information Technology
State Loans Board
Secretariat-General
SOFE (Social Services of the Ministry of Finance)

Ministry of Industry and Energy

Regional Delegation for Industry and Energy (Lisbon and Tagus Valley)
Regional Delegation for Industry and Energy (Alentejo)
Regional Delegation for Industry and Energy (Algarve)
Regional Delegation for Industry and Energy (Centre)
Regional Delegation for Industry and Energy (North)
Directorate-General for Industry
Directorate-General for Energy
Geological and Mining Institute
Ministerial Department responsible for Studies and Planning
Ministerial Department responsible for Oil Exploration and Production
Ministerial Department responsible for Community Affairs
National Industrial Property Institute
Portuguese Institute for Quality
INETI (National Institute for Industrial Engineering and Technology)
Secretariat-General
PEDIP Manager’s Department
Legal Affairs Office
Commission for Emergency Industrial Planning
Commission for Emergency Energy Planning
IAPMEI (Institute for Support of Small and Medium-sized enterprises and Investments)

Ministry of Justice

Centre for Legal Studies
Social Action and Observation Centres
The High Council of the Judiciary (Conselho Superior de Magistratura)
Central Registry
Directorate-General for Registers and Other Official Documents
Directorate-General for Computerized Services
Directorate-General for Legal Services
Directorate-General for the Prison Service
Directorate-General for the Protection and Care of Minors Prison Establishments
Ministerial Department responsible for European Law
Ministerial Department responsible for Documentation and Comparative Law
Ministerial Department responsible for Studies and Planning
Ministerial Department responsible for Financial Management
Ministerial Department responsible for Planning and Coordinating Drug Control
São João Deus Prison Hospital
Corpus Christi Institute
EC (cont’d)

Guarda Institute
Institute for the Rehabilitation of Offenders
São Domingos Benfica Institute
National Police and Forensic Science Institute
Navarro Paiva Institute
Padre Antônio Oliveira Institute
São Fiel Institute
São José Institute
Vila Fernando Institute
Criminology Institutes
Forensic Medicine Institutes
Criminal Investigation Department
Secretariat-General
Social Services

Ministry of Public Works, Transport and Communications

Council for Public and Private Works Markets
Directorate-General for Civil Aviation
Directorate-General for National Buildings and Monuments
Directorate-General for Road and Rail Transport
Ministerial Department responsible for River Crossings (Tagus)
Ministerial Department for Investment Coordination
Ministerial Department responsible for the Lisbon Railway Junction
Ministerial Department responsible for the Oporto Railway Junction
Ministerial Department responsible for Navigation on the Douro
Ministerial Department responsible for the European Communities
General Inspectorate for Public Works, Transport and Communications
Independent Executive for Roads
National Civil Engineering Laboratory
Social Works Department of the Ministry of Public Works, Transport and Communications
Secretariat-General
Institute for Management and Sales of State Housing
CTT - Post & Telecommunications of Portugal SA\(^2\)

Ministry of Foreign Affairs

Directorate-General for Consular Affairs and for Financial Administration
Directorate-General for the European Communities
Directorate-General for Cooperation
Institute for Portuguese Emigrants and Portuguese Communities Abroad
Institute for Economic Cooperation
Secretariat-General

\(^2\)Postal Business only

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EC (cont'd)

Ministry of Territorial Planning and Management

Academy of Science
Legal Affairs Office
National Centre for Geographical Data
Regional Coordination Committee (Centre)
Regional Coordination Committee (Lisbon and Tagus Valley)
Regional Coordination Committee (Alentejo)
Regional Coordination Committee (Algarve)
Regional Coordination Committee (North)
Central Planning Department
Ministerial Department for European Issues and External Relations
Directorate-General for Local Government
Directorate-General for Regional Development
Directorate-General for Town and Country Planning
Ministerial Department responsible for Coordination of the Alqueva Project
General Inspectorate for Territorial Administration
National Statistical Institute
António Sergio Cooperative Institute
Institute for Scientific and Tropical Research
Geographical and Land Register Institute
National Scientific and Technological Research Board
Secretariat-General

Ministry of the Sea

Directorate General for Fishing
Directorate General for Ports, Navigation and Maritime Transport
Portuguese Institute for Maritime Exploration
Maritime Administration for North, Centre & South
National Institute for Port Pilotage
Institute for Port Labour
Port Administration of Douro and Leixões
Port Administration of Lisbon
Port Administration of Setúbal and Sesimbra
Port Administration of Sines
Independent Executive for Ports
Infante D Henrique Nautical School
Portugues Fishing School and School of Sailing and Marine Craft
Secretariat General

Ministry of Health

Regional Health Administrations
Health Centres
Mental Health Centres
Histocompatibility Centres
EC (cont'd)

Regional Alcoholism Centres
Department for Studies and Health Planning
Health Human Resource Department
Directorate-General for Health
Directorate-General for Health Installations & Equipment
National Institute for Chemistry and Medicament
Supporting Centers for Drug Addicts
Institute for Computer and Financial Management of Health Services
Infirmary Technical Schools
Health Service Technical Colleges
Central Hospitals
District Hospitals
General Inspectorate of Health
National Institute of Emergency Care
Dr Ricardo Jorge National Health Institute
Dr Jacinto De Magalhaes Institute of Genetic Medicine
Dr Gama Pinto Institute of Ophthalmology
Portuguese Blood Institute
General Practitioners Institutes
Secretariat-General
Service for Prevention and Treatment of Drug Dependence
Social Services, Ministry of Health

UNITED KINGDOM

(Authentic in the English language only)

Cabinet office
Chessington Computer Centre
Civil Service College
Recruitment and Assessment Service
Civil Service Occupational Health Service
Office of Public Services and Science
Parliamentary Counsel Office
The Government Centre on Information Systems (CCTA)
Central Office of Information
Charity Commission
Crown Prosecution Service
Crown Estate Commissioners (Vote Expenditure only)
Customs and Excise Department
Department for National Savings
Department for Education
Higher Education Funding Council for England
Department of Employment
Employment Appeal Tribunal
Industrial Tribunals
Office of Manpower Economics
EC (cont’d)

Department of Health
   Central Council for Education and Training in Social Work
   Dental Practice Board
   English National Board for Nursing, Midwifery and Health
   Visitors
   National Health Service Authorities and Trusts
   Prescription Pricing Authority
   Public Health Laboratory Service Board
   U.K. Central Council for Nursing, Midwifery and Health Visiting

Department of National Heritage
   British Library
   British Museum
   Historic Buildings and Monuments Commission for England (English Heritage)
   Imperial War Museum
   Museums and Galleries Commission
   National Gallery
   National Maritime Museum
   National Portrait Gallery
   Natural History Museum
   Royal Commission on Historical Manuscripts
   Royal Commission on Historical Monuments of England
   Royal Fine Art Commission (England)
   Science Museum
   Tate Gallery
   Victoria and Albert Museum
   Wallace Collection

Department of Social Security
   Medical Boards and Examinining Medical Officers (War Pensions)
   Regional Medical Service
   Independent Tribunal Service
   Disability Living Allowance Advisory Board
   Occupational Pensions Board
   Social Security Advisory Committee

Department of the Environment
   Building Research Establishment Agency
   Commons Commission
   Countryside Commission
   Valuation tribunal
   Rent Assessment Panels
   Royal Commission on Environmental Pollution
   The Buying Agency

Department of the Procurator General and Treasury Solicitor
   Legal Secretariat to the Law Officers

Department of Trade and Industry
   Laboratory of the Government Chemist
   National Engineering Laboratory
   National Physical Laboratory
   National Weights and Measures Laboratory
   Domestic Coal Consumers’ Council
EC (cont'd)

Electricity Committees
Gas Consumers' Council
Central Transport Consultative Committees
Monopolies and Mergers Commission
Patent Office

Department of Transport
  Coastguard Services
  Transport Research Laboratory

Export Credits Guarantee Department

Foreign and Commonwealth Office
  Wilton Park Conference Centre

Government Actuary's Department

Government Communications Headquarters

Home Office
  Boundary Commission for England
  Gaming Board for Great Britain
  Inspectors of Constabulary
  Parole Board and Local Review Committees

House of Commons
House of Lords

Inland Revenue, Board of

Intervention Board for Agricultural Produce

Lord Chancellor's Department
  Combined Tax Tribunal
  Council on Tribunals
  Immigration Appellate Authorities
    Immigration Adjudicators
    Immigration Appeal Tribunal

Lands Tribunal

Law Commission

Legal Aid Fund (England and Wales)
Pensions Appeal Tribunals
Public Trust Office

Office of the Social Security Commissioners

Supreme Court Group (England and Wales)
  Court of Appeal - Criminal
  Circuit Offices and Crown, County and Combined Courts (England & Wales)

Transport Tribunal

Ministry of Agriculture, Fisheries and Food
  Agricultural Development and Advisory Service
  Agricultural Dwelling House Advisory Committees
  Agricultural Land Tribunals
  Agricultural Wages Board and Committees
  Cattle Breeding Centre
  Plant Variety Rights Office
  Royal Botanic Gardens, Kew
EC (cont’d)

Ministry of Defence^a
   Meteorological Office
   Procurement Executive
National Audit Office
National Investment and Loans Office
Northern Ireland Court Service
   Coroners Courts
   County Courts
   Court of Appeal and High Court of Justice in Northern Ireland
   Crown Court
   Enforcement of Judgements Office
   Legal Aid Fund
   Magistrates Court
   Pensions Appeals Tribunals
Northern Ireland, Department of Agriculture
Northern Ireland, Department of Economic Development
Northern Ireland, Department of Education
Northern Ireland, Department of the Environment
Northern Ireland, Department of Finance and Personnel
Northern Ireland, Department of Health and Social Services
Northern Ireland Office
   Crown Solicitor’s Office
   Department of the Director of Public Prosecutions for Northern Ireland
   Northern Ireland Forensic Science Laboratory
   Office of Chief Electoral Officer for Northern Ireland
   Police Authority for Northern Ireland
   Probation Board for Northern Ireland
   State Pathologist Service
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
Ordnance Survey
Overseas Development Administration
   Natural Resources Institute
Paymaster General’s Office
Postal Business of the Post Office
Privy Council Office
Public Record Office
Registry of Friendly Societies
Royal Commission on Historical Manuscripts
Royal Hospital, Chelsea
Royal Mint
Scotland, Crown Office and Procurator
   Fiscal Service

^aNon-warlike materials contained in Part I (3) of this annex
EC (cont’d)

Scotland, Registers of Scotland
Scotland, General Register Office
Scotland, Lord Advocate’s Department
Scotland, Queen’s and Lord Treasurer’s Remembrancer
Scottish Courts Administration
  Accountant of Court’s Office
  Court of Justiciary
  Court of Session
  Lands Tribunal for Scotland
  Pensions Appeal Tribunals
  Scottish Land Court
  Scottish Law Commission
  Sheriff Courts
  Social Security Commissioners’ Office
The Scottish Office Central Services
The Scottish Office Agriculture and Fisheries Department:
  Crofters Commission
  Red Deer Commission
  Royal Botanic Garden, Edinburgh
The Scottish Office Industry Department
The Scottish Office Education Department
  National Galleries of Scotland
  National Library of Scotland
  National Museums of Scotland
  Scottish Higher Education Funding Council
The Scottish Office Environment Department
  Rent Assessment Panel and Committees
  Royal Commission on the Ancient and Historical Monuments of Scotland
  Royal Fine Art Commission for Scotland
The Scottish Office Home and Health Departments
  HM Inspectorate of Constabulary
  Local Health Councils
  National Board for Nursing, Midwifery and Health Visiting for Scotland
  Parole Board for Scotland and Local Review Committees
  Scottish Council for Postgraduate Medical Education
  Scottish Crime Squad
  Scottish Criminal Record Office
  Scottish Fire Service Training School
  Scottish National Health Service Authorities and Trusts
  Scottish Police College
Scottish Record Office
HM Stationery Office (HMSO)
HM Treasury

Welsh Office

Royal Commission of Ancient and Historical Monuments in Wales
Welsh National Board for Nursing, Midwifery and Health Visiting
Local Government Boundary Commission for Wales
Valuation Tribunals (Wales)
EC (cont’d)

Welsh Higher Education Funding Council
Welsh National Health Service Authorities and Trusts
Welsh Rent Assessment Panels

3. List of supplies and equipment purchased by Ministries 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:
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 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; tannings and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks

Chapter 33: Essential oils and resinoids; perfumery, cosmetic or 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:
89.01 A: 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 or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles

Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings

except:
ex 94.01 A: aircraft seats

Chapter 95: Articles and manufactures of carving or moulding material

Chapter 96: Brooms, brushes, powder-puffs and sieves

Chapter 98: Miscellaneous manufactured articles
ANNEX 2

Entities which Procure in Accordance
With the Provisions of this Agreement

Supplies
Services specified in Annex 4

Thresholds: SDR 200,000

Works specified in Annex 5

Threshold: SDR 5,000,000

List of Entities:

1. Contracting authorities of the regional or local public authorities
2. Bodies governed by public law as defined in Directive 93/37/EEC.
The following bodies fulfil these criteria:

I. BELGIQUE

(La version française fait foi)

Organismes

- Archives générales du Royaume et Archives de l’État dans les Provinces - Algemeen Rijksarchief en Rijksarchief in de Provinciën.
- Conseil autonome de l’Enseignement communautaire - Autonome Raad van het Gemeenschapsonderwijs.
- Radio et Télévision belge, émissions néerlandaises - Belgische Radio en Televisie, Nederlandse uitzendingen.
- Bibliotheque royale Albert 1er - Koninklijke Bibliotheek Albert I.
- Bureau d’Intervention et de Restitution belge.
- Caisse auxiliaire de Paiement des Allocations de Chômage - Hulpkas voor Werkloosheidsuitkeringen.
- Caisse nationale des Pensions de Retraite et de Survie - Rijkskas voor Rust- en Overlevingspensioenen.
- Caisse nationale des Calamités - Nationale Kas voor de Rampenschade.
EC (cont’d)

- Institut pour la Formation permanente et continue des Classes moyennes et des petites et moyennes Entreprises - Institut für ständige Aus- und Weiterbildung Mittelstand sowie für die mittleren und kleinen Unternehmen.
- Institut scientifique de Service public en Région wallone.
- Office de Contrôle des Assurances.
- Office de la Communauté germanophone pour les Personnes ayant un Handicap et pour l’Aide sociale spéciale - Dienststelle der Deutschsprachigen Gemeinschaft für Personen mit einer Behinderung sowie für die besondere soziale Fürsorge.
- Office flamand du Commerce extérieur - Vlaamse Dienst voor buitenlandse Handel.
- Office wallon de Développement rural.
- Société flamande pour l’Environnement - Vlaamse milieumaatschappij.
- Société flamande terrienne - Vlaamse Landmaatschappij
- Société publique des Déchets pour la Région flamande - Openbare Vlaamse Afvalstofmaatschappij.
- Société wallone terrienne.
- Sofribru.
- Société publique d’Aide à la Qualité de l’Environnement.

Catégories

- Les sociétés de développement régional
- les centres publics d’aide sociale
- les fabriques d’église et les organismes chargés de la gestion du temporel des cultes reconnus
- les polders et wateringues
- les comités de remembrement des biens ruraux

II. DENMARK

(Authentic in the English language only)

Bodies

- Danmarks Radio
- Det Landsdækkende Fjernsyn TV 2
- Danmarks Nationalbank
- Storebæltssforbindelsen A/S
- Byfornyelsesselskabet København

Categories

- Andre Forvaltningssubjekter (other public administrative bodies)
III. GERMANY

(Authentic in the English language only)

Categories

1. Legal persons governed by public law

Authorities, establishments and foundations governed by public law and created by federal, State or local authorities in particular in the following sectors:

1.1 Authorities

- wissenschaftliche Hochschulen und verfaßte Studentenschaften (universities and established student bodies)
- berufssständige Vereinigungen (Rechtsanwalts-, Notar-, Steuerberater-, Wirtschaftsprüfer-, Architekten-, Ärzte- and Apothekerkammern) (professional associations representing lawyers, notaries, tax consultants, accountants, architects, medical practitioners and pharmacists)
- Wirtschaftsvereinigungen (Landwirtschafts-, Handwerks-, Industrie- and Handelskammern, Handwerksinnungen, Handwerkerschaften) (business and trade associations: agricultural and craft associations, chambers of industry and commerce, craftsmen’s guilds, tradesmen’s associations)
- Sozialversicherungen (Krankenkassen, Unfall- und Rentenversicherungsträger) (social security institutions: health, accident and pension insurance funds)
- kassenärztliche Vereinigungen (associations of panel doctors)
- Genossenschaften und Verbände (cooperatives and other associations)

1.2 Establishments and foundations

Non-industrial and non-commercial establishments subject to state control and operating in the general interest, particularly in the following fields:

- rechtsfähige Bundesanstalten (Federal institutions having legal capacity)
- Versorgungsanstalten und Studentenwerke (pension organizations and students’ unions)
- Kultur-, Wohlfahrts- und Hilfsstiftungen (cultural, welfare and relief foundations)

2. Legal persons governed by private law

Non-industrial and non-commercial establishments subject to state control and operating in the general interest (including "kommunale Versorgungsunternehmen" - municipal utilities), particularly in the following fields:

- Gesundheitswesen (Krankenhäuser, Kurmittelbetriebe, medizinische Forschungseinrichtungen, Untersuchungs- und Tierkörperbeseitigungsanstalten) (health: hospitals, health resort establishments, medical research institutes, testing and carcassdisposal establishments)
EC (cont'd)

- Kultur (öffentliche Bühnen, Orchester, Museen, Bibliotheken, Archive, zoologische und botanische Gärten) (culture: public theatres, orchestras, museums, libraries, archives, zoological and botanical gardens)
- Soziales (Kindergärten, Kindertageshelme, Erholungseinrichtungen, Kinder- und Jugendheime, Freizeiteinrichtungen, Gemeinschafts- und Bürgerhäuser, Frauenhäuser, Altersheime, Obdachlosenunterkünfte) (social welfare: nursery schools, children's play schools, resthomes, children's homes, hostels for young people, leisure centres, community and civic centres, homes for battered wives, old people's homes, accommodation for the homeless)
- Sport (Schwimmbäder, Sportanlagen und einrichtungen) (sport: swimming baths, sports facilities)
- Sicherheit (Feuerwehren, Rettungsdienste) (safety: firebrigades, other emergency services)
- Bildung (Umschulungs-, Aus-, Fort- und Weiterbildungs-einrichtungen, Volkshochschulen) (education: training, further training and retraining establishments, adult evening classes)
- Wissenschaft, Forschung und Entwicklung (Großforschungseinrichtungen, wissenschaftliche Gesellschaften und Vereine, Wissenschaftsförderung) (science, research and development: largescale research institutes, scientific societies and associations, bodies promoting science)
- Entsorgung (Straßtenreinigung, Abfall- und Abwasserbeseitigung) (refuse and garbage disposal services: street cleaning, waste and sewage disposal)
- Bauwesen und Wohnungswirtschaft (Stadtplanung, Stadtentwicklung, Wohnungsunternehmen, Wohnraumvermittlung) (building, civil engineering and housing: town planning, urban development, housing enterprises, housing agency services)
- Wirtschaft (Wirtschaftsförderungsgesellschaften) (economy: organizations promoting economic development)
- Friedhofs- und Bestattungswesen (cemeteries and burial services)
- Zusammenarbeit mit den Entwicklungsländern (Finanzierung, technische Zusammenarbeit, Entwicklungshilfe, Ausbildung) (cooperation with developing countries: financing, technical cooperation, development aid, training).

V. ESPAÑA

(Esta lista es auténtica en la versión española)

Categorías

- Entidades Gestoras y Servicios Comunes de la Seguridad Social
- Organismos Autonomos de la Administracion del Estado
- Organismos Autonomos de las Comunidades Autonomas
- Organismos Autonomos de las Entidades Locales
- Otras entidades sometidas a la legislacion de contratos del Estado español
VI. FRANCE

(La version française fait foi)

Catégories

Les établissements publics régionaux, départementaux ou locaux à caractère administratif:
- collèges
- lycées
- établissements publics hospitaliers
- offices publics d’habitation à loyer modéré (OPHLM)

Les groupements de collectivités territoriales:
- syndicats de communes
- districts
- communautés urbaines
- institutions interdépartementales et interrégionales
- les communautés de communes et les communautés de villes.

IV. GREECE

(Authentic in the English language only)

Categories

Other legal persons governed by public law whose public contracts are subject to State control.

VII. IRELAND

(Authentic in the English language only)

Bodies

- Local Government Computer Services Board
- Local Government Staff Negotiations Board
- An Bord Trachtala (Irish Export Board)
- Forfas
- Forbairt
- I.D.A. (Ire) Ltd
- Irish Goods Council (Promotion of Irish Goods)
- Córas Beostoic agus Feola (CBF) (Irish Meat Board)
- Bord Fáilte Éireann (Irish Tourism Board)
- Údarás na Gaeltachta (Development Authority for Gaeltacht Regions)
- An Bord Pleanála (Irish Planning Board)
EC (cont'd)

Categories

- Third Level Educational Bodies of a public character
- National Training, Cultural or Research Agencies
- Hospital Boards of a public character
- National Health & Social Agencies of a public character
- Central & Regional Fishery Boards.

VIII. ITALY

(Authentic in the English language only)

Categories

- consorzi per le opere idrauliche
  (consortia for water engineering works)
- le universita' statali, gli istituti universitari statali, i consorzi per i lavori interessanti le universita'
  (State universities, State university institutes, consortia for university development work)
- gli istituti superiori scientifici e culturali, gli osservatori astronomici, astrofisici, geofisici o vulcanologici
  (higher scientific and cultural institutes, astronomical, astrophysical, geophysical or vulcanological observatories)
- enti di ricerca e sperimentazione
  (organizations conducting research and experimental work)
- le istituzioni pubbliche di assistenza e di beneficenza
  (public welfare and benevolent institutions)
- enti che gestiscono forme obbligatorie di previdenza ed assistenza
  (agencies administering compulsory social security and welfare schemes)
- consorzi di bonifica
  (land reclamation consortia)
- enti di sviluppo o di irrigazione
  (development or irrigation agencies)
- consorzi per le aree industriali
  (associations for industrial areas)
- comunita' montane
  (groupings of municipalities in mountain areas)
- enti preposti a servizi di pubblico interesse
  (organizations providing services in the public interest)
- enti pubblici proposti ad attivita' di spettacolo, sportivo, turistiche e del tempo libero
  (public bodies engaged in entertainment, sport, tourism and leisure activities)
- enti culturali e di promozione artistica
  (organizations promoting culture and artistic activities).
EC (cont’d)

- Fundações Públicas (public foundations)
- Administrações Gerais e Juntas Autónomas (general administration bodies and independent councils).

XII. UNITED KINGDOM

(Authentic in the English language only)

Bodies

- Central Blood Laboratory Authority
- Design Council
- Health and Safety Executive
- National Research Development Corporation
- Advisory, Conciliation and Arbitration Service
- Commission for the New Towns
- Development Board For Rural Wales
- English Industrial Estates Corporation
- National Rivers Authority
- Northern Ireland Housing Executive
- Scottish Enterprises
- Scottish Homes
- Welsh Development Agency.

Categories

- Universities and polytechnics, maintained schools and colleges
- Fire Authorities
- Police Authorities
- Other Non-Departmental Public Bodies*, including
  - Research Councils
  - New Town Corporations
  - Urban Development Corporation
  falling within the definition at Article 1(b) of Directive 93/37/EEC

*See "public Bodies" published annually by HM Stationery Office
ANNEX 3

Other Entities that Procure in Accordance
With the Provisions of this Agreement

Supplies
Services specified in Annex 4

Thresholds: SDR 400,000

Works specified in Annex 5

Threshold: SDR 5,000,000

Entities in the water, electricity, urban transport, port and airport sectors:

List of Entities:

The contracting entities within the meaning of Article 2 of Directive 93/38/EEC which are public authorities or public undertakings and which have as one of their activities any of those referred to below or any combination thereof:

(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;

(b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;

(c) the provision of airport or other terminal facilities to carriers by air;

(d) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;

(e) the operation of networks providing a service to the public in the field of transport by railway, automated systems, tramway, trolley bus, bus or cable in accordance with Directive 93/38/EEC.

The public authorities or public undertakings listed in Annex I (production, transport or distribution of drinking water), Annex II (production, transport or distribution of electricity), Annex VII (contracting entities in the field of urban railway, tramway, trolley bus or bus services), Annex VIII (contracting entities in the field of airport facilities) and Annex IX (contracting entities in the field of maritime or inland port or other terminal facilities) of Directive 93/38/EEC fulfill the criteria set out above (copies attached).

90 Under the conditions provided for in Directive 93/38/EEC

91 Not including the entities listed in Annex VI of Directive 93/38/EEC (copy attached)
Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

<table>
<thead>
<tr>
<th>Subject</th>
<th>CPC Reference No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance and repair services</td>
<td>6112, 6122, 633, 886</td>
</tr>
<tr>
<td>Land transport services, including armoured car services, and courier services, except transport of mail</td>
<td>712 (except 71235), 7512, 87304</td>
</tr>
<tr>
<td>Air transport services of passengers and freight, except transport of mail</td>
<td>73 (except 7321)</td>
</tr>
<tr>
<td>Transport of mail by land, except rail, and by air</td>
<td>71235, 7321</td>
</tr>
<tr>
<td>Telecommunications services</td>
<td>752* (except 7524, 7525, 7526)</td>
</tr>
<tr>
<td>Financial services</td>
<td>ex 81</td>
</tr>
<tr>
<td>(a) Insurance services</td>
<td>812, 814</td>
</tr>
<tr>
<td>(b) Banking and investments services**</td>
<td></td>
</tr>
<tr>
<td>Computer and related services</td>
<td>84</td>
</tr>
<tr>
<td>Accounting, auditing and bookkeeping services</td>
<td>862</td>
</tr>
<tr>
<td>Market research and public opinion polling services</td>
<td>864</td>
</tr>
<tr>
<td>Management consulting services and related services</td>
<td>865, 866***</td>
</tr>
<tr>
<td>Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services</td>
<td>867</td>
</tr>
<tr>
<td>Advertising services</td>
<td>871</td>
</tr>
<tr>
<td>Building-cleaning services and property management services</td>
<td>874, 82201 - 82206</td>
</tr>
<tr>
<td>Publishing and printing services on a fee or contract basis</td>
<td>88442</td>
</tr>
<tr>
<td>Sewage and refuse disposal; sanitation and similar services</td>
<td>94</td>
</tr>
</tbody>
</table>
Notes to Annex 4

* except voice telephony, telex, radiotelephony, paging and satellite services

** except contracts for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services

*** except arbitration and conciliation services
**ANNEX 5**

*Construction Services*

**Definition:**

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

**List of Division 51, CPC:**

(annexed)

<table>
<thead>
<tr>
<th>Group</th>
<th>Class</th>
<th>Subclass</th>
<th>Title</th>
<th>Corresponding ISIC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SECTION 5</td>
<td>CONSTRUCTION WORK AND CONSTRUCTIONS: LAND</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIVISION 51</td>
<td>CONSTRUCTION WORK</td>
<td></td>
<td></td>
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<td>511</td>
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<td>Pre-erection work at construction sites</td>
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<td>Site investigation work</td>
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<td>Excavating and earthmoving work</td>
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<td>Site preparation work for mining</td>
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<td>Construction work for buildings</td>
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<td>5121</td>
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<td>For one- and two-dwelling buildings</td>
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<td>5122</td>
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<td>For multi-dwelling buildings</td>
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<td>For warehouses and industrial buildings</td>
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<td>5124</td>
<td>51240</td>
<td>For commercial buildings</td>
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<td>For public entertainment buildings</td>
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<td>5126</td>
<td>51260</td>
<td>For hotel, restaurant and similar buildings</td>
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<td>For educational buildings</td>
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<td>For health buildings</td>
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<td>For other buildings</td>
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### Construction work for civil engineering

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<td>513</td>
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<td>51310</td>
<td>For highways (except elevated highways), street, roads, railways and airfield runways</td>
<td>4520</td>
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<tr>
<td>513</td>
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<td>51320</td>
<td>For bridges, elevated highways, tunnels and subways</td>
<td>4520</td>
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<td>513</td>
<td>5133</td>
<td>51330</td>
<td>For waterways, harbours, dams and other water works</td>
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<td>For long distance pipelines, communication and power lines (cables)</td>
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<td>For local pipelines and cables; ancillary works</td>
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<td>For constructions for mining and manufacturing</td>
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<tr>
<td>513</td>
<td></td>
<td>5137</td>
<td>For constructions for sport and recreation</td>
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<td>513</td>
<td>51371</td>
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<td>For stadia and sports grounds</td>
<td>4520</td>
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<td>513</td>
<td>51372</td>
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<td>For other sport and recreation installations (e.g. swimming pools, tennis courts, golf courses)</td>
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<tr>
<td>513</td>
<td>5139</td>
<td>51390</td>
<td>For engineering works n.e.c.</td>
<td>4520</td>
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<td>514</td>
<td>5140</td>
<td>51400</td>
<td>Assembly and erection of prefabricated constructions</td>
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<td>515</td>
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<td></td>
<td>Special trade construction work</td>
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<td>515</td>
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<td>51510</td>
<td>Foundation work, including pile driving</td>
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<td>Water well drilling</td>
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<td>Roofing and water proofing</td>
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<td>Concrete work</td>
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<td>Steel bending and erection (including welding)</td>
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<td>51560</td>
<td>Masonry work</td>
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<td>5159</td>
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<td>Other special trade construction work</td>
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### EC (cont'd)

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<tr>
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<th>Class</th>
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<tr>
<td>516</td>
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<td>Installation work</td>
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<td>Heating, ventilation and air conditioning work</td>
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<td>5162</td>
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<td>Water plumbing and drain laying work</td>
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<td>Gas fitting construction work</td>
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<td>Electrical work</td>
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<td>Burglar alarm system construction work</td>
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<td>Residential antenna construction work</td>
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<td>Other electrical construction work</td>
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<td>Insulation work (electrical wiring, water, heat, sound)</td>
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<td>5166</td>
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<td>Fencing and railing construction work</td>
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<td>Other installation work</td>
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<td>51691</td>
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<td>Lift and escalator construction work</td>
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<td>Other installation work n.e.c.</td>
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<td>517</td>
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<td>Building completion and finishing work</td>
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<td></td>
<td>5171</td>
<td>51710</td>
<td>Glazing work and window glass installation work</td>
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<td>5172</td>
<td>51720</td>
<td>Plastering work</td>
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<td>51730</td>
<td>Painting work</td>
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<td>5174</td>
<td>51740</td>
<td>Floor and wall tiling work</td>
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<td>5175</td>
<td>51750</td>
<td>Other floor laying, wall covering and wall papering work</td>
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<td>5176</td>
<td>51760</td>
<td>Wood and metal joinery and carpentry work</td>
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<td>5177</td>
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<td>Interior fitting decoration work</td>
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<td>5178</td>
<td>51780</td>
<td>Ornamentation fitting work</td>
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<td>51790</td>
<td>Other building completion and finishing work</td>
<td>4540</td>
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<td>518</td>
<td>5180</td>
<td>51800</td>
<td>Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator</td>
<td>4550</td>
</tr>
</tbody>
</table>
EC (cont’d)

ANNEX I

PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER

BELGIUM

Entity set up pursuant to the décret du 2 juillet 1987 de la région wallonne érigeant en entreprise régionale de production et d’adduction d’eau le service du ministère de la région chargé de la production et du grand transport d’eau.

Entity set up pursuant to the arrêté du 23 avril 1986 portant constitution d’une société wallonne de distribution d’eau.

Entity set up pursuant to the arrêté du 17 juillet 1985 de l’exécutif flamand portant fixation des statuts de la société flamande de distribution d’eau.

Entities producing or distributing water and set up pursuant to the loi relative aux intercommunales du 22 décembre 1986.

Entities producing or distributing water set up pursuant to the code communal, article 47 bis, ter et quater sur les régies communales.

DENMARK

Entities producing or distributing water referred to in Article 3, paragraph 3 of lovbekendtgørelse om vandforsyning m.v. af 4. juli 1985.

GERMANY

Entities producing or distributing water pursuant to the Eigenbetriebsverordnungen or Eigenbetriebsgesetze of the Länder (Kommunale Eigenbetriebe).

Entities producing or distributing water pursuant to the Gesetze über die Kommunale Gemeinschaftsarbeit oder Zusammenarbeit of the Länder.


(Regiebetriebe) producing or distributing water pursuant to the Kommunalgesetze and notably with the Gemeindeordnungen der Länder.

Entities set up pursuant to the Aktiengesetz vom 6. September 1965, zuletzt geändert am 19. Dezember 1985 or GmbH-Gesetz vom 20. Mai 1898, zuletzt geändert am 15. Mai 1986, or having the legal status of a Kommanditgesellschaft, producing or distributing water on the basis of a special contract with regional or local authorities.

GREECE

EC (cont’d)


Municipal companies producing or distributing water and set up pursuant to Law 1059/80 of 23 August 1980.

Associations of local authorities operating pursuant to the Code of local authorities implemented by Presidential Decree 76/1985.

SPAIN

- Entities producing or distributing water pursuant to Ley no 7/1985 de 2 de abril de 1985. Reguladora de las Bases del Régimen local and to Decreto Real no 781/1986 Texto Refundido Régimen local.

- Canal de Isabel II. Ley de la Comunidad Autónoma de Madrid de 20 de diciembre de 1984.

- Mancomunidad de los Canales de Taibilla, Ley de 27 de abril de 1946.

FRANCE

Entities producing or distributing water pursuant to the:

disposititions générales sur les régies, code des communes L 323-1 à L 328-8, R 323-1 à R 323-6 (dispositions générales sur les régies); or
code des communes L 323-8 R 323-4 [régies directes (ou de fait)]; or
décret-loi du 28 décembre 1926, règlement d’administration publique du 17 février 1930, code des communes L 323-10 à L 323-13, R 323-75 à 323-132 (régies à simple autonomie financière); or
code des communes L 323-9, R 323-7 à R 323-74, décret du 19 octobre 1959 (régies à personnalité morale et à autonomie financière); or
code des communes L 324-1 à L 324-6, R 324-1 à R 324-13 (gestion déléguée, concession et affermage); or
jurisprudence administrative, circulaire intérieure du 13 décembre 1975 (gérance); or
code des communes R 324-6, circulaire intérieure du 13 décembre 1975 (régie intéressée); or
circulaire intérieure du 13 décembre 1975 (exploitation aux risques et périls); or
décret du 20 mai 1955, loi du 7 juillet 1983 sur les sociétés d’économie mixte (participation à une société d’économie mixte); or
code des communes L 322-1 à L 322-6, R 322-1 à R 322-4 (dispositions communes aux régies, concessions et affermages).
EC (cont'd)

IRELAND

Entities producing or distributing water pursuant to the Local Government (Sanitary Services) Act 1878 to 1964.

ITALY

Entities producing or distributing water pursuant to the Testo unico delle leggi sull'assunzione diretta dei pubblici servizi da parte dei comuni e delle province approvato con Regio Decreto 15 ottobre 1925, n. 2578 and to Decreto del P.R. n. 902 del 4 ottobre 1986.

Ente Autonomo Acquedotto Pugliese set up pursuant to RDL 19 ottobre 1919, n. 2060.

Ente Acquedotti Siciliani set up pursuant to leggi regionali 4 settembre 1979, n. 2/2 e 9 agosto 1980, n. 81.

Ente Sardo Acquedotti e Fognature set up pursuant to legge 5 luglio 1963 n. 9.

LUXEMBOURG

Local authorities distributing water.

Associations of local authorities producing or distributing water set up pursuant to the loi du 14 février 1900 concernant la création des syndicats de communes telle qu'elle a été modifiée et complétée par la loi du 23 décembre 1958 et par la loi du 29 juillet 1981 and pursuant to the loi du 31 juillet 1962 ayant pour objet le renforcement de l'alimentation en eau potable du grand-duché du Luxembourg à partir du réservoir d'Esch-sur-Sûre.

NETHERLANDS


PORTUGAL

Empresa Pública das Águas Livres producing or distributing water pursuant to the Decreto-Lei n 190/81 de 4 de Julho de 1981.

Local authorities producing or distributing water.

UNITED KINGDOM

Water companies producing or distributing water pursuant to the Water Acts 1945 and 1989.

The Central Scotland Water Development Board producing water and the water authorities producing or distributing water pursuant to the Water (Scotland) Act 1980.

The Department of the Environment for Northern Ireland responsible for producing and distributing water pursuant to the Water and Sewerage (Northern Ireland) Order 1973.
EC (cont'd)

ANNEX II

PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY

BELGIUM

Entities producing, transporting or distributing electricity pursuant to article 5: Des régies communales et intercommunales of the loi du 10 mars 1925 sur les distributions d'énergie électrique.

Entities transporting or distributing electricity pursuant to the loi relative aux intercommunales du 22 décembre 1986.

EBES, Intercom, Unerg and other entities producing, transporting or distributing electricity and granted a concession for distribution pursuant to article 8 - les concessions communales et intercommunales of the loi du 10 mars 1952 sur les distributions d'énergie électrique.

The Société publique de production d'électricité (SPÉ).

DENMARK

Entities producing or transporting electricity on the basis of a licence pursuant to § 3, stk. 1, of the lov nr. 54 af 25. februar 1976 om elforsyning, jf. bekendtgørelse nr. 607 af 17. december 1976 om elforsyningslovens anvendelsesområde.

Entities distributing electricity as defined in § 3, stk. 2, of the lov nr. 54 af 25. februar 1976 om elforsyning, jf. bekendtgørelse nr. 607 af 17. december 1976 om elforsyningslovens anvendelsesområde and on the basis of authorizations for expropriation pursuant to Articles 10 to 15 of the lov om elektriske stærkstrømsanlæg, jf lovbekendtgørelse nr. 669 af 28. december 1977.

GERMANY

Entities producing, transporting or distributing electricity as defined in § 2 Absatz 2 of the Gesetz zur Förderung der Energiewirtschaft (Energiewirtschaftsgesetz) of 13 December 1935. Last modified by the Gesetz of 19 December 1977, and auto-production of electricity so far as this is covered by the field of application of the directive pursuant to Article 2, paragraph 5.

GREECE

(Public Power Corporation) set up pursuant to the law 1468 of 2 August 1950 and operating pursuant to the law 57/85.

SPAIN

Entities producing, transporting or distributing electricity pursuant to Article 1 of the Decreto de 12 de marzo de 1954, approving the Reglamento de verificaciones eléctricas y regularidad en el suministro de energía and pursuant to Decreto 2617/1966, de 20 de octubre, sobre autorización administrativa en materia le instalaciones eléctricas.

Red Eléctrica de España SA, set up pursuant to Real Decreto 91/1985 de 23 de enero.
EC (cont’d)

FRANCE

Électricité de France, set up and operating pursuant to the loi 46/6288 du 8 avril 1946 sur la nationalisation de l’électricité et du gaz.

Entities (sociétés d’économie mixte or régies) distributing electricity and referred to in article 23 of the loi 48/1260 du 12 août 1948 portant modification des lois 46/6288 du 8 avril 1946 et 46/2298 du 21 octobre 1946 sur la nationalisation de l’électricité et du gaz.

Compagnie nationale du Rhône.

IRELAND

The Electricity Supply Board (ESB) set up and operating pursuant to the Electricity Supply Act 1927.

ITALY

Ente nazionale per l’energia elettrica set up pursuant to legge n. 1643, 6 dicembre 1962 approvato con Decreto n. 1720, 21 dicembre 1965.

Entities operating on the basis of a concession pursuant to article 4, n. 5 or 8 of legge 6 dicembre 1962, n. 1643 - Istituzione dell’Ente nazionale per la energia elettrica e trasferimento ad esso delle imprese esercenti le industrie elettriche.

Entities operating on the basis of concession pursuant to article 20 of Decreto del Presidente delle Repubblica 18 marzo 1965, n. 342 norme integrative della legge 6 dicembre 1962, n. 1643 e norme relative al coordinamento e all’esercizio delle attività elettriche esercitate da enti ed imprese diverse dell’Ente nazionale per l’energia elettrica.

LUXEMBOURG

Compagnie grand-ducale d’électricité de Luxembourg, producing or distributing electricity pursuant to the convention du 11 novembre 1927 concernant l’établissement et l’exploitation des réseaux de distribution d’énergie électrique dans le grand-duché du Luxembourg approuvée par la loi du 4 janvier 1928.

Société électricque de l’Our (SEO).

Syndicat de Communes SIDOR.

NETHERLANDS

Elektriciteitsproduktie Oost-Nederland.

Elektriciteitsbedrijf Utrecht-Noord-Holland-Amsterdam (UNA).

Elektriciteitsbedrijf Zuid-Holland (EZT)

Elektriciteitsproduktiemaatschappij Zuid-Nederland (EPZ).
EC (cont’d)

Provinciale Zeeuwse Energie Maatschappij (PZEM).

Samenwerkende Elektriciteitsbedrijven (SEP).

Entities distributing electricity on the basis of a licence (vergunning) granted by the provincial authorities pursuant to the Provinciewet.

PORTUGAL

Electricidade de Portugal (EDP), set up pursuant to the Decreto-Lei n° 502/76 de 30 de Junho de 1976.

Entities distributing electricity pursuant to artigo 1 do Decreto-Lei n° 344-B/82 de 1 de Setembro de 1982, amended by Decreto-Lei n° 297/86 de 19 de Setembro de 1986. Entities producing electricity pursuant to Decreto Lei n° 189/88 de 27 de Maio de 1988.

Independent producers of electricity pursuant to Decreto Lei n° 189/88 de 27 de Maio de 1988.

Empresa de Electricidade dos Açores EDA, EP, created pursuant to the Decreto Regional n° 16/80 de 21 de Agosto de 1980.


UNITED KINGDOM

Central Electricity Generating (CEGB), and the Areas Electricity Boards producing, transporting or distributing electricity pursuant to the Electricity Act 1947 and the Electricity Act 1957.

The North of Scotland Hydro-Electricity Board (NSHB), producing, transporting and distributing electricity pursuant to the Electricity (Scotland) Act 1979.

The South of Scotland Electricity Board (SSEB) producing, transporting and distributing electricity pursuant to the Electricity (Scotland) Act 1979.

The Northern Ireland Electricity Service (NIES), set up pursuant to the Electricity Supply (Northern Ireland) Order 1972.
ANNEX VI

CONTRACTING ENTITIES IN THE FIELD OF RAILWAY SERVICES

BELGIUM

Société nationale des chemins de fer belges/Nationale Maatschappij der Belgische Spoorwegen.

DENMARK

Danske Statsbaner (DSB)


GERMANY

Deutsche Bundesbahn

Other entities providing railway services to the public as defined in paragraph 2 Abs. 1 of Allgemeines Eisenbahngesetz of 29 March 1951.

GREECE

Organization of Railways in Greece (OSE).

SPAIN

Red Nacional de Los Ferrocarriles Españoles.

Ferrocarriles de Vía Estrecha (FEVE).

Ferrocarrils de la Generalitat de Catalunya (FGC).

Eusko Trenbideak (Bilbao).

Ferrocarriles de la Generalitat Valenciana (FGV).

FRANCE

Société nationale des chemins de fer français and other réseaux ferroviaires ouverts au public referred to in the loi d'orientation des transports intérieurs du 30 décembre 1982, titre II, chapitre 1er du transport ferroviaire.

IRELAND

Iarnrod Éireann (Irish Rail).
EC (cont'd)

ITALY

Ferrovie dello Stato

Entities providing railway services on the basis of a concession pursuant to Article 10 of Regio Decreto 9 maggio 1912, n. 1447, che approva il Testo unico delle disposizioni di legge per le ferrovie concesse all’Industria privata, le tramvie a trazione meccanica e gli automobili.

Entities operating on the basis of a concession granted, pursuant to special laws, as referred to in Titolo XI, Capo II, Sezione Ia del Regio Decreto 9 maggio 1912, n. 1447, che approva il Testo unico delle disposizioni di legge per le ferrovie concesse all’industria privata, le tramvie a trazione meccanica e gli automobili.

Entities providing railway services on the basis of a concession pursuant to Article 4 of Legge 14 giugno 1949, n. 410 - Concorso dello Stato per la riattivazione del pubblici servizi di trasporto in concessione.

Entities or local authorities providing railway services on the basis of a concession pursuant to Article 14 of Legge 2 agosto 1952, n. 1221 - Provvedimenti per l’esercizio ed il potenziamento di ferrovie e di altre linee di trasporto in regime di concessione.

LUXEMBOURG

Chemins de fer luxembourgeois (CFL).

NETHERLANDS

Nederlandse Spoorwegen NV.

PORTUGAL

Caminhos de Ferro Portugueses.

UNITED KINGDOM

British Railways Boards.

Northern Ireland Railways.
ANNEX VII

CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEYBUS OR BUS SERVICES

BELGIUM

Société nationale des chemins de fer vicinaux (SNCV)/Nationale Maatschappij van Buurtspoorwegen (NMB)

Entities providing transport services to the public on the basis of a contract granted by SNCV pursuant to Articles 16 and 21 of the arrêté du 30 décembre 1946 relatif aux transports rémunérés de voyageurs par route effectués par autobus et par autocars.

Société des transports intercommunaux de Bruxelles (STIB),

Maatschappij van het Intercommunaal Vervoer te Antwerpen (MIVA),

Maatschappij van het Intercommunaal Vervoer te Gent (MIVG),

Société des transports intercommunaux de Charleroi (STIC),

Société des transports intercommunaux de la région liégeoise (STIL),

Société des transports intercommunaux de l’agglomération verviétoise (STIAV), and other entities set up pursuant to the loi relative à la création de sociétés de transports en commun urbains/Wet betreffende de oprichting van maatschappijen voor stedelijk gemeenschappelijk vervoer of 22 February 1962.

Entities providing transport services to the public on the basis of a contract with STIB pursuant to Article 10 or with other transport entities pursuant to Article 11 of the arrêté royal 140 du 30 décembre 1982 relatif aux mesures d’assainissement applicables à certains organismes d’intérêt public dépendant du ministère des communications.

DENMARK

Danske Statsbaner (DSB)

Entities providing bus services to the public (almindelig rutekørsel) on the basis of an authorization pursuant to lov nr. 115 af 29. marts 1978 om buskørsel.

GERMANY

EC (cont’d)

GREECE

(Electric Buses of the Athens - Piraeus Area) operating pursuant to decree 768/1970 and law 588/1977.

(Athens-Piraeus Electric Railways) operating pursuant to laws 352/1976 and 588/1977.

(Enterprise of Urban Transport) operating pursuant to law 588/1977.

(Joint receipts Fund of Buses) operating pursuant to decree 102/1973.

Roda: Municipal bus enterprise in Rhodes.

(Urban Transport Organization of Thessaloniki) operating pursuant to decree 3721/1957 and law 716/1980.

SPAIN

Entities providing transport services to the public pursuant to the Ley de Régimen local.

Corporación metropolitana de Madrid.

Corporación metropolitana de Barcelona.

Entities providing urban or inter-urban bus services to the public pursuant to Articles 113 to 118 of the Ley de Ordenación de Transportes Terrestres de 31 de julio de 1987.

Entities providing bus services to the public, pursuant to Article 71 of the Ley de Ordenación de Transportes Terrestres de 31 de julio de 1987.

FEVE, RENFE (or Empresa Nacional de Transportes de Viajeros por Carretera) providing bus services to the public pursuant to the Disposiciones adicionales. Primera, de la Ley de Ordenación de Transportes Terrestres de 31 de julio de 1957.

Entities providing bus services to the public pursuant to Disposiciones Transitorias, Tercera, de la Ley de Ordenación de Transportes Terrestres de 31 de julio de 1957.

FRANCE

Entities providing transport services to the public pursuant to article 7-11 of the loi n° 82-1153 du 30 décembre 1982, transports intérieurs, orientation).

Régie autonome des transports parisiens, Société nationale des chemins de fer français, APTR, and other entities providing transport services to the public on the basis of an authorization granted by the syndicat des transports parisiens pursuant to the ordonnance de 1959 et ses décrets d’application relatifs à l’organisation des transports de voyageurs dans la région parisienne.
EC (cont'd)

IRELAND

Iarnród Éireann (Irish Rail).

Bus Éireann (Irish Bus).

Bus Átha Cliath (Dublin Bus).

Entities providing transport services to the public pursuant to the amended Road Transport Act 1932.

ITALY

Entities providing transport services of a concession pursuant to Legge 28 settembre 1939, n. 1822 - Disciplina degli autoservizi di linea (autolinee per viaggiatori, bagagli e pacchi agricoli in regime di concessione all'industria privata) - Article 1 as modified by Article 45 of Decreto del Presidente della Repubblica 28 giugno 1955, n. 771.

Entities providing transport services to the public pursuant to Article 1, n. 4 or n. 15 of Regio Decreto 15 ottobre 1925, n. 2578 - Approvazione del Testo unico della legge sull'assunzione diretta del pubblici servizi da parte dei comuni e delle province.

Entities operating on the basis of a concession pursuant to Article 242 or 255 of Regio Decreto 9 maggio 1912, n. 1447, che approva il Testo unico delle disposizioni di legge per le ferrovie concesse all'industria privata, le tramvie a trazione meccanica e gli automobili.

Entities or local authorities operating on the basis of a concession pursuant to Article 4 of Legge 14 giugno 1949, n. 410, concorso dello Stato per la riattivazione dei pubblici servizi di trasporto in concessione.

Entities operating on the basis of a concession pursuant to Article 14 of Legge 2 agosto 1952, n. 1221 - Provvedimenti per l'esercizio ed il potenziamento di ferrovie e di altre linee di trasporto in regime di concessione.

LUXEMBOURG

Chemins de fer du Luxembourg (CFL).

Service communal des autobus municipaux de la ville de Luxembourg.

Transports intercommunaux du canton d'Esch-sur-Alzette (TICE).

Bus service undertakings operating pursuant to the règlement grand-ducal du 3 février 1978 concernant les conditions d’octroi des autorisations d’établissement et d’exploitation des services de transports routiers réguliers de personnes rémunérées.

NETHERLANDS

Entities providing transport services to the public pursuant to chapter II (Openbaar vervoer) of the Wet Personenvervoer van 12 maart 1987.
EC (cont'd)

PORTUGAL

Rodoviaria Nacional, EP.
Companhia Carris de ferro de Lisboa.
Metropolitano de Lisboa, EP.
Serviços de Transportes Colectivos do Porto.
Serviços Municipalizados de Transporte do Barreiro.
Serviços Municipalizados de Transporte de Aveiro.
Serviços Municipalizados de Transporte de Braga.
Serviços Municipalizados de Transporte de Coimbra.
Serviços Municipalizados de Transporte de Portalegre.

UNITED KINGDOM

Entities providing bus services to the public pursuant to the London Regional Transport Act 1984.
Glasgow Underground.
Greater Manchester Rapid Transit Company.
Docklands Light Railway.
London Underground Ltd.
British Railways Board.
Tyne and Wear Metro.
ANNEX VIII

CONTRACTING ENTITIES IN THE FIELD OF AIRPORT FACILITIES

BELGIUM

Régie des voies aériennes set up pursuant to the arrêté-loi du 20 novembre 1946 portant création de la régie des voies aériennes amended by arrêté royal du 5 octobre 1970 portant refonte du statut de la régie des voies aériennes.

DENMARK

Airports operating on the basis of an authorization pursuant to § 55, stk. 1, lov om luftfart, jf. lovbekendtgørelse nr. 408 af 11. september 1985.

GERMANY


GREECE

Airports operating pursuant to law 517/1931 setting up the civil aviation service.

International airports operating pursuant to presidential decree 647/981.

SPAIN

Airports managed by Aeropuertos Nacionales operating pursuant to the Real Decreto 278/1982 de 15 de octubre de 1982.

FRANCE

Aéroports de Paris operating pursuant to titre V, articles L 251-1 à 252-1 du code de l'aviation civile.

Aéroport de Bâle - Mulhouse, set up pursuant to the convention franco-suisse du 4 juillet 1949.

Airports as defined in article L 270-1, code de l'aviation civile.

Airports operating pursuant to the cahier de charges type d'une concession d'aéroport, décret du 6 mai 1955.

Airports operating on the basis of a convention d'exploitation pursuant to article L/221, code de l'aviation civile.
EC (cont'd)

IRELAND

Airports of Dublin, Cork and Shannon managed by Aer Rianta - Irish Airports.


ITALY

Civil Stat. airports (aerodromi civili istituiti dallo Stato referred to in Article 692 of the Codice della navigazione, Regio Decreto 30 marzo 1942, n. 327.

Entities operating airport facilities on the basis of a concession granted pursuant to Article 694 of the Codice della navigazione, Regio Decreto 30 marzo 1942, n. 327.

LUXEMBOURG

Aéroport de Findel.

NETHERLANDS

Airports operating pursuant to articles 18 and following of the Luchtvaartwet of 15 January 1958, amended on 7 June 1978.

PORTUGAL

Airports managed by Aeroportos de Navegação Aérea (ANA), EP pursuant to Decreto-Lei n 246/79.

Aeroporto do Funchal and Aeroporto de Porto Santo, regionalized pursuant to the Decreto-Lei n 284/81.

UNITED KINGDOM

Airports managed by British Airports Authority plc.

Airports which are public limited companies (plc) pursuant to the Airports Act 1986.
ANNEX IX

CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER TERMINAL FACILITIES

BELGIUM

Société anonyme du canal et des installations maritimes de Bruxelles.

Port autonome de Liège.

Port autonome de Namur.

Port autonome de Charleroi.

Port de la ville de Gand.

La Compagnie des installations maritimes de Bruges - Maatschappij der Brugse haveninrichtingen.

Société intercommunale de la rive gauche de l’Escaut - Intercommunale maatschappij van de linkse Scheldeoever (Port d’Anvers).

Port de Nieuwport.

Port d’Ostende.

DENMARK

Ports as defined in Article 1, 1 to III of the bekendtgørelse nr. 604 af 16. december 1985 om hvilke havne der er omfattet af lov om trafikhavne, jf. lov nr. 239 af 12. maj 1976 om trafikhavne.

GERMANY

Seaports owned totally or partially by territorial authorities (Länder, Kreise, Gemeinden).

Inland ports subject to the Hafenordnung pursuant to the Wassergesetze der Länder.

GREECE

Piraeus port set up pursuant to Emergency Law 1559/1950 and Law 1630/1951.

Thessaloniki port set up pursuant to decree N.A. 2251/1953.


SPAIN

Puerto de Huelva set up pursuant to the Decreto de 2 de octubre de 1969, no 2380/69. Puertos y Faros. Otorga Régimen de Estatuto de Autonomía al Puerto de Huelva.
EC (cont’d)

Puerto de Barcelona set up pursuant to the Decreto de 25 de agosto de 1978, no 2407/78, Puertos y Faros. Otorga al de Barcelona Régimen de Estatuto de Autonomía.

Puerto de Bilbao set up pursuant to the Decreto de 25 de agosto de 1978, no 2048/78. Puertos y Faros. Otorga al de Bilbao Régimen de Estatuto de Autonomía.


Juntas de Puertos operating pursuant to the Lei 27/68 de 20 de junio de 1968; Puertos y Faros. Juntas de Puertos y Estatutos de Autonomía and to the Decreto de 9 de abril de 1970, no 1350/70. Juntas de Puertos. Reglamento.

Ports managed by the Comisión Administrativa de Grupos de Puertos, operating pursuant to the Ley 27/68 de 20 de junio de 1968, Decreto 1958/78 de 23 de junio de 1978 and Decreto 571/81 de 6 de mayo de 1981.


FRANCE

Port autonome de Paris set up pursuant to loi 68/917 du 24 octobre 1968 relative au port autonome de Paris.

Port autonome de Strasbourg set up pursuant to the convention du 20 mai 1923 entre l’État et la ville de Strasbourg relative à la constitution du port rhénan de Strasbourg et à l’exécution de travaux d’extension de ce port, approved by the loi du 26 avril 1924.

Other inland waterway ports set up or managed pursuant to article 6 (navigation intérieure) of the décret 69-140 du 6 février 1969 relatif aux concessions d’outillage public dans les ports maritimes.

Ports autonomes operating pursuant to articles L 111-1 et suivants of the code des ports maritimes.

Ports non autonomes operating pursuant articles R 121-1 et suivants of the code des ports maritimes.

Ports managed by regional authorities (départements) or operating pursuant to a concession granted by the regional authorities (départements) pursuant to article 6 of the loi 86-663 du 22 juillet 1983 complétant la loi 83-8 du 7 janvier 1983 relative à la répartition de compétences entre les communes, départements et l’État.

IRELAND

Ports operating pursuant to the Harbour Acts 1946 to 1976.

Port of Dun Laoghaire operating pursuant to the State Harbours Act 1924.

Port of Rosslare Harbour operating pursuant to the Finguard and Rosslare Railways and Harbours Act 1899.
EC (cont’d)

ITALY

State ports and other ports managed by the Capitaneria di Porto pursuant to the Codice della navigazione, Regio Decreto 30 marzo 1942, n. 32.

Autonomous ports (enti portuali) set up by special laws pursuant to Article 19 of the Codice della navigazione, Regio Decreto 30 marzo 1942, n. 327.

LUXEMBOURG

Port de Mertert set up and operating pursuant to loi du 22 juillet 1963 relative à l’aménagement et à l’exploitation d’un port fluvial sur la Moselle.

NETHERLANDS

Havenbedrijven, set up and operating pursuant to the Gemeentewet van 29 juni 1851.

Havenschap Vlissingen, set up by the wet van 10 september 1970 houdende een gemeenschappelijke regeling tot oprichting van het Havenschap Vlissingen.

Havenschap Terneuzen, set up by the wet van 8 april 1970 houdende een gemeenschappelijke regeling tot oprichting van het Havenschap Terneuzen.

Havenschap Delfzijl, set up by the wet van 31 juli 1957 houdende een gemeenschappelijke regeling tot oprichting van het Havenschap Delfzijl.


PORTUGAL

Porto do Lisboa set up pursuant to Decreto Real do 18 de Fevereiro de 1907 and operating pursuant to Decreto-Lei n 36976 de 20 de Julho de 1948.

Porto do Douro e Leixões set up pursuant to Decreto-Lei n 36977 de 20 de Julho de 1948.

Porto de Sines set up pursuant to Decreto-Lei n 508/77 de 14 de Dezembro de 1977.

Portos de Setúbal, Aveiro, Figueira de Foz, Viana do Castelo, Portimão e Faro operating pursuant to the Decreto-Lei n 37754 de 18 de Fevereiro de 1950.

UNITED KINGDOM

Harbour Authorities within the meaning of section 57 of the Harbours Act 1964 providing port facilities to carriers by sea or inland water way.
GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. The EC will not extend the benefits of this Agreement:

- as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada and the USA;

- as regards the award of contracts by entities listed in Annex 3 paragraph

  (a) (water), to the suppliers and service providers of Canada and the USA;

  (b) (electricity), to the suppliers and service providers of Canada, Hong Kong, Japan and the USA*;

  (c) (airports), to the suppliers and service providers of Canada, Korea and the USA;

  (d) (ports), to the suppliers and service providers of Canada and the USA;

  (e) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA

until such time as the EC has accepted that the Parties concerned give comparable and effective access for EC undertakings to the relevant markets;

(*For the USA, this is also linked to other considerations.)

- to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage .

2. The provisions of Article XX shall not apply to suppliers and service providers of:

- Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2 paragraph 2, until such time as the EC accepts that they have completed coverage of sub-central entities;

- Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium sized enterprises under the relevant provisions of EC law, until such time as the EC accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;

- Israel, Japan, and Korea in contesting the award of contracts by EC entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.
EC (cont'd)

3. Until such time as the EC has accepted that the Parties concerned provide access for EC suppliers and service providers to their own markets, the EC will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment);

- Canada, as regards procurement of FSC 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;

- Korea and Israel as regards procurement by entities listed in Annex 3 paragraph (b), as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos 8501, 8536 and 902830;

- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

4. The Agreement shall not apply to contracts awarded under:

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;

- an international agreement relating to the stationing of troops;

- the particular procedure of an international organization.

5. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

6. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.

7. This Agreement shall not apply to contracts awarded by entities in Annex 3:

- for the purchase of water and for the supply of energy or of fuels for the production of energy;

- for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-member country.

- for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
8. This Agreement shall not be applicable to contracts:
   - for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;
   - for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

9. This Agreement shall not be applicable to the award of service contracts by Spanish entities listed in Annex 3 before 1 January 1997 or to the award of contracts by Greek or Portuguese entities listed in Annex 3 before 1 January 1998.
FINLAND

(Authentic in the English language only)

ANNEX 1

Entities which Procure in Accordance With the Provisions of this Agreement

<table>
<thead>
<tr>
<th>Supplies</th>
<th>Services</th>
<th>(as specified in Annex 4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold:</td>
<td>Threshold:</td>
<td>SDR 130,000</td>
</tr>
<tr>
<td>Works</td>
<td>(as specified in Annex 5)</td>
<td>SDR 5,000,000</td>
</tr>
</tbody>
</table>

List of Entities:

The following contracting authorities of State:

**OIKEUSKANSLERIN VIRASTO**
- OFFICE OF THE CHANCELLOR OF JUSTICE

**KAUPPA- JA TEOLLISUUSMINISTERIÖ**
- MINISTRY OF TRADE AND INDUSTRY
  - National Consumer Administration
  - National Food Administration
  - Office of Free Competition
  - Council of Free Competition
  - Office of the Consumer Ombudsman
  - Consumer Complaint Board
  - National Board of Patents and Registration

**LIIKENNEMINISTERIÖ**
- MINISTRY OF TRANSPORT AND COMMUNICATIONS
  - Telecommunications Administration Centre

**MAA- JA METSÄTALOUSMINISTERIÖ**
- MINISTRY OF AGRICULTURE AND FORESTRY
  - National Land Survey of Finland
Finland (cont’d)

**OIKEUSMINISTERIÖ**
- Tietosuojavaltuutetun toimisto
- Tuomioistuinlaitos
  - Korkein oikeus
  - Korkein hallinto-oikeus
  - Hovioikeudet
  - Käräjäoikeudet
  - Läännioikeudet
  - Markkinatuomioistuin
  - Työtuomioistuin
  - Vakuutusoikeus
  - Vesiöikeudet
  - Vankeinhoitolaitos

**MINISTRY OF JUSTICE**
- The Office of the Data Protection Ombudsman
- Courts of Law
- Prison Administration

**OPETUSMINISTERIÖ**
- Opetusvaliokunnat
- Valtion elokuvatarkastamo

**MINISTRY OF EDUCATION**
- National Board of Education
- National Office of Film Censorship

**PUOLUSTUSMINISTERIÖ**
- Puolustusvoimat*

**MINISTRY OF DEFENCE**
- Defence Forces

**SISÄASIAINMINISTERIÖ**
- Väestörekisterikeskus
- Kesukseutumispalvelut
- Liikkuva poliisi
- Rajavartiolaitos*

**MINISTRY OF THE INTERIOR**
- Population Register Centre
- Central Criminal Police
- Mobile Police
- Frontier Guard

**SOSIAALI-JA TERVEYSMINISTERIÖ**
- Työttömysturvalautakunta
- Tarkastuslautakunta
- Lääkelaitos
- Terveydenhuollon oikeusturvakeskus
- Tapaturmavirasto
- Säteilyturvakeskus
- Valtion turvapaikan hakijoiden vastaanotto-keskuksen

**MINISTRY OF SOCIAL AFFAIRS AND HEALTH**
- Unemployment Appeal Board
- Appeal Tribunal
- National Agency for Medicines
- National Board of Medicolegal Affairs
- State Accident Office
- Finnish Centre for Radiation and Nuclear Safety
- Reception Centres for Asylum Seekers

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Finland (cont'd)

<table>
<thead>
<tr>
<th>Ministry</th>
<th>Office/Department</th>
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<tbody>
<tr>
<td><strong>TYÖMINISTERIÖ</strong></td>
<td>National Conciliators' Office</td>
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<tr>
<td>Valtakunnansovittelijain toimisto</td>
<td>Labour Council</td>
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<tr>
<td>Työneuvosto</td>
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<tr>
<td><strong>ULKOASIAINMINISTERIÖ</strong></td>
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<tr>
<td><strong>VALTIOVARAINMINISTERIÖ</strong></td>
<td>State Economy Controller’s Office</td>
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<tr>
<td>Valtiontalouden tarkastusvirasto</td>
<td>State Treasury Office</td>
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<td>Valtiokonttori</td>
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<td>Valtion työmarkkinalaitos</td>
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<td>Tullihallinto</td>
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<td>Valtion vakuusrahasto</td>
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<tr>
<td><strong>YMPÄRISTÖMINISTERIÖ</strong></td>
<td>National Board of Waters and Environment</td>
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<td>Vesi- ja ympäristöhallitus</td>
<td></td>
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</tbody>
</table>

Note to Annex 1

Procurement by defence entities (marked with an *) covers products specified in general notes.
ANNEX 2

Entities which Procure in Accordance With the Provisions of this Agreement

Supplies

<table>
<thead>
<tr>
<th>Threshold:</th>
<th>SDR 200,000</th>
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</table>

Works

<table>
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<tr>
<th>Threshold:</th>
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</table>

Services (as specified in Annex 4)

<table>
<thead>
<tr>
<th>Threshold:</th>
<th>SDR 200,000</th>
</tr>
</thead>
</table>

List of Entities:

1. Contracting authorities of the regional and local public authorities, including all (455) municipalities and

   Laäninhallitukset
   - Hämeen lääni
   - Keski-Suomen lääni
   - Kuopion lääni
   - Kymen lääni
   - Lapin lääni
   - Mikkeliin lääni
   - Oulun lääni
   - Pohjois-Karjalan lääni
   - Turun ja Porin lääni
   - Uudenmaan lääni
   - Vaasan lääni

   Provincial Governments

2. Bodies governed by public law, not having a commercial or industrial character, pursuant to Article 2 of "Laki julkisista hankinnoista (1505/92)" (Public Procurement Act), including:

   Kuluttajatutkimuskeskus
   Matkailun edistämiskeskus
   Teknillinen tarkastuskeskus
   Mittatekniikan keskus
   Geologian tutkimuskeskus
   Valtion teknillinen tutkimuskeskus
   Teknologian kehittämiskeskus
   Valtiontakuukeskus
   Tieltaitos
   Merenkulkulaitos
   Merentutkimuslaitos
   Ilmatieteen laitos
   Karttakeskus

   National Consumer Research Centre
   Finnish Tourist Board
   Technical Inspection Centre
   Centre for Metrology and Accreditation
   Geological Survey of Finland
   Technical Research Centre of Finland
   Technology Development Centre
   Finnish Guarantee Board
   Road Administration
   Navigation Administration
   Marine Research Institute
   Meteorological Institute
   Map Centre
Finland (cont’d)

Geodeettinen laitos
Valtion viljaravasto
Maatalouden taloudellinen tutkimuslaitos
Maatalouden tutkimuskeskus
Kasvintuotannon tarkastuskeskus
Metsähallitus
Metsäntutkimuslaitos
Riista- ja kalatalouden tutkimuslaitos

Eläintäkäntä- ja elintarvikelaitos
Oikeuspoliittinen tutkimuslaitos
Helsingin kriminalpoliittinen instituutti

Valtion audiovisuaalinen keskus
Yliopilastutkintolautakunta
Yliopistot, korkeakoulut ja kuvataideakatemia

Suomen Akatemia
Rauhan- ja konfliktintutkimuslaitos
Kotimaisten kielen tutkimuskeskus
Kansallisarkisto ja maakunta-arkistot
Taitteen keskustoimikunta
Valtion taidetoimikunnat
Lääni- ja alueilaiset taidetoimikunnat
Näkövammaisten kirjasto
Museovirasto

- Rakennustaitojen museo
- Kansallismuistolaite
Valtion taidekeskus
Suomenlinnan hoitokunta
Suomen elokuva-arkisto
Valtion liikunnaneuvosto
Valtion nuoruseurat
Valtion opintotutkimuskeskus
Kansainvälisen henkilövaahdon keskus (CIMO)
Polisiopisto
Polisikoulu
Polisikoiralaitos
Polisiyrittäjä
Valtion pelastusopisto
Valtion pelastuskoulu
Sosiaali- ja terveysalan tutkimus- ja kehittämiskeskus
Kansanterveyslaitos

Finnish Geodetic Institute
Finnish Grain Board
Agricultural Economics Research Institute
Agricultural Research Centre
Plant Production Inspection Centre
Forest and Park Service
Forest Research Institute
Finnish Game and Fisheries Research Institute
National Veterinary and Food Research Institute
National Research Institute of Legal Policy
Helsinki Institute for Crime Prevention and Control
State Audiovisual Centre
Matriculation Examination Board
Institutions of Higher Education and the Academy of Fine Arts
Academy of Finland
Peace Research Institute
Research Centre for Domestic Languages
National Archives and Provincial Archives
Arts Council of Finland
National Art Committees
Regional Art Councils
Library of the Visually Handicapped
National Board of Antiquities and Historical Monuments

- Museum of Architecture
- National Museum
National Gallery
Administration of Suomenlinna
innnish Film Archives
National Sports Council
National Youth Council
National Centre for Student Aid
Finnish Centre for International Mobility and Exchange Programmes (CIMO)
Police Academy
Police School
Police Dog Training Center
Police Material Depot
State Rescue Institute
State Rescue School
National Research and Development Centre for Welfare and Health
National Public Health Institute
Finland (cont'd)

Merimiespalvelutoimisto
Työvoimaopisto
Vahion taloudellinen tutkimuskeskus
SITRA
Valtionhallinnon kehittämiskeskus
Tilastokeskus
Suomen pankki
Valtion hankintakeskus

Seamen’s Service
Labour Institute
State’s Economic Research Centre
Central Statistical Office
Bank of Finland
Government Purchasing Centre
Finland (cont’d)

ANNEX 3

Other Entities which Procure in Accordance
With the Provisions of this Agreement

<table>
<thead>
<tr>
<th>Supplies</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold:</td>
<td>Threshold:</td>
</tr>
<tr>
<td>SDR 400,000</td>
<td>SDR 400,000</td>
</tr>
</tbody>
</table>

Works

Threshold: SDR 5,000,000

List of Entities:

Public entities and activities as specified in Article 2 of "Laki julkisisistä hankinoista (1505/92)" (Public Procurement Act) and in Articles 1-4 of "Asetus Euroopan talousalueesta tehdysä sopimuksessa tarkoitetuista vesi- ja energiahuollon, liikenteen ja teletiminnan alalla toimivien yksiköiden hankinoista" (1351/93) (Decree concerning utilities) under the conditions provided for in Directive 90/531/EEC in the sectors of:

1. Urban Transport:

The operation of networks providing a service to the public in the field of transport by tramway, metro or bus by public entities according to "Laki (343/91) luvanvaraisesta henkilöliikenteestä liellä" and Helsingin kaupungin liikennelaitos (Helsinki Transport Board), which provides metro and tramway services to the public.

2. Airports:

The provision of airport or other terminal facilities to carriers operated by "Ilmailulaitos" (National Aviation Agency) pursuant to "Ilmailulaki (595/64)", *inter alia*

- Helsinki-Vantaa Airport
- Ivalo Airport
- Joensuu Airport
- Jyväskylä Airport
- Kemi Airport
- Kittilä Airport
- Kuopio Airport
- Lappeenranta Airport
- Oulu Airport
- Rovaniemi Airport
- Vaasa Airport
Finland (cont’d)

3. Ports:

The provision of maritime or inland ports or other terminal facilities to carriers by sea or inland waterways by municipal authorities pursuant to "Laki kunnallisista satamajärjestysteistä ja liikennemaksuista (955/76)", inter alia

- Port of Hamina
- Port of Hanko
- Port of Helsinki
- Port of Kotka
- Port of Naantali
- Port of Turku
- Port of Vaasa

4. Water:

The provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such network by public entities pursuant to Article I of "Laki yleisistä vesi- ja viemärilaitoksista (982/77)" of December 1977, inter alia

- Helsinki Water Board
  (Helsingin kaupungin vesilaitos)
- Turku Water Board
  (Turun kaupungin vesilaitos)
- Tampere Water Board
  (Tampereen kaupungin vesilaitos)

5. Electricity:

The provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks where municipal entities operate on the basis of a special or an exclusive right or on the basis of a concession pursuant to Article 27 of "Sähkölaki (319/79)" of 16 March 1979, inter alia

- Helsinki Energy Board
  (Helsingin kaupungin energialaitos)
- Tampere Energy Board
  (Tampereen kaupungin sähkölaitos)
- Turku Energy Board
  (Turun kaupungin sähkölaitos)
**Finland (cont’d)**

**ANNEX 4**

**Services**

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:*  

<table>
<thead>
<tr>
<th>Subject</th>
<th>CPC Ref No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance and repair services</td>
<td>6112, 6122, 633, 886</td>
</tr>
<tr>
<td>Land transport services, including armoured car services, and courier services, except transport of mail</td>
<td>712 (except 71235), 7512, 87304</td>
</tr>
<tr>
<td>Air transport services of passengers and freight, except transport of mail</td>
<td>73 (except 7321)</td>
</tr>
<tr>
<td>Transport of mail by land, except rail, and by air</td>
<td>71235, 7321</td>
</tr>
<tr>
<td>Telecommunications services</td>
<td>752** (except 7524, 7525, 7526)</td>
</tr>
<tr>
<td>Financial services</td>
<td>ex 81</td>
</tr>
<tr>
<td>(a) insurance services</td>
<td>812, 814</td>
</tr>
<tr>
<td>(b) banking and investments services***</td>
<td></td>
</tr>
<tr>
<td>Computer and related services</td>
<td>84</td>
</tr>
<tr>
<td>Accounting, auditing and book-keeping services</td>
<td>862</td>
</tr>
<tr>
<td>Market research and public opinion polling services</td>
<td>864</td>
</tr>
<tr>
<td>Management consulting services and related services</td>
<td>865, 866****</td>
</tr>
<tr>
<td>Architectural services, engineering services and integrated engineering services, urban planning and landscape architectural services, related scientific and technical consulting services, technical testing and analysis services</td>
<td>867</td>
</tr>
</tbody>
</table>
**Finland (cont'd)**

Advertising services 871

Building-cleaning services and property management services 874, 82201-82206

Publishing and printing services on a fee or contract basis 88442

Sewage and refuse disposal, sanitation and similar services 94

**Notes to Annex 4**

* Coverage of services is subject to Parliamentary approval in the context of the EEA-agreement

** Except voice telephony, telex, radiotelephony, paging and satellite services

*** Except contracts for financing services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services.

Payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System

**** Except arbitration and conciliation services
ANNEX 5

Construction Services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of Division 51, CPC:

All Public works/construction services of Division 51.

Threshold: SDR 5,000,000
Finland (cont'd)

GENERAL NOTES

Note 1 The inclusion by Finland of further contracting authorities under Annex 1, and of the contracting entities in Annexes 2 and 3 is conditional on the inclusion under this Agreement of the corresponding entities by all other Parties. The inclusion of the services specified in Annexes 4 and 5 is subject to the inclusion in this Agreement of the same services by all other Parties.

Note 2 When a specific procurement 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 Finland reserves its position with regard to the application of this Agreement to the Åland Islands (Ahvenanmaa).

Note 4 The Agreement shall not apply to contracts pursuant to Article 1 "Laki julkisista hankinnoista (1505/92)" (Public Procurement Act) and contracts awarded under:

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;

- an international agreement relating to the stationing of troops;

- the particular procedure of an international organization;

- procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

Note 5 Procurement by defence entities covers the following products:

**Motor vehicles**
- delivery cars
- light trucks
- motorcycles
- buses
- ambulances

**Machines**
- office machines
- laundry machines

**Miscellaneous**

**Spare parts**

**Foodstuffs**
- coffee, tea
- rice
- frozen fish
- dried fruits
- spices
Finland (cont'd)

Note 6 With regard to Annex 4, in the field of services, this Agreement shall not apply to the contracts:
- for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon;
- for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- awarded to an entity which itself is a contracting authority within the meaning of the Public Procurement Act: "Laki julkisista hankinnoista" (1505/92) on the basis of an exclusive right which it enjoys pursuant to a law, regulation or administrative provision;
- of employment.

Note 7 Finland will not extend the benefits of this Agreement:
- as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada and the USA;
- as regards contesting the award of contracts by municipalities listed in Annex 2 to the suppliers and service providers of Switzerland, pending the outcome of the bilateral negotiations;
- as regards the award of contracts by entities listed in Annex 3 sectors
  (a) (water), to the suppliers and service providers of Canada and the USA;
  (b) (electricity), to the suppliers and service providers of Canada, Japan, Hong Kong and the USA;
  (c) (airports), to the suppliers and service providers of Canada, Korea and the USA;
  (d) (ports), to the suppliers and service providers of Canada and the USA;
  (e) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA

until such time as Finland has accepted that the Parties concerned give comparable and effective access for Finland's undertakings to the relevant markets;
- to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

Note 8 The provisions of Article XX shall not apply to suppliers and service providers of:
- Israel, Japan and Korea in contesting the award of contracts by entities listed in Annex 2, paragraph 2, until such time as Finland accepts that they have completed coverage of sub-central entities;
Finland (cont’d)

- Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small- or medium-sized enterprises under the relevant provisions in Finland, until such time as Finland accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;

- Israel, Japan and Korea in contesting the award of contracts by Finnish entities, whose value is less than threshold applied for the same category of contracts awarded by these Parties.

Note 9 Until such time as Finland has accepted that the Parties concerned provide access for Finnish suppliers and service providers to their own markets, Finland will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment);

- Canada as regards procurement of FSC 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;

- Korea and Israel as regards procurement by entities listed in Annex 3, heading 5, as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables) and for Israel HS Nos 8501, 8536 and 902830;

- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

Note 10 The thresholds in the Annexes will be applied as to conform with the public procurement thresholds of the EEA-agreement, as specified in Decrees 1571/92 (Asetus Euroopan talousalueesta tehdysä sopimuksessa tarkoitetuista rakennusurakoista), 1350/93 (Asetus Euroopan talousalueesta tehdysä sopimuksessa tarkoitetuista tavarahankinnoista), 1351/93 (Asetus Euroopan talousalueesta tehdysä sopimuksessa tarkoiteniista vesi- ja energiahoulon, liikenteen ja teletoiminnan alalla toimivien yksiköiden hankinnoista) and Decree on Services.
HONG KONG

(Authentic in the English language only)

ANNEX 1

Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

Supplies

Threshold: 130,000 SDR

List of Entities:

1. Agriculture and Fisheries Department
2. Architectural Services Department
3. Audit Department
4. Auxiliary Medical Services
5. Buildings Department
6. Census and Statistics Department
7. City and New Territories Administration
8. Civil Aid Services
9. Civil Aviation Department
10. Civil Engineering Department
11. Civil Service Training Centre
12. Companies Registry
13. Correctional Services Department
14. Customs and Excise Department
15. Department of Health
16. Drainage Services Department
17. Education Department
18. Electrical and Mechanical Services Department
19. Environmental Protection Department
20. Fire Services Department
21. Government Flying Service
22. Government Laboratory
23. Government Land Transport Agency
24. Government Property Agency
25. Government Secretariat
26. Government Supplies Department
27. Highways Department
28. Hong Kong Monetary Authority
29. Hospital Services Department
30. Immigration Department
31. Independent Commission Against Corruption
32. Industry Department
33. Information Services Department
34. Information Technology Services Department
35. Inland Revenue Department
Hong Kong (cont’d)

36. Intellectual Property Department
37. Judiciary
38. Labour Department
39. Lands Department
40. Land Registry
41. Legal Department
42. Legal Aid Department
43. Marine Department
44. Office of the Commissioner for Administrative Complaints
45. Office of the Telecommunications Authority
46. Official Receiver’s Office
47. Planning Department
48. Post Office
49. Printing Department
50. Public Service Commission
51. Radio Television Hong Kong
52. Rating and Valuation Department
53. Registry of Trade Unions
54. Royal Hong Kong Police Force (including Royal Hong Kong Auxiliary Police Force)
55. Royal Observatory
56. Senior Staff Course Centre
57. Social Welfare Department
58. Secretariat, Police Complaints Committee
59. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
60. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
61. Student Financial Assistance Agency
62. Technical Education and Industrial Training Department
63. Television and Entertainment Licensing Authority
64. Territory Development Department
65. Trade Department
66. Transport Department
67. Treasury
68. University and Polytechnic Grants Committee
69. Water Supplies Department

Services

Threshold:

Other services: 130,000 SDR
Construction services: 5,000,000 SDR

List of Entities which procure the services specified in Annex 4:

Same as the “Supplies” section.

Note to Annex 1

In addition to the General Notes, this Agreement shall not apply to the purchase of office or residential accommodation by the Government Procurement Agency.
Hong Kong (cont’d)

ANNEX 2

Sub-Central Entities which Procure in Accordance
With the Provisions of this Agreement

Threshold:

200,000 SDR for supplies and services

5,000,000 SDR for construction services

List of Entities:

1. Urban Council and Urban Services Department

2. Regional Council and Regional Services Department
Hong Kong (cont’d)

ANNEX 3

All Other Entities which Procure in Accordance
With the Provisions of this Agreement

Threshold: 400,000 SDR for supplies and services other than construction services

5,000,000 SDR for construction services

List of Entities:

1. Housing Authority and Housing Department
2. Hospital Authority
3. Provisional Airport Authority (Airport Authority)
4. Mass Transit Railway Corporation
5. Kowloon Canton Railway Corporation
Hong Kong (cont’d)

ANNEX 4

Services

Those items of the Universal List of Services (MTN.GNS/W/120) as specified below:

List of Services Included

1. **Computer and Related Services**
   - Data base and processing services 843 + 844
   - Maintenance and repair services of office machinery and equipment including computers 845
   - Other Computer Services 849

2. **Rental/Leasing Services Without Operators**
   - Relating to ships 83103
   - Relating to aircraft 83104
   - Relating to other transport equipment 83101 + 83102 + 83105
   - Relating to other machinery and equipment 83106 + 83109

3. **Other Business Services**
   Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) 633 + 8861-8866
   Market Research & Public Opinion Polling Services 864
   Security Services 87304
   Building-Cleaning Services 874
   Advertising Services 871

4. **Courier Services**

5. **Telecommunication Services** (Provisions of certain types of service may require licensing under the Telecommunication Ordinance)
   Packet-switched data transmission services 7523
   Circuit-switched data transmission services 7523
   Electronic mail 7523
Hong Kong (cont'd)

Voice mail 7523
On-line information data base retrieval 7523
Enhanced value-added facsimile services, including store and forward, store and retrieve 7523
Code and protocol conversion 7523
On-line information and/or data processing (including transaction processing) 843
Integrated telecommunications services 7526
Other telecommunications services 7529
Telecommunications related services 754

6. Environmental Services
   - Sewage services 9401
   - Refuse disposal services 9402

7. Financial Services ex 81
   - All Insurance and Insurance-Related Services (exceptions are set out in note 5 of the General Notes to these Annexes)
   - Banking and other financial services

8. Transport Services
   - Air transportation services 731, 732, 734
     (excluding transportation of mail)
   - Road transport services 712, 6112, 8867
Hong Kong (cont'd)

ANNEX 5

Construction Services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (CPC).

List of Division 51 CPC

All services of Division 51

Threshold: 5,000,000 SDR
Hong Kong (cont'd)

GENERAL NOTES

1. Notwithstanding anything in these Annexes, the Agreement shall not apply to:

- All consultancy and franchise arrangements.
- Transportation of mail by air.
- Statutory insurances including third party liability in respect of vehicles and vessels and employer's liability insurance in respect of employees.

2. Hong Kong's commitments on telecommunications services are subject to the terms of the licence held by Hong Kong Telecommunications International Ltd. (HKTI) until 30 September 2006 for the exclusive provision of external telecommunications circuits and certain external telecommunications services. The exclusive services covered by the licence are listed below.

   (a) Circuits by radio for the provision of external public telecommunications services.
   (b) The operation of circuits by submarine cable for the provision of external public telecommunications services.
   (c) External and internal Public Telegram Service.
   (d) External and internal Public Telex Service.
   (e) External public telephone services to subscribers to the Public Switched Telephone Network by radio, submarine cable and such overland cables as are authorized.
   (f) External dedicated and leased telephone circuit services by radio, submarine cable and such overland cables as are authorized.
   (g) External dedicated and leased circuits for -
       telegraph data facsimile.
   (h) Hong Kong coast stations and coast earth stations of the Maritime Mobile service and Maritime Mobile - Satellite Service.
   (i) Hong Kong Aeronautical Stations of the Aeronautical Mobile Service and Aeronautical Mobile - Satellite Service for radiocommunications services between aircraft operating agencies and their aircraft in flight.
   (j) International telecommunications services routed in transit via Hong Kong.
   (k) Except to the extent that the Governor-in-Council may from time to time otherwise in writing direct, external television and voice programme transmission services to and from Hong Kong.
Operators of telecommunications services may require licensing under the Telecommunication Ordinance. Operators applying for the licences are required to be established in Hong Kong under the Companies Ordinance.

Nothing in these Annexes shall oblige the Hong Kong Government to permit the supply of such services cross-border, or through commercial presence or the presence of natural persons.

The following services are excluded from Annex 4: Financial Services

1. **CPC 81402**
   Insurance and pension consultancy services

2. **CPC 81339**
   Money broking

3. **CPC 8119+81323**
   Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services.

4. **CPC 81339 or 81319**
   Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.

5. **CPC 8131 or 8133**
   Advisory and other auxiliary financial services and all the activities listed in Article 1B of MTN.TNC/W/50, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

6. **CPC 81339+81333+81321**
   Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
   - money market instruments (cheques, bills, certificate of deposits, etc.)
   - foreign exchange
   - derivative products including, but not limited to futures and options
   - exchange rate and interest rate instruments, including products such as swaps, forward rate agreement, etc.
   - transferable securities
   - other negotiable instruments and financial assets, including bullion.
ISRAEL

(Authentic in the English language only)

ANNEX 1

*Central Government Entities which Procure in Accordance With the Provisions of this Agreement*

**Supplies**

*Threshold:* 130,000 SDR

**Services** (specified in Annex 4)

*Threshold:* 130,000 SDR

**Construction** (specified in Annex 5)

*Threshold:* 8,500,000 SDR

*List of Entities:*

House of Representatives (the Knesset)
Prime Minister’s Office
Ministry of Agriculture
Ministry of Communications and Culture
Ministry of Construction and Housing
Ministry of Economics and Planning
Ministry of Education
Ministry of Energy and Infrastructure excluding Fuel Authority
Ministry of the Environment
Ministry of Finance
Civil Service Commissioner
Ministry of Foreign Affairs
Ministry of Health (1)
Ministry of Immigrants Absorption
Ministry of Industry and Trade
Ministry of the Interior
Ministry of Justice
Ministry of Labour and Social Affairs
Israel Productivity Institute
Ministry of Religious Affairs
Ministry of Science and Technology
Ministry of Tourism
Ministry of Transport
The State Controller’s office

*Note to Annex 1*

(1) *Ministry of Health - Excepted Products*

- Insulin and infusion pumps
- Audiometers
Israel (cont'd)

- Medical dressings (bandages, adhesive tapes and gauze)
- Intravenous solution
- Administration sets for transfusions
- Scalp vein sets
- Hemi-dialysis and blood lines
- Blood packs
- Syringe needles
Israël (cont’d)

ANNEX 2

Sub-Central Government Entities which Procure in Accordance With the Provisions of this Agreement

Supplies

Threshold: 250,000 SDR

Services (specified in Annex 4)

Threshold: 250,000 SDR

Construction (specified in Annex 5)

Threshold: 8,500,000 SDR

List of Entities:

Municipalities of Jerusalem, Tel-Aviv and Haifa

The company for economy and management of the Center of Local Government
ANNEX 3

All Other Entities which Procure in Accordance
With the Provisions of this Agreement

Supplies
\[\text{Threshold: 355,000 SDR}\]

Services (specified in Annex 4)
\[\text{Threshold: 355,000 SDR}\]

Construction (specified in Annex 5)
\[\text{Threshold: 8,500,000 SDR}\]

List of Entities:

Israel Airports Authority
Israel Ports and Railways Authority (1)
Israel Broadcasting Authority
Israel Educational Television
Postal Authority
Bezek (Israel Communication Company) (1) (2)
Israel Electricity Company (3)
Mekoroth Water Resources Ltd.
Sports’ Gambling Arrangement Board
Israel Standards Institute
National Insurance Institute

Notes to Annex 3

(1) Procurement of cables is excluded.

(2) With regard to procurement by Bezek, this Agreement shall apply only to goods and services of the US.

Israel is willing to negotiate the opening of its telecommunication sector also to other Code members under the condition of reciprocity.

(3) Excluded products: cables (H.S. 8544), electro-mechanic meters (ex. H.S. 9028), transformers (H.S. 8504), disconnectors and switchers (H.S. 8535-8537), electric motors (H.S. 8501).
Israel (cont’d)

ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

<table>
<thead>
<tr>
<th>CPC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8672-3</td>
<td>Architectural services</td>
</tr>
<tr>
<td>8671</td>
<td>Engineering services</td>
</tr>
<tr>
<td>8674</td>
<td>Urban planning</td>
</tr>
<tr>
<td>841-3</td>
<td>Computer and related services</td>
</tr>
<tr>
<td>871</td>
<td>Advertising services</td>
</tr>
<tr>
<td>864</td>
<td>Market research and public opinion</td>
</tr>
<tr>
<td>865-6</td>
<td>Management consulting</td>
</tr>
<tr>
<td>9401-5</td>
<td>Environmental services</td>
</tr>
</tbody>
</table>

Note to Annex 4

The offer regarding services (including construction) is subject to the limitation and conditions specified in Israel’s offer under the GATS negotiation.
ANNEX 5

Construction Services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

Threshold: 8,500,000 SDR

List of construction services offered

<table>
<thead>
<tr>
<th>CPC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>511</td>
<td>Pre-erection work at construction sites</td>
</tr>
<tr>
<td>512</td>
<td>Construction work for buildings</td>
</tr>
<tr>
<td>513</td>
<td>Construction work for civil engineering</td>
</tr>
<tr>
<td>514</td>
<td>Assembly and erection of prefabricated construction</td>
</tr>
<tr>
<td>515</td>
<td>Special trade construction work</td>
</tr>
<tr>
<td>516</td>
<td>Installation work</td>
</tr>
<tr>
<td>517</td>
<td>Building completion and finishing work</td>
</tr>
<tr>
<td>518</td>
<td>Renting services related to equipment for construction</td>
</tr>
</tbody>
</table>
(1) The Agreement shall not apply to contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.

(2) The Agreement shall not apply to contracts for the purchase of water and for the supply of energy and of fuels for the production of energy.

(3) The Agreement shall not apply to the acquisition or rental of land, buildings or other immovable property, or concerning rights thereon.
Israel (cont'd)

NOTE

Offset

1. Having regard to Article XVI and to general policy considerations regarding development, Israel may operate provisions which require the limited incorporation of domestic content, offset procurement or transfer of technology, in the form of objective and clearly defined conditions for participation in procedures for the award of contracts, which do not discriminate between other Parties.

This shall be done under the following terms:

(a) Israel shall ensure that its entities indicate the existence of such conditions in their tender notices and specify them clearly in the contract documents.

(b) Suppliers will not be required to purchase goods that are not offered on competitive terms, including price and quality, or to take any action which is not justified from a commercial standpoint.

(c) Offsets in any form may be required up to 35 per cent of the contract going down to 30 per cent after five years and 20 per cent after nine years, beginning from the date Israel implements the Agreement.

2. (a) At the end of each period of five and four years Israel will submit a report concerning the implementation of this Note.

(b) When the level of the offset has reached 20 per cent, Israel will consult with the Parties to this Agreement on the level of the use of offset by Israel. The review shall take into consideration inter alia general and economic developments in Israel, its trade balance, the actual performance within the framework of this Agreement and the views of the other Parties.
JAPAN

(Authentic in the English language only)

ANNEX 1

Central Government Entities which Procure in Accordance
with the Provisions of this Agreement

Supplies

Threshold:

130 thousand SDR

List of Entities:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Prime Minister’s Office
- Fair Trade Commission
- National Public Safety Commission
- Environmental Disputes Co-ordination Commission
- Imperial Household Agency
- Management and Co-ordination Agency
- Hokkaido Development Agency
- Defence 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

Services

Threshold:

Construction services: 4,500 thousand SDR

Architectural, engineering and other technical services covered by this Agreement:

450 thousand SDR

Other services: 130 thousand SDR

List of Entities which procure the services, specified in Annex 4:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Prime Minister’s Office
- Fair Trade Commission
- National Public Safety Commission
- Environmental Disputes Co-ordination Commission
Japan (cont'd)

Services (cont'd)

- Imperial Household Agency
- Management and Co-ordination Agency
- Hokkaido Development Agency
- Defence 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

Notes to Annex 1

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 and services procured with a view to resale or with a view to use in the production of goods for sale are not included.

3. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.

4. This Agreement will generally apply to procurement by the Defence Agency of the following Federal Supply Classification (FSC) categories subject to the Japanese Government determinations under the provisions of Article XXIII, paragraph 1:

<table>
<thead>
<tr>
<th>FSC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Railway Equipment</td>
</tr>
<tr>
<td>24</td>
<td>Tractors</td>
</tr>
<tr>
<td>32</td>
<td>Woodworking Machinery and Equipment</td>
</tr>
<tr>
<td>34</td>
<td>Metalworking Machinery</td>
</tr>
<tr>
<td>35</td>
<td>Service and Trade Equipment</td>
</tr>
<tr>
<td>36</td>
<td>Special Industry Machinery</td>
</tr>
<tr>
<td>37</td>
<td>Agricultural Machinery and Equipment</td>
</tr>
<tr>
<td>38</td>
<td>Construction, Mining, Excavating, and Highway Maintenance Equipment</td>
</tr>
<tr>
<td>39</td>
<td>Materials Handling Equipment</td>
</tr>
<tr>
<td>40</td>
<td>Rope, Cable, Chain, and Fittings</td>
</tr>
<tr>
<td>41</td>
<td>Refrigeration, Air Conditioning, and Air Circulating Equipment</td>
</tr>
<tr>
<td>43</td>
<td>Pumps and Compressors</td>
</tr>
<tr>
<td>45</td>
<td>Plumbing, Heating and Sanitation Equipment</td>
</tr>
<tr>
<td>46</td>
<td>Water Purification and Sewage Treatment Equipment</td>
</tr>
<tr>
<td>47</td>
<td>Pipe, Tubing, Hose, and Fittings</td>
</tr>
<tr>
<td>48</td>
<td>Valves</td>
</tr>
<tr>
<td>51</td>
<td>Hand Tools</td>
</tr>
<tr>
<td>52</td>
<td>Measuring Tools</td>
</tr>
<tr>
<td>55</td>
<td>Lumber, Millwork, Plywood and Veneer</td>
</tr>
<tr>
<td>61</td>
<td>Electric Wire, and Power and Distribution Equipment</td>
</tr>
<tr>
<td>62</td>
<td>Lighting Fixtures and Lamps</td>
</tr>
<tr>
<td>65</td>
<td>Medical, Dental, and Veterinary Equipment and Supplies</td>
</tr>
<tr>
<td>6630</td>
<td>Chemical Analysis Instruments</td>
</tr>
<tr>
<td>6635</td>
<td>Physical Properties Testing Equipment</td>
</tr>
<tr>
<td>6640</td>
<td>Laboratory Equipment and Supplies</td>
</tr>
<tr>
<td>6645</td>
<td>Time Measuring Instruments</td>
</tr>
<tr>
<td>6650</td>
<td>Optical Instruments</td>
</tr>
<tr>
<td>6655</td>
<td>Geophysical and Astronomical Instruments</td>
</tr>
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</table>
Japan (cont'd)

**FSC Description (cont'd)**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>6660</td>
<td>Meteorological Instruments and Apparatus</td>
</tr>
<tr>
<td>6670</td>
<td>Scales and Balances</td>
</tr>
<tr>
<td>6675</td>
<td>Drafting, Surveying, and Mapping Instruments</td>
</tr>
<tr>
<td>6680</td>
<td>Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments</td>
</tr>
<tr>
<td>6685</td>
<td>Pressure, Temperature, and Humidity Measuring and Controlling Instruments</td>
</tr>
<tr>
<td>6695</td>
<td>Combination and Miscellaneous Instruments</td>
</tr>
<tr>
<td>67</td>
<td>Photographic Equipment</td>
</tr>
<tr>
<td>68</td>
<td>Chemicals and Chemical Products</td>
</tr>
<tr>
<td>71</td>
<td>Furniture</td>
</tr>
<tr>
<td>72</td>
<td>Household and Commercial Furnishings and Appliances</td>
</tr>
<tr>
<td>73</td>
<td>Food Preparation and Serving Equipment</td>
</tr>
<tr>
<td>74</td>
<td>Office Machines and Visible Record Equipment</td>
</tr>
<tr>
<td>75</td>
<td>Office Supplies and Devices</td>
</tr>
<tr>
<td>76</td>
<td>Books, Maps, and Other Publications</td>
</tr>
<tr>
<td>77</td>
<td>Musical Instruments, Phonographs, and Home-type Radios</td>
</tr>
<tr>
<td>79</td>
<td>Cleaning Equipment and Supplies</td>
</tr>
<tr>
<td>80</td>
<td>Brushes, Paints, Sealers, and Adhesives</td>
</tr>
<tr>
<td>8110</td>
<td>Drums and Cans</td>
</tr>
<tr>
<td>8115</td>
<td>Boxes, Cartons, and Crates</td>
</tr>
<tr>
<td>8125</td>
<td>Bottles and Jars</td>
</tr>
<tr>
<td>8130</td>
<td>Reels and Spools</td>
</tr>
<tr>
<td>8135</td>
<td>Packaging and Packing Bulk Materials</td>
</tr>
<tr>
<td>85</td>
<td>Toiletries</td>
</tr>
<tr>
<td>87</td>
<td>Agricultural Supplies</td>
</tr>
<tr>
<td>93</td>
<td>Non-metallic Fabricated Materials</td>
</tr>
<tr>
<td>94</td>
<td>Non-metallic Crude Materials</td>
</tr>
<tr>
<td>99</td>
<td>Miscellaneous</td>
</tr>
</tbody>
</table>
ANNEX 2

Sub-Central Government Entities which Procure in Accordance with the Provisions of this Agreement

Supplies
- Wakayama-ken
- Tottori-ken
- Shimane-ken
- Okayama-ken
- Hiroshima-ken
- Yamaguchi-ken
- Tokushima-ken
- Kagawa-ken
- Ehime-ken
- Kochi-ken
- Fukuoka-ken
- Saga-ken
- Nagasaki-ken
- Kumamoto-ken
- Oita-ken
- Miyazaki-ken
- Kagoshima-ken
- Okinawa-ken
- Osaka-shi
- Saitama-ken
- Gunma-ken
- Saitama-ken
- Chiba-ken
- Tokyo-to
- Kanagawa-ken
- Niigata-ken
- Toyama-ken
- Ishikawa-ken
- Fukui-ken
- Yamanashi-ken
- Nagano-ken
- Gifu-ken
- Shizuoka-ken
- Aichi-ken
- Mie-ken
- Shiga-ken
- Kyoto-fu
- Osaka-fu
- Hyogo-fu
- Nara-ken

List of Entities:
All prefectural governments entitled "To", "Do", "Fu" and "Ken", and all designated cities entitled "Shitei-toshi", covered by the Local Autonomy Law as follows:

- Hokkaido
- Aomori-ken
- Iwate-ken
- Miyagi-ken
- Akita-ken
- Yamagata-ken
- Fukushima-ken
- Ibaraki-ken
- Tochigi-ken
- Gunma-ken
- Saitama-ken
- Chiba-ken
- Tokyo-to
- Kanagawa-ken
- Niigata-ken
- Toyama-ken
- Ishikawa-ken
- Fukui-ken
- Yamanashi-ken
- Nagano-ken
- Gifu-ken
- Shizuoka-ken
- Aichi-ken
- Mie-ken
- Shiga-ken
- Kyoto-fu
- Osaka-fu
- Hyogo-fu
- Nara-ken

Threshold:
200 thousand SDR

Services

Construction services: 15,000 thousand SDR
Architectural, engineering and other technical services covered by this Agreement: 1,500 thousand SDR

Other services: 200 thousand SDR
Japan (cont'd)

Services (cont'd)

List of Entities which procure the services, specified in Annex 4:

All prefectural governments entitled "To", "Do", "Fu" and "Ken", and all designated cities entitled "Shitei-toshi", covered by the Local Autonomy Law as follows:

- Hokkaido
- Aomori-ken
- Iwate-ken
- Miyagi-ken
- Akita-ken
- Yamagata-ken
- Fukushima-ken
- Ibaraki-ken
- Tochigi-ken
- Gunma-ken
- Saitama-ken
- Chiba-ken
- Tokyo-to
- Kanagawa-ken
- Ibaraki-ken
- Hyogo-ken
- Shizuoka-ken
- Aichi-ken
- Mie-ken
- Shiga-ken
- Kyoto-fu
- Osaka-fu
- Hyogo-ken
- Nara-ken
- Wakayama-ken
- Tottori-ken
- Shimane-ken
- Okayama-ken
- Hiroshima-ken
- Yamaguchi-ken
- Tokushima-ken
- Kagawa-ken
- Ehime-ken
- Kochi-ken
- Fukui-ken
- Saga-ken
- Nagasaki-ken
- Kumamoto-ken
- Oita-ken
- Miyazaki-ken
- Kagoshima-ken
- Okinawa-ken
- Osaka-shi
- Nagoya-shi
- Kyoto-shi
- Yokohama-shi
- Kobe-shi
- Kitakyushu-shi
- Sapporo-shi
- Kawasaki-shi
- Fukuoka-shi
- Hiroshima-shi
- Sendai-shi
- Chiba-shi

Notes to Annex 2

1. "To", "Do", "Fu", "Ken" and "Shitei-toshi" covered by the Local Autonomy Law include all internal sub-divisions, attached organizations and branch offices of all their governors or mayors, committees and other organizations provided for in the Local Autonomy Law.

2. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.

3. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.

4. This Agreement shall not apply to contracts which the entities award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of this Agreement.

5. Procurement related to operational safety of transportation is not included.

6. Procurement related to the production, transport or distribution of electricity is not included.
Japan (cont’d)

ANNEX 3

All Other Entities which Procure in Accordance
with the Provisions of this Agreement

Supplies

Threshold:

130 thousand SDR

List of Entities:

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Forest Development Corporation
- Japan Agricultural Land Development Agency
- Japan National Oil Corporation (c)
- Maritime Credit Corporation (e)
- Japan Railway Construction Public Corporation (a)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Housing and Urban Development Corporation (a)
- Research Development Corporation of Japan
- Power Reactor and Nuclear Fuel Development Corporation (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Livestock Industry Promotion Corporation
- Japan Raw Silk and Sugar Price Stabilization Agency
- Metal Mining Agency of Japan (c)
- Coal Mining Areas Restoration Agency
- Japan Small Business Corporation
- JNR Settlement Corporation (d)
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Small Enterprise Retirement Allowance Mutual Aid Corporation
- Employment Promotion Corporation
- Hokkaido-Tohoku Development Finance Public Corporation
- Okinawa Development Finance Corporation
- People’s Finance Corporation
- Environmental Sanitation Business Financing Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Small Business Credit Insurance Corporation
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Japan Development Bank
- Export-Import Bank of Japan
- Teito Rapid Transit Authority (a)
- Japan Tobacco Inc.
- Hokkaido Railway Company (a)
- East Japan Railway Company (a)
- Central Japan Railway Company (a)
- West Japan Railway Company (a)
- Shikoku Railway Company (a)
- Kyushu Railway Company (a)
- Japan Freight Railway Company (a)
- Nippon Telegraph and Telephone Co. (f)
- Northern Territories Issue Association
- The Overseas Economic Cooperation Fund
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- Japan Information Center of Science and Technology
- Institute of Physical and Chemical Research(b)
- Pollution-Related Health Damage Compensation Association
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- The Japan Scholarship Foundation
- Mutual Aid Association of Private School Personnel
Supplies (cont'd)

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- Japan Private School Promotion Foundation
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- Social Development Research Institute
- Association for Welfare of the Mentally and Physically Handicapped
- Japan Racing Association
- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel
- The National Association of Racing Personnel
- Farmers' Pension Fund
- Japan Keirin Association
- Japan External Trade Organization
- Institute of Developing Economies
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Rail Development Fund
- Japan Institute of Labour
- Construction, the Sake Brewing Industry and Forestry Retirement Allowance Mutual Aid Association
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen

List of Entities which procure the services, specified in Annex 4:

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Forest Development Corporation
- Japan Agricultural Land Development Agency
- Japan National Oil Corporation (c)
- Maritime Credit Corporation (e)
- Japan Railway Construction Public Corporation (a)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Housing and Urban Development Corporation (a)
- Research Development Corporation of Japan
- Power Reactor and Nuclear Fuel Development Corporation (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Livestock Industry Promotion Corporation
- Japan Raw Silk and Sugar Price Stabilization Agency
- Metal Mining Agency of Japan (c)
- Coal Mining Areas Restoration Agency
- Japan Small Business Corporation
- JNR Settlement Corporation (d)
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Small Enterprise Retirement Allowance Mutual Aid Corporation
- Employment Promotion Corporation
- Hokkaido-Tohoku Development Finance Public Corporation
- Okinawa Development Finance Corporation
- People's Finance Corporation
- Environmental Sanitation Business Financing Corporation
- Agriculture, Forestry and Fisheries Finance Corporation

Services

Threshold:

Construction services: 15,000 thousand SDR

Architectural, engineering and other technical services covered by this Agreement: 450 thousand SDR

Other services: 130 thousand SDR
Japan (cont’d)

Services (cont’d)

- Japan Finance Corporation for Small Business
- Small Business Credit Insurance Corporation
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Japan Development Bank
- Export-Import Bank of Japan
- Teito Rapid Transit Authority (a)
- Japan Tobacco Inc. (g)
- Hokkaido Railway Company (a)(g)
- East Japan Railway Company (a)(g)
- Central Japan Railway Company (a)(g)
- West Japan Railway Company (a)(g)
- Shikoku Railway Company (a)(g)
- Kyushu Railway Company (a)(g)
- Japan Freight Railway Company (a)(g)
- Nippon Telegraph and Telephone Co. (f)(g)
- Northern Territories Issue Association
- The Overseas Economic Cooperation Fund
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- Japan Information Center of Science and Technology
- Institute of Physical and Chemical Research (b)
- Pollution-Related Health Damage Compensation Association
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- The Japan Scholarship Foundation
- Mutual Aid Association of Private School Personnel
- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- Japan Private School Promotion Foundation
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- Social Development Research Institute
- Association for Welfare of the Mentally and Physically Handicapped
- Japan Racing Association
- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel
- The National Association of Racing
- Farmers’ Pension Fund
- Japan Keirin Association
- Japan External Trade Organization
- Institute of Developing Economies
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Rail Development Fund
- Japan Institute of Labour
- Construction, the Sake Brewing Industry and Forestry Retirement Allowance Mutual Aid Association
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen

Notes to Annex 3

1. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.

2. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.

3. This Agreement shall not apply to contracts which the entities award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of this Agreement.

4. Notes to specific entities:

(a) Procurement related to operational safety of transportation is not included.
Japan (cont'd)

Notes to Annex 3 (cont'd)

(b) Procurement which could lead to the disclosure of information incompatible with the purpose of the Treaty on the Non-Proliferation of Nuclear Weapons or with international agreements on intellectual property rights is not included. Procurement for safety-related activities aiming at utilization and management of radioactive materials and responding to emergencies of nuclear installation is not included.

(c) Procurement related to geological and geophysical survey is not included.

(d) Procurement of advertising services, construction services and real estate services is not included.

(e) Procurement of ships to be jointly owned with private companies is not included.

(f) Procurement of public electrical telecommunications equipment and of services related to operational safety of telecommunications is not included.

(g) Procurement of the services specified in Annex 4, other than construction services, is not included.
ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

(Provisional Central Product Classification (CPC), 1991)

- 51 Construction work
- 6112 Maintenance and repair services of motor vehicles\textsuperscript{Note 1}
- 6122 Maintenance and repair services of motorcycles and snowmobiles\textsuperscript{Note 1}
- 712 Other land transport services (except 71235 Mail transportation by land)
- 7213 Rental services of sea-going vessels with operator
- 7223 Rental services of non-sea-going vessels with operator
- 73 Air transport services (except 73210 Mail transportation by air)
- 748 Freight transport agency services
- 7512 Courier services\textsuperscript{Note 2}
- 7512 Telecommunications services
  -- MTN.GNS/W/120
    - 2.C.h. - 7523 Electronic mail;
    - 2.C.i. - 7521 Voice mail;
    - 2.C.j. - 7523 On-line information and data base retrieval;
    - 2.C.k. - 7523 Electronic data interchange (EDI);
    - 2.C.l. - 7529 Enhanced facsimile services;
    - 2.C.m. - 7523 Code and protocol conversion; and
    - 2.C.n. - 7523 On-line information and/or data processing (including transaction processing)
- 84 Computer and related services
- 864 Market research and public opinion polling services
- 867 Architectural, engineering and other technical services\textsuperscript{Note 3}
- 871 Advertising services
- 87304 Armoured car services
- 874 Building-cleaning services
Japan (cont'd)

- 88442 Publishing and printing services

- 886 Repair services incidental to metal products, machinery and equipment

- 94 Sewage and refuse disposal, sanitation and other environmental protection services

Notes to Annex 4

1. Maintenance and repair services are not included with respect to those motor vehicles, motorcycles and snowmobiles which are specifically modified and inspected to meet regulations of the entities.

2. Courier services are not included with respect to letters.

3. Architectural, engineering and other technical services related to construction services, with the exception of the following services when procured independently, are included:

   - Final design services of CPC 86712 Architectural design services;
   - CPC 86713 Contract administration services;
   - Design services consisting of one or a combination of final plans, specifications and cost estimates of either CPC 86722 Engineering design services for the construction of foundations and building structures, or CPC 86723 Engineering design services for mechanical and electrical installations for buildings, or CPC 86724 Engineering design services for the construction of civil engineering works; and
   - CPC 86727 Other engineering services during the construction and installation phase.

4. Publishing and printing services are not included with respect to materials containing confidential information.
ANNEX 5

Construction Services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (CPC).

List of Division 51, CPC:

All services listed in Division 51.

Threshold: 4,500 thousand SDR for entities set out in ANNEX 1; 15,000 thousand SDR for those in ANNEX 2; and 15,000 thousand SDR for those in ANNEX 3.
Japan (cont'd)

GENERAL NOTES

1. For goods and services (including construction services) of Canada and the United States and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3.

2. In case Parties do not apply Article XX to suppliers or service providers of Japan in contesting the award of contract by entities, Japan may not apply the Article to suppliers or service providers of the Parties in contesting the award of contracts by the same kind of entities.
KOREA

(Authentic in the English language only)

ANNEX 1

Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

Supplies

Threshold: 130,000 SDR

List of Entities:

- Board of Audit and Inspection
- Prime Minister’s Secretariat
- Office of Administrative Coordination
- First Minister of Political Affairs
- Second Minister of Political Affairs
- Economic Planning Board
- National Unification Board
- Ministry of Government Administration
- Ministry of Science and Technology
- Ministry of Environment
- Ministry of Information
- Government Legislation Agency
- Patriots and Veterans Affairs Agency
- Ministry of Foreign Affairs
- Ministry of Home Affairs
- Ministry of Finance
- Ministry of Justice
- Ministry of National Defense
- Ministry of Education
- Ministry of Culture and Sports
- Ministry of Agriculture, Forestry and Fisheries
- Ministry of Trade, Industry and Energy
- Ministry of Construction
- Ministry of Health and Social Affairs
- Ministry of Labor
- Ministry of Transportation
- Ministry of Communications
- Office of Supply (limited to purchases for entities in this list only. Regarding procurement for entities in Annex 2 and Annex 3 in this list, the coverages and thresholds for such entities thereunder shall be applied.)
- National Statistical Office
- Korea Meteorological Administration
- National Police Administration (except purchases for the purpose of maintaining public order, as provided in Article XXIII of the Code)
- National Tax Administration
- Customs Administration
Korea (cont'd)

- Supreme Public Prosecutors' Office
- Military Manpower Administration
- Rural Development Administration
- Forestry Administration
- Fisheries Administration
- Industrial Advancement Administration
- Korea Industrial Property Office
- Korea Maritime and Port Administration
- Korea National Railroad Administration (The Korean Government plans to change the NRA into a public corporation in 1996, in which case the Korean Government has the right to transfer the NRA from Annex 1 to Annex 3 without any consultation and/or compensatory measures.)

Services

Threshold: 130,000 SDR

List of Entities which Procure Services Specified in Annex 4:

Same as "Supplies" section

Construction Services

Threshold: 5,000,000 SDR

List of Entities which Procure Services Specified in Annex 5:

Same as "Supplies" section

Notes to Annex 1

1. The above central government entities include their subordinate linear organizations, special local administrative organs, and attached organs as prescribed in the Government Organization Act of the Republic of Korea.

2. This Agreement does not apply to the products and services procured with a view to resale or to use in the production of goods or provision of services for sale.

3. This Agreement does not apply to the single tendering procurement including set-asides for small- and medium-sized businesses according to the Budget & Account Law and its Presidential Decree, and the procurement of agricultural, fishery and livestock products according to the Foodgrain Management Law, the Law Concerning Marketing and Price Stabilization of Agricultural and Fishery Products, and the Livestock Law.

4. This Agreement does not apply to the procurement of satellites according to the Aviation and Space Industry Development Promotion Law for five years from its entry into force for Korea.
Korea (cont'd)

5. The Defense Logistics Agency shall be considered as part of the Ministry of National Defense. Subject to the decision of the Korean Government under the provisions of paragraph 1, Article XXIII, for MND purchases, this Agreement will generally apply to the following FSC categories only, and for services and construction services listed in Annex 4 and Annex 5, it will apply only to those areas which are not related to national security and defense.

<table>
<thead>
<tr>
<th>FSC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2510</td>
<td>Vehicular cab, body, and frame structural components</td>
</tr>
<tr>
<td>2520</td>
<td>Vehicular power transmission components</td>
</tr>
<tr>
<td>2540</td>
<td>Vehicular furniture and accessories</td>
</tr>
<tr>
<td>2590</td>
<td>Miscellaneous vehicular components</td>
</tr>
<tr>
<td>2610</td>
<td>Tires and tubes, pneumatic, nonaircraft</td>
</tr>
<tr>
<td>2910</td>
<td>Engine fuel system components, nonaircraft</td>
</tr>
<tr>
<td>2920</td>
<td>Engine electrical system components, nonaircraft</td>
</tr>
<tr>
<td>2930</td>
<td>Engine cooling system components, nonaircraft</td>
</tr>
<tr>
<td>2940</td>
<td>Engine air and oil filters, strainers and cleaners, nonaircraft</td>
</tr>
<tr>
<td>2990</td>
<td>Miscellaneous engine accessories, nonaircraft</td>
</tr>
<tr>
<td>3020</td>
<td>Gears, pulleys, sprockets and transmission chain</td>
</tr>
<tr>
<td>3416</td>
<td>Lathes</td>
</tr>
<tr>
<td>3417</td>
<td>Milling machines</td>
</tr>
<tr>
<td>3510</td>
<td>Laundry and dry cleaning equipment</td>
</tr>
<tr>
<td>4110</td>
<td>Refrigeration equipment</td>
</tr>
<tr>
<td>4230</td>
<td>Decontaminating and impregnating equipment</td>
</tr>
<tr>
<td>4520</td>
<td>Space heating equipment and domestic water heaters</td>
</tr>
<tr>
<td>4940</td>
<td>Miscellaneous maintenance and repair shop specialized equipment</td>
</tr>
<tr>
<td>5120</td>
<td>Hand tools, nonedged, nonpowered</td>
</tr>
<tr>
<td>5410</td>
<td>Prefabricated and portable buildings</td>
</tr>
<tr>
<td>5530</td>
<td>Plywood and veneer</td>
</tr>
<tr>
<td>5660</td>
<td>Fencing, fences and gates</td>
</tr>
<tr>
<td>5945</td>
<td>Relays and solenoids</td>
</tr>
<tr>
<td>5965</td>
<td>Headsets, handsets, microphones and speakers</td>
</tr>
<tr>
<td>5985</td>
<td>Antennae, waveguide, and related equipment</td>
</tr>
<tr>
<td>5995</td>
<td>Cable, cord, and wire assemblies: communication equipment</td>
</tr>
<tr>
<td>6505</td>
<td>Drugs and biologicals</td>
</tr>
<tr>
<td>6220</td>
<td>Electric vehicular lights and fixtures</td>
</tr>
<tr>
<td>6840</td>
<td>Pest control agents disinfectants</td>
</tr>
<tr>
<td>6850</td>
<td>Miscellaneous chemical, specialties</td>
</tr>
<tr>
<td>7310</td>
<td>Food cooking, baking, and serving equipment</td>
</tr>
<tr>
<td>7320</td>
<td>Kitchen equipment and appliances</td>
</tr>
<tr>
<td>7330</td>
<td>Kitchen hand tools and utensils</td>
</tr>
<tr>
<td>7350</td>
<td>Table ware</td>
</tr>
<tr>
<td>7360</td>
<td>Sets, kits, outfits, and modules food preparation and serving</td>
</tr>
<tr>
<td>7530</td>
<td>Stationery and record forms</td>
</tr>
<tr>
<td>7920</td>
<td>Brooms, brushes, mops, and sponges</td>
</tr>
<tr>
<td>7930</td>
<td>Cleaning and polishing compounds and preparations</td>
</tr>
<tr>
<td>8110</td>
<td>Drums and cans</td>
</tr>
<tr>
<td>9150</td>
<td>Oils and greases: cutting, lubricating, and hydraulic</td>
</tr>
<tr>
<td>9310</td>
<td>Paper and paperboard</td>
</tr>
</tbody>
</table>
Korea (cont’d)

ANNEX 2

Sub-Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

Supplies

Threshold: 200,000 SDR

List of Entities:
- Seoul Metropolitan Government
- City of Pusan
- City of Taegu
- City of Inchon
- City of Kwangju
- City of Taegon
- Kyonggi-do
- Kang-won-do
- Chungchongbuk-do
- Chungchongnam-do
- Kyongsangbuk-do
- Kyongsangnam-do
- Chollabuk-do
- Chollanam-do
- Cheju-do

Services

Threshold: 200,000 SDR

List of Entities which Procure Services Specified in Annex 4:

Same as "Supplies" section

Construction Services

Threshold: SDR 15,000,000

List of Entities which Procure Services Specified in Annex 5:

Same as "Supplies" section
Notes to Annex 2

1. The above sub-central administrative government entities include their subordinate organizations under direct control and offices as prescribed in the Local Autonomy Law of the Republic of Korea.

2. This Agreement does not apply to the products and services procured with a view to resale or to use in the production of goods or provision of services for sale.

3. This Agreement does not apply to the single tendering procurement including set-asides for small- and medium-sized businesses according to the Local Finance Law and its Presidential Decree.

4. This Agreement does not apply to the procurement of satellites according to the Aviation and Space Industry Development Promotion Law for five years from its entry into force for Korea.
Korea (cont’d)

ANNEX 3

All Other Entities which Procure in Accordance With the Provisions of this Agreement

Supplies

Threshold: 450,000 SDR

List of Entities:

- Korea Development Bank
- Small and Medium Industry Bank
- Citizens National Bank
- Korea Housing Bank
- Korea Tobacco & Ginseng Corporation
- Korea Security Printing and Minting Corporation
- Korea Electric Power Corporation (except purchases of products in the categories of HS Nos. 8504, 8535, 8537 and 8544)
- Dai Han Coal Corporation
- Korea Mining Promotion Corporation
- Korea Petroleum Development Corporation
- Korea General Chemical Corporation
- Korea Trade Promotion Corporation
- Korea Highway Corporation
- Korea National Housing Corporation
- Korea Water Resources Corporation
- Korea Land Development Corporation
- Rural Development Corporation
- Agricultural and Fishery Marketing Corporation
- Korea Telecom (except purchases of common telecommunications commodity products and telecommunications network equipment)
- Korea National Tourism Corporation
- National Textbook Ltd.
- Korea Labor Welfare Corporation
- Korea Gas Corporation

Construction Services

Threshold: 15,000,000 SDR

List of Entities which Procure Services Specified in Annex 5:

Same as "Supplies" section
Notes to Annex 3

1. This Agreement does not apply to the products and services procured with a view to resale or to use in the production of goods or provision of services for sale.

2. This Agreement does not apply to the single tendering procurement including set-asides for small- and medium-sized businesses according to the Government Invested Enterprise Management Law and Accounting Regulations on Government Invested Enterprise.

3. This Agreement does not apply to the procurement of satellites according to the Aviation and Space Industry Development Promotion Law for five years from its entry into force for Korea.
ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included (others being excluded):

<table>
<thead>
<tr>
<th>GNS/W/120</th>
<th>CPC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.A.b.</td>
<td>862</td>
<td>Accounting, auditing and bookkeeping services</td>
</tr>
<tr>
<td>1.A.c.</td>
<td>863</td>
<td>Taxation services</td>
</tr>
<tr>
<td>1.A.d.</td>
<td>8671</td>
<td>Architectural services</td>
</tr>
<tr>
<td>1.A.e.</td>
<td>8672</td>
<td>Engineering services</td>
</tr>
<tr>
<td>1.A.f.</td>
<td>8673</td>
<td>Integrated engineering services</td>
</tr>
<tr>
<td>1.A.g.</td>
<td>8674</td>
<td>Urban planning and landscape architectural services</td>
</tr>
<tr>
<td>1.B.a.</td>
<td>841</td>
<td>Consultancy services related to the installation of computer hardware</td>
</tr>
<tr>
<td>1.B.b.</td>
<td>842</td>
<td>Software implementation services</td>
</tr>
<tr>
<td>1.B.c.</td>
<td>843</td>
<td>Data processing services</td>
</tr>
<tr>
<td>1.B.d.</td>
<td>844</td>
<td>Data base services</td>
</tr>
<tr>
<td>1.B.e.</td>
<td>845</td>
<td>Maintenance and repair services of office machinery and equipment (including computers)</td>
</tr>
<tr>
<td>1.E.a.</td>
<td>83013</td>
<td>Rental/leasing services without operators relating to ships</td>
</tr>
<tr>
<td>1.E.b.</td>
<td>83104</td>
<td>Rental/leasing services without operators relating to aircraft</td>
</tr>
<tr>
<td>1.E.c.</td>
<td>83101, 83105*</td>
<td>Rental/leasing services without operators relating to other transport equipment (only passenger vehicles for less than fifteen passengers)</td>
</tr>
<tr>
<td>1.E.d.</td>
<td>83106, 83108, 83109</td>
<td>Rental/leasing services without operators relating to other machinery and equipment</td>
</tr>
<tr>
<td></td>
<td>87107</td>
<td>Rental/leasing services without operator relating to construction machinery and equipment</td>
</tr>
</tbody>
</table>
**Korea (cont'd)**

<table>
<thead>
<tr>
<th>GNS/W/120</th>
<th>CPC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.F.a.</td>
<td>8711, 8719</td>
<td>Advertising agency services</td>
</tr>
<tr>
<td>1.F.b.</td>
<td>864</td>
<td>Market research and public opinion polling services</td>
</tr>
<tr>
<td>1.F.c.</td>
<td>865</td>
<td>Management consulting services</td>
</tr>
<tr>
<td>1.F.d.</td>
<td>86601</td>
<td>Project management services</td>
</tr>
<tr>
<td>1.F.e.</td>
<td>86761*</td>
<td>Composition and purity testing and analysis services (only inspection, testing and analysis services of air, water, noise level and vibration level)</td>
</tr>
<tr>
<td></td>
<td>86764</td>
<td>Technical inspection services</td>
</tr>
<tr>
<td>1.F.f.</td>
<td>8811*, 8812*</td>
<td>Consulting services relating to agriculture and animal husbandry</td>
</tr>
<tr>
<td></td>
<td>8814*</td>
<td>Services incidental to forestry (excluding aerial fire fighting and disinfection)</td>
</tr>
<tr>
<td>1.F.g.</td>
<td>882*</td>
<td>Consulting services relating to fishing</td>
</tr>
<tr>
<td>1.F.h.</td>
<td>883*</td>
<td>Consulting services relating to mining</td>
</tr>
<tr>
<td>1.F.m.</td>
<td>86751, 86752</td>
<td>Related scientific and technical consulting services</td>
</tr>
<tr>
<td>1.F.n.</td>
<td>633, 8861, 8862, 8863, 8864, 8865, 8866</td>
<td>Maintenance and repair of equipment</td>
</tr>
<tr>
<td>1.F.p.</td>
<td>875</td>
<td>Photographic services</td>
</tr>
<tr>
<td>1.F.q.</td>
<td>876</td>
<td>Packaging services</td>
</tr>
<tr>
<td>1.F.r.</td>
<td>88442*</td>
<td>Printing (screen printing, gravure printing, and services relating to printing)</td>
</tr>
<tr>
<td>1.F.s.</td>
<td>87909*</td>
<td>- Stenography services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Convention agency services</td>
</tr>
<tr>
<td>1.F.t.</td>
<td>87905</td>
<td>Translation and interpretation services</td>
</tr>
<tr>
<td>2.C.h.</td>
<td>7523*</td>
<td>Electronic mail</td>
</tr>
<tr>
<td>2.C.i.</td>
<td>7523*</td>
<td>Voice mail</td>
</tr>
</tbody>
</table>
Korea (cont'd)

<table>
<thead>
<tr>
<th>GNS/W/120</th>
<th>CPC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.C.j.</td>
<td>7523*</td>
<td>On-line information and data-base retrieval</td>
</tr>
<tr>
<td>2.C.k.</td>
<td>7523*</td>
<td>Electronic data interchange</td>
</tr>
<tr>
<td>2.C.l.</td>
<td>7523*</td>
<td>Enhanced/value-added facsimile services including store and forward, store and retrieve</td>
</tr>
<tr>
<td>2.C.m.</td>
<td>-</td>
<td>Code and protocol conversion</td>
</tr>
<tr>
<td>2.C.n.</td>
<td>843*</td>
<td>On-line information and/or data processing (including transaction processing)</td>
</tr>
<tr>
<td>2.D.a.</td>
<td>96112*, 96113*</td>
<td>Motion picture and video tape production and distribution services (excluding those services for cable TV broadcasting)</td>
</tr>
<tr>
<td>2.D.e.</td>
<td>-</td>
<td>Record production and distribution services (sound recording)</td>
</tr>
<tr>
<td>6.A.</td>
<td>9401*</td>
<td>Refuse water disposal services (only collection and treatment services of industrial waste water)</td>
</tr>
<tr>
<td>6.B.</td>
<td>9402*</td>
<td>Industrial refuse disposal services (only collection, transport, and disposal services of industrial refuse)</td>
</tr>
<tr>
<td>6.D.</td>
<td>9404*, 9405*</td>
<td>Cleaning services of exhaust gases and noise abatement services (services other than construction work services)</td>
</tr>
<tr>
<td></td>
<td>9406*, 9409*</td>
<td>Environmental testing and assessment services (only environmental impact assessment services)</td>
</tr>
<tr>
<td>11.A.b.</td>
<td>7212*</td>
<td>International transport, excluding cabotage</td>
</tr>
<tr>
<td>11.A.d.</td>
<td>8868*</td>
<td>Maintenance and repair of vessels</td>
</tr>
<tr>
<td>11.F.b.</td>
<td>71233*</td>
<td>Transportation of containerized freight, excluding cabotage</td>
</tr>
<tr>
<td>11.H.a.</td>
<td>741*</td>
<td>- Maritime cargo handling services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Container station services (provided in port areas)</td>
</tr>
<tr>
<td>11.H.b.</td>
<td>742*</td>
<td>Storage and warehouse services other than those in ports (excluding services for agricultural, fishery and livestock products)</td>
</tr>
</tbody>
</table>
Korea (cont'd)

11. H.c 748* Freight transport agency services
- Maritime agency services
- Maritime freight forwarding services
- Shipping brokerage services
- Air cargo transport agency services
- Customs clearance services

11.1. - Freight forwarding for rail transport

Note to Annex 4

Asterisks (*) designate "part of" as described in detail in the Revised Conditional Offer of the Republic of Korea Concerning Initial Commitments on Trade in Services.
Korea (cont'd)

ANNEX 5

Construction Services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

Threshold:  
- 5,000,000 SDR for entities set out in Annex 1
- 15,000,000 SDR for entities set out in Annex 2
- 15,000,000 SDR for entities set out in Annex 3

List of construction services offered:

<table>
<thead>
<tr>
<th>CPC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>511</td>
<td>Pre-erection work at construction sites</td>
</tr>
<tr>
<td>512</td>
<td>Construction work for buildings</td>
</tr>
<tr>
<td>513</td>
<td>Construction work for civil engineering</td>
</tr>
<tr>
<td>514</td>
<td>Assembly and erection of prefabricated construction</td>
</tr>
<tr>
<td>515</td>
<td>Special trade construction work</td>
</tr>
<tr>
<td>516</td>
<td>Installation work</td>
</tr>
<tr>
<td>517</td>
<td>Building completion and finishing work</td>
</tr>
</tbody>
</table>
Korea (cont'd)

GENERAL NOTES

1. Korea will not extend the benefits of this Agreement

   (a) as regards the award of contracts by the National Railroad Administration,

   (b) as regards procurement for airports by the entities listed in Annex 1,

   (c) as regards procurement for urban transportation (including subways) by the entities listed
       in Annexes 1 and 2

   to the suppliers and service providers of member States of the European Communities, Austria,
   Norway, Sweden, Finland and Switzerland, until such time as Korea has accepted that those
   countries give comparable and effective access for Korean undertakings to their relevant markets.

2. For goods and services (including construction services) of Canada and suppliers of such goods
   and services, this Agreement does not apply to procurement by the entities listed in Annexes 2
   and 3. Korea is prepared to amend this note at such time as coverage with respect to these
   Annexes can be resolved with Canada.

3. A service listed in Annex 4 is covered with respect to a particular party only to the extent that
   such party has included that service in its Annex 4.
NORWAY

(Authentic in the English language only)

ANNEX I

Entities which Procure in Accordance With the Provisions of this Agreement

**Supplies**

*Threshold:* SDR 130,000

**Services**

*(specified in Annex 4)*

*Threshold:* SDR 130,000

**Works**

*(specified in Annex 5)*

*Threshold:* SDR 5,000,000

List of Entities:

The following contracting authorities of the State:

- **Statsministerens kontor**
- **Administrasjonsdepartementet**
- **Prisdirektoratet**
- **Statens Forvaltningsstjeneste**
- **Statens Informasjonstjeneste**
- **Statskonsult**
- **Barne - og familiedepartementet**
- **Barneombudet**
- **Forbrukerombudet**
- **Forbrukerrådet**
- **Likestillingsombudet**
- **Likestillingsrådet**
- **Statens Adopsjonskontor**
- **Statens Institutt for Forbruksforskning**

Office of the Prime Minister

- **Ministry of Government Administration**
- **The Price Directorate**
- **Government Administration Services**
- **Norwegian Central Information Service**
- **Directorate of Public Management**

Ministry of Children and Family Affairs

- **Commissioner for Children**
- **Consumer Ombudsman**
- **Consumer Council**
- **Equal Status Ombud**
- **Equal Status Council**
- **Government Adoption Office**
- **National Institute for Consumer Research**

Ministry of Finance

- **The Banking, Insurance and Securities Commission of Norway**
- **Directorate of Taxes**
- **Petroleum Tax Office**
- **Directorate of Customs and Excise**
Norway (cont’d)

Fiskeridepartementet
- Fiskeridirektoratet
- Havforskningsinstituttet
- Kystdirektoratet

Forsvardsdepartementet*
- Forsvarets Forskningsinstitutt*
- Forsvarets Overkommando*
- Haerens Forsyningskommando*
- Luftforsvarets Forsyningskommando*
- Sjøforsvarets Forsyningskommando*
- Forsvarets Sanitet*

Justis- og politidepartementet
- Brønnøysundregisterene
- Datatilsynet
- Direktoratet for sivilt beredskap

Riksadvokaten
- Statsadvokatembetene:
  - Eidsivating
  - Vestfold og Telemark
  - Agder
  - Rogaland
  - Hordaland
  - Møre og Romsdal, Sogn og Fjordane
  - Trondheim
  - Nordland
  - Troms og Finnmark
- Politiet

Kirke-, utdannings- og forskningsdepartementet
- Det norske meteorologiske institutt
- Kirkerådet
- Lærarutdanningsrådet
- Mellomkirkelig råd

Norsk Utenrikspolitisk Institutt
- Norsk Voksenpedagogisk Forskningsinstitutt
- Riksbibliotekstjenesten

Samisk Utdanningsråd

Ministry of Fisheries
- Directorate of Fisheries
- Institute of Marine Research
- Coast Directorate

Ministry of Defence*
- Norwegian Defence Research Establishment*
- Headquarters Defence Command Norway*
- Army Material Command*
- Airforce Material Command*
- Navy Material Command*
- Norwegian Defence Medical Service*

Ministry of Justice (and the Police)
- The Brønnøysund Register Centre
- The Data Inspectorate
- The Directorate for Civil Defence and Emergency Planning
- Director General of Public Prosecutions
- Office of the Public Prosecutor in:

Police Services

Ministry of Education, Research and Church Affairs
- Norwegian Meteorological Institute
- National Council of the Church of Norway
- Teacher Training Council
- Church of Norway Council on Foreign Relations
- Norwegian Institute of International Affairs
- Norwegian Institute of Adult Education

National Office for Research and Special Libraries
- Sami Education Council
Norway (cont'd)

Kommunal- og arbeidsdepartementet
Arbeidsdirektoratet
Arbeidsforskningsinstituttet
Arbeidstilsynet
Direktoratet for Brann og Eksposjonsvern
Produktregisteret
Statens Bygningstekniske Etat
Utlendingsdirektoratet

Ministry of Local Government and Labour
Directorate of Labour
Work Research Institute
Directorate of Labour Inspection
Directorate for Fire and Explosion Prevention
The Product Register
National Office of Building Technology and Administration
Directorate of Immigration

Kulturdepartementet
Norsk Filminstitutt
Norsk Kulturråd
Norsk Språkråd
Riksarkivet
Statsarkivene i:

National Film Board
Norwegian Cultural Council
Norwegian Language Council
National Archives of Norway
National Archives in:

- Oslo
- Hamar
- Kongsberg
- Kristiansand
- Stavanger
- Bergen
- Trondheim
- Tromsø
Rikskonsertene

Norwegian State Foundation for National Promotion of Music
Norwegian Directorate of Public and School Libraries
National Board of Film Censors
National Film Board

Landbruksdepartementet
Norsk Institutt for Skogforskning
Reindriftsadministrasjonen
Statens forskningsstasjoner i Landbruk
Statens Naturskadefond
Statens Næringsmiddeltilsyn
Statens Tilsynsinstitusjoner for Landbruket
Veterinærinstituttet

Ministry of Agriculture
Norwegian Forest Research Institute
Directorate for Reindeer Husbandry
Norwegian State Agricultural Research Stations
National Fund for Natural Disaster Assistance
The Norwegian Food Control Authority
National Agricultural Inspection Services
National Veterinary Institute
Norway (cont’d)

Miljøverndepartementet

Direktoratet for Naturforvaltning
Norsk Polarinstitutt
Riksantikvaren
Statens Forurensingstilsyn
Statens Kartverk

Nærings- og energidepartementet

Direktoratet for Måleteknikk
Norges Geologiske Undersøkelse
Norges Vassdrags- og Energiverk
Oljedirektoratet
Statens Veiledningskontor for oppfinnere
Styret for det industrielle rettsvern

Samferdselsdepartementet

Postdirektoratet
Vegdirektoratet

Sosialdepartementet

Statens Institutt for Folkehelse
Helsedirektoratet
Rikshospitalet
Rikstrygdeverket
Rusmiddeldirektoratet

Statens Helseundersøkelser
Statens Institutt for alkohol- og narkotikaforskning
Statens Legemiddelkontroll
Statens Strålevern
Statens Tobakkskaderåd

Utenriksdepartementet

Direktoratet for utviklingshjelp
Norimpod
Sjøfartsdirektoratet

Ministry of the Environment

Directorate of Nature Management
Norwegian Polar Research Institute
Directorate for Cultural Heritage
State Pollution Control Authority
Norwegian Mapping Authority

Ministry of Industry and Energy

Directorate of National Service of Legal Metrology
Geological Survey of Norway
Norwegian Water Resources and Energy Administration
Norwegian Petroleum Directorate
Norwegian Government Consultative Office for Inventors
Norwegian Patent Office

Ministry of Transport and Communication

Directorate of Postal Services
Directorate of Public Roads

Ministry of Health and Social Affairs

National Institute of Public Health
Directorate of Health
National Hospital
National Insurance Administration
Directorate for the Prevention of Alcohol and Drug Problems
National Health Screening Service
National Institute for Alcohol and Drug Research
Norwegian Medicines Control Authority
Norwegian Radiation Protection Authority
National Council on Smoking and Health

Ministry of Foreign Affairs

Directorate for Development Cooperation
Norwegian Import Promotion Office for Products from Developing Countries
Norwegian Maritime Directorate
Norway (cont’d)

Stortinget
Stortingets ombudsmann for
forvaltningen - Sivilombudsmannen

Riksrevisjonen

Høyesterett

The Storting
Stortingets Ombudsman for Public
Administration

Office of the Auditor General

Supreme Court

Note to Annex 1

Procurement by defence entities (marked with an "***") covers products falling under the CCCN chapters specified in the General Notes.
Norway (cont'd)

ANNEX 2

Entités qui Procure in Accordance with the Provisions of this Agreement

**Supplies**

*Threshold*: SDR 200,000

**Services**

*(specified in Annex 4)*

*Threshold*: SDR 200,000

**Works**

*(specified in Annex 5)*

*Threshold*: SDR 5,000,000

**List of Entities:**

1. Contracting authorities of the regional or local public authorities (all counties (19) and municipalities (435)).

2. Bodies governed by public law, or associations formed by one or more such authorities or bodies governed by public law\(^{32}\), including:

   - Norsk Rikskringkastning
   - Norges Bank
   - Statistisk Sentralbyrå
   - Norges Forskningsråd
   - Statens Pensjonskasse
   - Garanti-instituttet for Eksportkreditt

   - The Norwegian Broadcasting Corporation
   - Norges Bank
   - Statistics Norway
   - Research Council of Norway
   - Norwegian Public Service Pension Fund
   - Norwegian Guarantee Institute for Export Credit

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\(^{32}\)A body is considered to be governed by public law when it:

- is established for the specific purpose of meeting needs in the general interest, not being of a commercial or industrial nature, and
- has legal personality, and
- is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.
Norway (cont’d)

Categories:

- **Statsbanker (State Banks):**
  
<table>
<thead>
<tr>
<th>Norwegian Institution</th>
<th>English Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statens Landbruksbank</td>
<td>State Bank of Agriculture</td>
</tr>
<tr>
<td>Statens Fiskarbank</td>
<td>National Fishery Bank of Norway</td>
</tr>
<tr>
<td>Statens Nærings- og Distriktsutviklingsfond</td>
<td>Norwegian Industrial and Regional</td>
</tr>
<tr>
<td>Den norske stats Husbank</td>
<td>Development Fund</td>
</tr>
<tr>
<td>Norges Kommunalbank</td>
<td>The Norwegian State Housing Bank</td>
</tr>
<tr>
<td>Statens Lånekasse for aviser</td>
<td>The Norwegian Municipalities Bank</td>
</tr>
<tr>
<td>Statens Lånekasse for Utdanning</td>
<td>State Loan Fund for Newspapers</td>
</tr>
<tr>
<td></td>
<td>State Educational Loan Fund</td>
</tr>
</tbody>
</table>

- **Universiteter og Høyskoler etter lov av 16. juni 1989 nr. 77 (Universities and Colleges)**

- **Publicly owned and operated museums**
Norway (cont’d)

ANNEX 3*

Other Entities which Procure in Accordance
With the Provisions of this Agreement

<table>
<thead>
<tr>
<th>Supplies</th>
<th>Threshold: SDR 400,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services</td>
<td>(specified in Annex 4)**</td>
</tr>
<tr>
<td>Threshold:</td>
<td>SDR 400,000</td>
</tr>
<tr>
<td>Works</td>
<td>(specified in Annex 5)</td>
</tr>
<tr>
<td>Threshold:</td>
<td>SDR 5,000,000</td>
</tr>
</tbody>
</table>

**List of Entities:**

1. **The electricity sector:*****
   
   Public entities producing, transporting or distributing electricity pursuant to Lov om bygging og drift av elektriske anlegg (LOV 1969-06-19), Lov om erverv av vannfall, bergverk og annen fast eiendom m.v., Kap. I, jf. kap. V (LOV 19-17-24 16, kap. I), or Vassdragsreguleringsloven (LOV 1917-12-14 17) or Energiloven (LOV 1990-06-29 50).

2. **Urban transport:**
   
   Public entities which have as one of their activities the operation of networks providing a service to the public in the field of transport by automated systems, urban railway, tramway, trolley bus, bus or cable according to Lov om anlegg og drift av jernbane, herunder sporvei, tunellbane og forstadsbanelinjer m.m. (LOV 1993-06-11 100), or Lov om samferdsel (LOV 1976-06-04 63) or Lov om anlegg av taugbaner og løpestrenger (LOV 1912-06-14 1).

3. **Airports:**
   
   Public entities providing airport facilities pursuant to Lov om luftfart (LOV 1960-12-16 1).

   Luftfartsverket National Civil Aviation Administration

4. **Ports:**
   
   Public entities operating pursuant to Havneloven (LOV 1984-06-08 51).

5. **Water supply:*****
   
   Public entities producing or distributing water pursuant to Forskrift om Drikkevann og Vannforsyning (FOR 1951 - 09-28).
Notes to Annex 3

* Annex 3 is subject to Parliamentary approval of additional EEA-legislation in this field.

** This Agreement shall not apply to service contracts which:

(a) a contracting entity awards to an affiliated undertaking;

(b) are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out a relevant activity within the meaning of paragraphs 1-5 of this Annex to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities;

provided that at least 80 per cent of the average turnover of that undertaking with respect to services arising within the EEA for the three preceding years derives from the provision of such services to undertakings with which it is affiliated. When more than one undertaking affiliated with the contracting entity provides the same service or similar services, the total turnover deriving from the provision of services by those undertakings shall be taken into account.

*** The supply of drinking water and electricity to networks which provide a service to the public by a contracting entity other than a public authority shall not be considered as a relevant activity within the meaning of paragraphs 1 and 5 of Annex 3 where:

- the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraphs 1 and 5 of this Annex, and

- supply to the public network depends only on the entity’s own consumption and has not exceeded 30 per cent of the entity’s total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.
Norway (cont'd)

ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:*  

<table>
<thead>
<tr>
<th>Subject</th>
<th>CPC Reference N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance and repair services</td>
<td>6112, 6122, 633, 886</td>
</tr>
<tr>
<td>Land transport services, including armoured car services, and courier services, except transport of mail</td>
<td>712 (except 712235), 7512, 87304</td>
</tr>
<tr>
<td>Air transport services of passengers and freight, except transport of mail</td>
<td>73 (except 7321)</td>
</tr>
<tr>
<td>Transport of mail by land, except rail, and by air</td>
<td>71235, 7321</td>
</tr>
<tr>
<td>Telecommunications services</td>
<td>752** (except 7524, 7525, 7526)</td>
</tr>
<tr>
<td>Financial services</td>
<td>ex 81</td>
</tr>
<tr>
<td>(a) Insurance services</td>
<td>812, 814</td>
</tr>
<tr>
<td>(b) Banking and investment services***</td>
<td></td>
</tr>
<tr>
<td>Computer and related services</td>
<td>84</td>
</tr>
<tr>
<td>Accounting, auditing and bookkeeping services</td>
<td>862</td>
</tr>
<tr>
<td>Market research and public opinion polling services</td>
<td>864</td>
</tr>
<tr>
<td>Management consulting services and related services</td>
<td>865, 866****</td>
</tr>
<tr>
<td>Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical consulting services; technical testing and analysis services</td>
<td>867</td>
</tr>
<tr>
<td>Advertising services</td>
<td>871</td>
</tr>
</tbody>
</table>
Norway (cont'd)

<table>
<thead>
<tr>
<th>Subject</th>
<th>CPC Reference N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building-cleaning services and property management services</td>
<td>874, 82201-82206</td>
</tr>
<tr>
<td>Publishing and printing services on a fee or contract basis</td>
<td>88442</td>
</tr>
<tr>
<td>Sewage and refuse disposal; sanitation and similar services</td>
<td>94</td>
</tr>
</tbody>
</table>

Notes to Annex 4

* except for services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision

** except voice telephony, telex, radiotelephony, paging and satellite services

*** except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services

**** except arbitrations and conciliation services
Definition:

A construction service contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (CPC).

List of Division 51, CPC:

All public works/construction services of Division 51.
GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Norway will not extend the benefits of this Agreement:

- as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada and the USA;

- as regards the award of contracts by entities listed in Annex 3 paragraph

  (1) (electricity), to the suppliers and service providers of Canada, Hong Kong, Japan and the USA;

  (2) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA;

  (3) (airports), to the suppliers and service providers of Canada, Korea and the USA;

  (4) (ports), to the suppliers and service providers of Canada and the USA;

  (5) (water), to the suppliers and service providers of Canada and the USA;

  until such time as Norway has accepted that the Parties concerned give comparable and effective access for Norwegian undertakings to the relevant markets;

- to service providers of Parties which do not include the relevant service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

2. The provisions of Article XX shall not apply to suppliers and service providers of:

- Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Norway accepts that they have completed coverage of sub-central entities;

- Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium-sized enterprises under the relevant provisions in Norway, until such time as Norway accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;

- Israel, Japan and Korea in contesting the award of contracts by Norwegian entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.
Norway (cont’d)

3. Until such time as Norway has accepted that the Parties concerned provide access for Norwegian suppliers and service providers to their own markets, Norway will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment);

- Canada as regards procurement of FSC 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment.

- Israel and Korea as regards procurement by entities listed in Annex 3, paragraph 1, as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos 8501, 8536 and 902830;

- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

4. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.

5. With regard to Annex 3, this Agreement shall not apply to the following contracts:

- contracts which the contracting entities under paragraph 5 award for the purchase of water;

- contracts which the contracting entities under paragraph 1 award for the supply of energy or of fuels for the production of energy;

- contracts which the contracting entities award for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-EEA country;

- contracts awarded for purposes of re-sale or hire to third parties provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and that other entities are free to sell or hire it under the same conditions as the contracting entity;

- contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions.
Norway (cont'd)

6. With regard to Annex 4, this Agreement shall not apply to the following:

- contracts for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon;

- contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;

- contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: "Lov om offentlige anskaffelser m.v." (LOV 1992-11-27 116) on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;

- contracts of employment.

7. The Agreement shall not apply to contracts awarded under:

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;

- an international agreement relating to the stationing of troops;

- the particular procedure of an international organization.

8. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

9. The thresholds in the Annexes will be applied so as to conform with the public procurement thresholds of the EEA agreement.

10. This Agreement does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.

11. When a specific procurement 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.

12. Norway reserves its position with regard to the application of this Agreement to Svalbard, Jan Mayen Island and Norway's Antarctic possessions.

Defence Entities:

Procurement by defence entities (marked with an "**" in Annex 1) covers the following:

Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement
Chapter 26: Metallic ores, slag and ash
Norway (cont’d)

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
Norway (cont’d)

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 84.53
ex 84.59 nuclear reactors
Norway (cont'd)

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
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:
ex 87.01 tractors
ex 87.02 military vehicles
ex 87.03 breakdown lorries
ex 87.08 tanks and other armoured vehicles
ex 87.09 motorcycles
ex 87.14 trailers

Chapter 89: Ships, boats and floating structures
except:
ex 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 or reproducers; television image and sound recorders or reproducers; 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, powder-puffs and sieves

Chapter 98: Miscellaneous manufactured articles
SWEDEN

(Authentic in the English language only)

ANNEX 1

Entities which Procure in Accordance With the Provisions of this Agreement

<table>
<thead>
<tr>
<th>Supplies</th>
<th>Threshold:</th>
<th>SDR 130,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services</td>
<td>(as specified in Annex 4)</td>
<td>SDR 130,000</td>
</tr>
<tr>
<td>Works</td>
<td>(as specified in Annex 5)</td>
<td>SDR 5,000,000</td>
</tr>
</tbody>
</table>

List of Entities:

The following contracting authorities of the State:

A

Akademien för de fria konsterna  Royal Academy of Fine Arts
Allmänna advokatbyråerna (28)  Public Law-Service Offices (28)
Allmänna reklamationsnämnden  National Board for Consumer Complaints
Arbetarskyddsstyrelsen  National Board of Occupational Safety and Health
Arbetsdomstolen  Labour Court
Arbetsgivarverk, statens  National Agency for Government Employers
Arbetslivscentrum  Centre for Working Life
Arbetslivsfonden  Working Lives Fund
Arbetsmarknadsstyrelsen  National Labour Market Board
Arbetsmiljöfonden  Work Environment Fund
Arbetsmiljöinstitutet  National Institute of Occupational Health
Arbetsmiljönämnd, statens  Board of Occupational Safety and Health for Government Employees
**Sweden (cont'd)**

<table>
<thead>
<tr>
<th>Organization Name</th>
<th>English Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkitekturmuseet</td>
<td>Museum of Architecture</td>
</tr>
<tr>
<td>Arkivet för ljud och bild</td>
<td>National Archive of Recorded Sound and Moving Images</td>
</tr>
<tr>
<td>Arrendenämnder (12)</td>
<td>Regional Tenancies Tribunals (12)</td>
</tr>
<tr>
<td><strong>B</strong></td>
<td></td>
</tr>
<tr>
<td>Barnmiljörådet</td>
<td>National Child Environment Council</td>
</tr>
<tr>
<td>Beredning för utvärdering av medicinsk metodik, statens</td>
<td>Swedish Council on Technology Assessment in Health Care</td>
</tr>
<tr>
<td>Beredningen för internationellt tekniskt-ekonomiskt samarbete</td>
<td>Agency for International Technical and Economic Co-operation</td>
</tr>
<tr>
<td>Besvärarnämnden för rättshjälp</td>
<td>Legal Aid Appeals Commission</td>
</tr>
<tr>
<td>Biblioteket, Kungl.</td>
<td>Royal Library</td>
</tr>
<tr>
<td>Biografbyrå, statens</td>
<td>National Board of Film Censors</td>
</tr>
<tr>
<td>Biografiskt lexikon, svenskt</td>
<td>Dictionary of Swedish Biography</td>
</tr>
<tr>
<td>Bokföringsnämnden</td>
<td>Swedish Accounting Standards Board</td>
</tr>
<tr>
<td>Bostadsdomstolen</td>
<td>Housing Appeal Court</td>
</tr>
<tr>
<td>Bostadskreditnämnd, statens (BKN)</td>
<td>National Housing Credit Guarantee Board</td>
</tr>
<tr>
<td>Boverket</td>
<td>National Housing Board</td>
</tr>
<tr>
<td>Brottsförebyggande rådet</td>
<td>National Council for Crime Prevention</td>
</tr>
<tr>
<td>Brottskadenämnden</td>
<td>Criminal Injuries Compensation Board</td>
</tr>
<tr>
<td><strong>C</strong></td>
<td></td>
</tr>
<tr>
<td>Centrala försöksdjursnämnden</td>
<td>Central Committee for Laboratory Animals</td>
</tr>
<tr>
<td>Centrala studiestödsnämnden</td>
<td>National Board of Student Aid</td>
</tr>
<tr>
<td>Centralnämnden för fastighetsdata</td>
<td>Central Board for Real-Estate Data</td>
</tr>
</tbody>
</table>
**Sweden (cont'd)**

<table>
<thead>
<tr>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Datainspektionen</td>
<td>Data Inspection Board</td>
</tr>
<tr>
<td>Departementen</td>
<td>Ministries (Government Departments)</td>
</tr>
<tr>
<td>Domstolsverket</td>
<td>National Courts Administration</td>
</tr>
<tr>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Elsäkerhetsverket</td>
<td>National Electrical Safety Board</td>
</tr>
<tr>
<td>Expertgruppen för forskning om regional utveckling</td>
<td>Expert Group on Regional Studies</td>
</tr>
<tr>
<td>Exportkreditnämnden</td>
<td>Export Credits Guarantee Board</td>
</tr>
<tr>
<td>F</td>
<td></td>
</tr>
<tr>
<td>Fideikommissnämnden</td>
<td>Entailed Estates Council</td>
</tr>
<tr>
<td>Finansinspektionen</td>
<td>Financial Supervisory Authority</td>
</tr>
<tr>
<td>Fiskeriverket</td>
<td>National Board of Fisheries</td>
</tr>
<tr>
<td>Flygtekniska försöksanstalten*</td>
<td>Aeronautical Research Institute*</td>
</tr>
<tr>
<td>Folkhälsoinstitutet</td>
<td>National Institute of Public Health</td>
</tr>
<tr>
<td>Forskningsrådsnämnden</td>
<td>Council for Planning and Co-ordination of Research</td>
</tr>
<tr>
<td>Fortifikationsförvaltningen*</td>
<td>Fortifications Administration*</td>
</tr>
<tr>
<td>Frivårdens behandlingscentral</td>
<td>Probation Treatment Centre</td>
</tr>
<tr>
<td>Förlikningsmannaexpedition, statens</td>
<td>National Conciliators' Office</td>
</tr>
<tr>
<td>Försvarrets civilförvaltning*</td>
<td>Civil Administration of the Defence Forces*</td>
</tr>
<tr>
<td>Försvarrets datacenter*</td>
<td>Defence Data-Processing Centre*</td>
</tr>
<tr>
<td>Försvarrets forskningsanstalt*</td>
<td>National Defence Research Establishment*</td>
</tr>
<tr>
<td>Försvarrets förvaltningsskola*</td>
<td>Defence Forces’ Administration School*</td>
</tr>
<tr>
<td>Försvarrets materielverk*</td>
<td>Defence Material Administration*</td>
</tr>
<tr>
<td>Försvarrets radioanstalt*</td>
<td>National Defence Radio Institute*</td>
</tr>
</tbody>
</table>
**Sweden (cont’d)**

<table>
<thead>
<tr>
<th>Swedish Name</th>
<th>English Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Försvarets sjukvårdsstyrelse*</td>
<td>Medical Board of the Defence Forces*</td>
</tr>
<tr>
<td>Försvarshistoriska museer, statens*</td>
<td>Swedish Museums of Military History*</td>
</tr>
<tr>
<td>Försvarshögskolan*</td>
<td>National Defence College*</td>
</tr>
<tr>
<td>Försäkringskassorna</td>
<td>Social Insurance Offices</td>
</tr>
<tr>
<td>Försäkringsdomstolarna</td>
<td>Social Insurance Courts</td>
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<tr>
<td>Försäkringsöverdomstolen</td>
<td>Supreme Social Insurance Court</td>
</tr>
<tr>
<td>G</td>
<td></td>
</tr>
<tr>
<td>Geologiska undersökning, Sveriges</td>
<td>Geological Survey of Sweden</td>
</tr>
<tr>
<td>Geotekniska institut, statens</td>
<td>Geotechnical Institute</td>
</tr>
<tr>
<td>Glesbygdsmyndigheten</td>
<td>National Rural Area Development Authority</td>
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<tr>
<td>Grafiska institutet och institutet för högre kommunikations- och reklamutbildning</td>
<td>Graphic Institute and the Graduate School of Communications</td>
</tr>
<tr>
<td>H</td>
<td></td>
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<tr>
<td>Handelsflottans kultur- och fritidsråd</td>
<td>Swedish Government Seamen’s Service</td>
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<td>Merchant Pensions Institute</td>
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<td>National Council for the Disabled</td>
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<td>Haverikommission, statens</td>
<td>Board of Accident Investigation</td>
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<td>Hovrätterna (6)</td>
<td>Courts of Appeal (6)</td>
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<td>Humanistisk-sambälsvetenskapliga forskningsrådet</td>
<td>Council for Research in the Humanities and Social Sciences</td>
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<td>Hyresnämnder (12)</td>
<td>Regional Rent Tribunals (12)</td>
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<td>Håktena (30)</td>
<td>Remand Prisons (30)</td>
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<tr>
<td>Hälso- och sjukvårdens ansvarsnämnd</td>
<td>Committee on Medical Responsibility</td>
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<td>Högsta domstolen</td>
<td>Supreme Court</td>
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### Sweden (cont'd)

<table>
<thead>
<tr>
<th>Description</th>
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<tr>
<td>Inskrivningsmyndigheten för företagsintekningar</td>
<td>Register Authority for Floating Charges</td>
</tr>
<tr>
<td>Institut för byggnadsforskning, statens</td>
<td>Council for Building Research</td>
</tr>
<tr>
<td>Institut för psykosocial miljömedicin, statens</td>
<td>National Institute for Psycho-Social Factors and Health</td>
</tr>
<tr>
<td>Institutet för rymdfysik</td>
<td>Swedish Institute of Space Physics</td>
</tr>
<tr>
<td>Invandrarverk, statens</td>
<td>Swedish Immigration Board</td>
</tr>
<tr>
<td>Jordbruksverk, statens</td>
<td>Swedish Board of Agriculture</td>
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<tr>
<td>Justitiekanslern</td>
<td>Office of the Chancellor of Justice</td>
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<tr>
<td>Jämställdhetsombudsmannen och jämställdhetsdelegationen</td>
<td>Office of the Equal Opportunities Ombudsman and the Equal Opportunities Commission</td>
</tr>
<tr>
<td>Kabelnämnden/Närradionämnden</td>
<td>Swedish Cable Authority/Swedish Community Radio Authority</td>
</tr>
<tr>
<td>Kammarkollegiet</td>
<td>National Judicial Board of Public Lands and Funds</td>
</tr>
<tr>
<td>Kammarrätterna (4)</td>
<td>Administrative Courts of Appeal (4)</td>
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<tr>
<td>Kemikalieinspektionen</td>
<td>National Chemicals Inspectorate</td>
</tr>
<tr>
<td>Kommerskollegium</td>
<td>National Board of Trade</td>
</tr>
<tr>
<td>Koncessionsnämnden för miljöskydd</td>
<td>National Franchise Board for Environment Protection</td>
</tr>
<tr>
<td>Konjunkturinstitutet</td>
<td>National Institute of Economic Research</td>
</tr>
<tr>
<td>Konkurrensverket</td>
<td>Swedish Competition Authority</td>
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<tr>
<td>Konstfackskolan</td>
<td>College of Arts, Crafts and Design</td>
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<tr>
<td>Konsthögskolan</td>
<td>College of Fine Arts</td>
</tr>
</tbody>
</table>

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Sweden (cont'd)

Konstmuseer, statens  National Art Museums
Konstnärsnämnden  Arts Grants Committee
Konstråd, statens  National Art Council
Konsumentverket  National Board for Consumer Policies
Krigsarkivet*  Armed Forces Archives*
Kriminaltekniska laboratorium, statens  National Laboratory of Forensic Science
Kriminalvårdens regionkansli (7)  Correctional Region Offices (7)
Kriminalvårdsanstalterna (78)  National/Local Institutions (78)
Kriminalvårdsnämnden  National Paroles Board
Kriminalvårdsstyrelsen  National Prison and Probation Administration
Kronofogdemyndigheterna (24)  Enforcement Services (24)
Kulturråd, statens  National Council for Cultural Affairs
Kustbevakningen*  Swedish Coast Guard*
Kärnkraftinspektion, statens  Nuclear-Power Inspectorate

L

Lantmäteriverk, statens  Central Office of the National Land Survey
Livrustkammaren/Skoklosters slott/Hallwylska museet  Royal Armoury
Livsmedelsverk, statens  National Food Administration
Lotterinämnden  Gaming Board
Läkemedelsverket  Medical Products Agency
Läns- och distriktsåklagarmyndigheterna  County Public Prosecution Authority and District Prosecution Authority
Länsarbetsnämnderna (24)  County Labour Boards (24)
Länsträtterna (25)  County Administrative Courts (25)
Sweden (cont’d)

Länsstyrelserna (24) County Administrative Boards (24)
Löne- och pensionsverk, statens National Government Employee Salaries and Pensions Board

M

Marknadsdomstolen Market Court
Maskinprovningar, statens National Machinery Testing Institute
Medicinska forskningsrådet Medical Research Council
Meteorologiska och hydrologiska institutes, Sveriges Swedish Meteorological and Hydrological Institute
Militärhögskolan* Armed Forces Staff and War College*
Musiksamlingar, statens Swedish National Collections of Music

N

Naturhistoriska riksmuseet Museum of Natural History
Naturvetenskapliga forskningsrådet Natural Science Research Council
Naturvårdsverk, statens National Environmental Protection Agency
Nordiska Afrikainstitutet Scandinavian Institute of African Studies
Nordiska hälsovårdshögskolan Nordic School of Public Health
Nordiska institutet för samhällsplanering Nordic Institute for Studies in Urban and Regional Planning
Nordiska museet, stiftelsen Nordic Museum
Nordiska rådets svenska delegation Swedish Delegation of the Nordic Council
Notarienämnden Recorders Committee
Nämnden för internationella adoptionsfrågor National Board for Intra Country Adoptions
Nämnden för offentlig upphandling National Board for Public Procurement
Nämnden för statens gruvegendom State Mining Property Commission
Sweden (cont'd)

Nämnden för statliga förnyelsefonder
National Fund for Administrative Development and Training for Government Employees

Nämnden för utställning av nutida svensk konst i utlandet
Swedish National Committee for Contemporary Art Exhibitions Abroad

Närings- och teknikutvecklingsverket
National Board for Industrial and Technical Development

O

Ombudsmannen mot etnisk diskriminering och nämnden mot etnisk diskriminering
Office of the Ethnic Discrimination Ombudsman Advisory Committee on Questions Concerning Ethnic Discrimination

P

Patentbesvärsrätten
Court of Patent Appeals

Patent- och registreringsverket
Patents and Registration Office

Person- och adressregisternämnd, statens
Co-ordinated Population and Address Register

Polarforskningssekreteratet
Swedish Polar Research Secretariat

Presstödsnämnden
Press Subsidies Council

Psykologisk-pedagogiska bibliotek, statens
National Library for Psychology and Education

R

Radionämnden
Broadcasting Commission

Regeringskansliets förvaltningskontor
Central Services Office for the Ministries

Regeringsrätten
Supreme Administrative Court

Riksantikvarieämbetet och statens historiska museer
Central Board of National Antiquities and National Historical Museums

Riksarkivet
National Archives

Riksbanken
Bank of Sweden
Sweden (cont'd)

Riksdagens förvaltningskontor
Administration Department of the Swedish Parliament

Riksdagens ombudsmän, JO
The Parliamentary Ombudsmen

Riksdagens revisorer
The Parliamentary Auditors

Riksförsäkringsverket
National Social Insurance Board

Riksgäldskontoret
National Debt Office

Rikspolisstyrelsen
National Police Board

Riksrevisionsverket
National Audit Bureau

Riksskatteverket
National Tax Board

Riksutställningar, Stiftelsen
Travelling Exhibitions Service

Riksåklagaren
Office of the Prosecutor-General

Rymdstyrelsen
National Space Board

Råd för byggnadsforskning, statens
Council for Building Research

Rådet för grundläggande högskoleutbildning
Council for Renewal of Undergraduate Education

Räddningsverk, statens*
National Rescue Services Board*

Rättshjälpsnämnden
Regional Legal-aid Commission

Rättsmedicinalverket
National Board of Forensic Medicine

S

Sameskolstyrelsen och sameskolor
Sami (Lapp) School Board
Sami (Lapp) Schools

Sjöfartsverket
National Maritime Administration

Sjöhistoriska museer, statens
National Maritime Museums

Skattemyndigheterna (24)
Local Tax Offices (24)

Skogs- och jordbruks forskningsråd
Swedish Council for Forestry and Agricultural Research

Skogsstyrelsen
National Board of Forestry
### Sweden (cont'd)

<table>
<thead>
<tr>
<th>Swedish Organization</th>
<th>English Equivalent</th>
</tr>
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<tbody>
<tr>
<td>Skolverk, statens</td>
<td>National Agency for Education</td>
</tr>
<tr>
<td>Smittskyddsinstitutet</td>
<td>Swedish Institute for Infectious Disease Control</td>
</tr>
<tr>
<td>Socialstyrelsen</td>
<td>National Board of Health and Welfare</td>
</tr>
<tr>
<td>Socialvetenskapliga forskningsrådet</td>
<td>Swedish Council for Social Research</td>
</tr>
<tr>
<td>Sprängämnesinspektionen</td>
<td>National Inspectorate of Explosives and Flammables</td>
</tr>
<tr>
<td>Statistiska centralbyrån</td>
<td>Statistics Sweden</td>
</tr>
<tr>
<td>Statskontoret</td>
<td>Agency for Administrative Development</td>
</tr>
<tr>
<td>Stiftelsen WHO</td>
<td>Collaborating Centre on International Drug Monitoring</td>
</tr>
<tr>
<td>Strålskyddsinstitut, statens</td>
<td>National Institute of Radiation Protection</td>
</tr>
<tr>
<td>Styrelsen för internationell utveckling, SIDA</td>
<td>Swedish International Development Authority</td>
</tr>
<tr>
<td>Styrelsen för Internationellt Näringslivsbistånd, SWEDECORP</td>
<td>Swedish International Enterprise Development</td>
</tr>
<tr>
<td>Styrelsen för psykologiskt försvar*</td>
<td>National Board of Psychological Defence*</td>
</tr>
<tr>
<td>Styrelsen för Sverigebilden</td>
<td>Image Sweden</td>
</tr>
<tr>
<td>Styrelsen för teknisk ackreditering</td>
<td>Swedish Board for Technical Accreditation</td>
</tr>
<tr>
<td>Styrelsen för u-landsforskning, SAREC</td>
<td>Swedish Agency for Research Cooperation with Developing Countries</td>
</tr>
<tr>
<td>Svenska institutet, stiftelsen</td>
<td>Swedish Institute</td>
</tr>
</tbody>
</table>

### T

<table>
<thead>
<tr>
<th>Swedish Organization</th>
<th>English Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Talboks- och punktskriftsbiblioteket</td>
<td>Library of Talking Books and Braille Publications</td>
</tr>
<tr>
<td>Teknikvetenskapliga forskningsrådet</td>
<td>Swedish Research Council for Engineering Sciences</td>
</tr>
<tr>
<td>Tekniska museet, stiftelsen</td>
<td>National Museum of Science and Technology</td>
</tr>
<tr>
<td>Tingsrätterna (97)</td>
<td>District and City Courts (97)</td>
</tr>
<tr>
<td>Tjänsteförslagsnämnden för domstolsväsendet</td>
<td>Judges Nomination Proposal Committee</td>
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**Sweden (cont’d)**

<table>
<thead>
<tr>
<th>Swedish Organization</th>
<th>English Translation</th>
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<tr>
<td>Transportforskningsberedningen</td>
<td>Transport Research Board</td>
</tr>
<tr>
<td>Transportrådet</td>
<td>Board of Transport</td>
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<tr>
<td>Tullverket</td>
<td>Swedish Board of Customs</td>
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<td><strong>U</strong></td>
<td></td>
</tr>
<tr>
<td>Ungdomsråd, statens</td>
<td>State Youth Council</td>
</tr>
<tr>
<td>Universitet och högskolor</td>
<td>Universities and University Colleges</td>
</tr>
<tr>
<td>Utlänningsnämndnen</td>
<td>Aliens Appeals Board</td>
</tr>
<tr>
<td>Utsädeskontroll, statens</td>
<td>National Seed Testing and Certification Institute</td>
</tr>
<tr>
<td><strong>V</strong></td>
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<tr>
<td>Vatten- och avloppsnämnd, statens</td>
<td>National Water Supply and Sewage Tribunal</td>
</tr>
<tr>
<td>Vattenöverdomstolen</td>
<td>Water Rights Court of Appeal</td>
</tr>
<tr>
<td>Verket för högskoleservice (VHS)</td>
<td>National Agency for Higher Education</td>
</tr>
<tr>
<td>Veterinärmedicinska anstalt, statens</td>
<td>National Veterinary Institute</td>
</tr>
<tr>
<td>Väg- och trafikinstitut, statens</td>
<td>Road and Traffic Research Institute</td>
</tr>
<tr>
<td>Värnpliktsverket*</td>
<td>Armed Forces’ Enrolment Board*</td>
</tr>
<tr>
<td>Växtsortnämnd, statens</td>
<td>National Plant Variety Board</td>
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<td><strong>Y</strong></td>
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<tr>
<td>Yrkesinspektionen</td>
<td>Labour Inspectorate</td>
</tr>
<tr>
<td><strong>Å</strong></td>
<td></td>
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<tr>
<td>Åklagarmyndigheterna</td>
<td>Public Prosecution Authorities</td>
</tr>
<tr>
<td><strong>Ö</strong></td>
<td></td>
</tr>
<tr>
<td>Överbefälhavaren*</td>
<td>Supreme Commander of the Armed Forces*</td>
</tr>
<tr>
<td>Överstyrelsen för civil beredskap*</td>
<td>National Board of Civil Emergency Preparedness*</td>
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</tbody>
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*Note to Annex 1*

For explanation of asterisks, see note 12 of General Notes.
Sweden (cont’d)

ANNEX 2

Entities which Procure in Accordance
With the Provisions of this Agreement

Supplies
Threshold: SDR 200,000

Services
Threshold: (as specified in Annex 4)

Works
Threshold: (as specified in Annex 5)

List of Entities:

1. Regional and local public authorities including all County Councils (23) and all Municipalities (286).

2. Procuring entities including companies, associations and foundations established for the specific purpose of meeting needs in the general interest not having an industrial or commercial character and subject to certain other criteria; pursuant to the Public Procurement Act: "Lag om offentlig upphandling" (1992:1528).

---

31 - Financed for the most part by the State, a regional or a local authority, an ecclesiastical body; or
   - Subject to supervision of the procurement by the State, a local authority; or
   - Having a supervisory board whose members are appointed by the State, a regional or local authority or an ecclesiastical body; or
   - Having a supervisory board, of which more than half of the members are appointed by the State, a regional or a local authority.
Sweden (cont’d)

ANNEX 3

Other Entities which Procure in Accordance With the Provisions of this Agreement

Supplies
Threshold: SDR 400,000

Services (as specified in Annex 4)³⁴
Threshold: SDR 400,000

Works (as specified in Annex 5)
Threshold: SDR 5,000,000

List of public entities in the sectors of:

1. Electricity

   Entities which have as one of their activities the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport, distribution or the supply of electricity on the basis of a concession pursuant to "Lag (1902:71) innefattande vissa bestämmelser om elektriska anläggningar", inter alia;

   Vattenfall AB
   Stockholm Energi Produktion AB
   Swedish International Grid
   Sydkraft AB
   Trollhätte kanalverk

2. Urban Transport

   Entities which have as one of their activities the operation of networks providing a service to the public in the field of transport by automated systems, urban railway, tramway, trolley bus, bus or cable according to "Lag (1978:438) om huvudmanna skap för viss kollektiv persontrafik", for urban railway or tramway services pursuant to "Lag (1990:1157) om järnvägs säkerhet" and for trolley bus or bus services in accordance with "Lag (1988:263) om yrkestrafik", inter alia;

   Storstockholms Lokaltrafik AB, SL

³⁴Under the conditions provided for in the Swedish Procurement Act (1992:1528).
Sweden (cont’d)

3. **Airports**

   Entities which have as one of their activities the exploitation of a geographical area for the purpose of the provision of airport facilities e.g. publicly owned and operated airports in accordance with "Lag (1957:297) om luftfart" having as their result the reservation for one or more entities of the exploitation of the activities described, *inter alia*;

   Civil Aviation Administration

4. **Ports**

   Entities which have as one of their activities the exploitation of a geographical area for the purpose of the provision of port facilities e.g. publicly owned and/or operated ports and terminal facilities according to "Lag (1988:293) om inrättande, utvidgning och avlysning av allmän farled och allmän hamn", "Förordning (1983:744) om trafiken på Göta kanal", *inter alia*;

   Gavle port
   Göteborg port
   Luleå port
   Stockholm port
   Trelleborg port
   Uddevalla port

5. **Water**

   Local authorities and municipal companies which have as one of their activities the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water according to "Lag (1970:244) om allmänna vatten- och avloppsanläggningar"
Sweden (cont’d)

ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

<table>
<thead>
<tr>
<th>Subject</th>
<th>CPC Ref No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance and repair services</td>
<td>6112, 6122, 633, 886</td>
</tr>
<tr>
<td>Land transport services, including armoured car services and courier services, except transport of mail</td>
<td>712 (except 71235), 7512, 87304</td>
</tr>
<tr>
<td>Air transport services of passengers and freight, except transport of mail</td>
<td>73 (except 7321)</td>
</tr>
<tr>
<td>Transport of mail by land, except rail, and by air</td>
<td>71235, 7321</td>
</tr>
<tr>
<td>Telecommunications services</td>
<td>752* (except 7524, 7525, 7526)</td>
</tr>
<tr>
<td>Financial services</td>
<td>ex 81</td>
</tr>
<tr>
<td>(a) insurance services</td>
<td>812, 814</td>
</tr>
<tr>
<td>(b) banking and investment services</td>
<td></td>
</tr>
<tr>
<td>Computer and related services</td>
<td>84</td>
</tr>
<tr>
<td>Accounting, auditing and book-keeping services</td>
<td>862</td>
</tr>
<tr>
<td>Market research and public opinion polling services</td>
<td>864</td>
</tr>
<tr>
<td>Management consulting services and related services</td>
<td>865, 866***</td>
</tr>
<tr>
<td>Architectural services; engineering services, urban planning and landscape architectural services, related scientific and technical consulting services, technical testing and analysis services</td>
<td>867</td>
</tr>
</tbody>
</table>
Sweden (cont'd)

Advertising services

Building-cleaning services
and property management services

Publishing and printing services
on a fee or contract basis

Sewage and refuse disposal,
sanitation and similar services

Notes to Annex 4

* except voice telephony, telex, radiotelephony, paging and satellite services
** except contracts for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services. Payments to and from Government agencies shall be transacted through the Swedish Postal Giro system (Postgirot)
*** except arbitration and conciliation services


**Annex 5**

**Construction Services**

**Definition:**

A Construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

**List of Division 51, CPC:**

All public works/construction services of Division 51.
Swedish (cont’d)

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Sweden will not extend the benefits of this Agreement:
   - as regards the award of contracts by entities covered by paragraphs 1 and 2 of Annex 2 to the suppliers and service providers of Canada and the USA;
   - as regards the award of contracts by entities listed in Annex 3, paragraph
     1 (electricity) to the suppliers and service providers of Canada, Hong Kong, Japan, and the USA;
     2 (urban transport) to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA;
     3 (airports) to the suppliers and service providers of Canada, Korea, and the USA;
     4 (ports) to the suppliers and service providers of Canada and the USA;
     5 (water) to the suppliers and service providers of Canada and the USA;

   until such time as Sweden has accepted that the Parties concerned give comparable and effective access for Swedish undertakings to the relevant markets;
   - to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

2. The provisions of Article XX shall not apply to suppliers and service providers of:
   - Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities covered by paragraph 2 of Annex 2, until such time as Sweden accepts that they have completed coverage of sub-central entities;
   - Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium-sized enterprises under the relevant provisions in Sweden, until such time as Sweden accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;
   - Israel, Japan and Korea in contesting the award of contracts by Swedish entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.
Sweden (cont'd)

3. Until such time as Sweden has accepted that the Parties concerned provide access for Swedish suppliers and service providers to their own markets, Sweden will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment);

- Canada as regards procurement of FSC 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;

- Israel and Korea as regards procurement by entities listed in Annex 3, paragraph 1, as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables) and for Israel, HS Nos 8501, 8536 and 902830;

- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

4. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.

5.1 With regard to Annex 3, this Agreement shall not apply to the following:

- contracts which the contracting entities under paragraph 5 of Annex 3 award for the purchase of water;

- contracts which the contracting entities under paragraph 1 of Annex 3 award for the supply of energy or of fuels for the production of energy;

- contracts which the contracting entities award for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-EEA country;

- contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions;

- contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
Sweden (cont’d)

5.2 With regard to Annex 3, this Agreement shall not apply to the following:

- service contracts which a contracting entity awards to an affiliated undertaking;

- service contracts which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out a relevant activity within the meaning of paragraphs 1-5 of Annex 3 to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities, provided that at least 80 per cent of the average turnover of that undertaking with respect to services arising within the EEA for the preceding three years derives from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service or similar services, the total turnover deriving from the provision of services by those undertakings shall be taken into account.

5.3 The supply of drinking water and electricity to networks which provide a service to the public by a contracting entity other than a public authority shall not be considered as a relevant activity within the meaning of paragraphs 1 and 5 in Annex 3 where:

- the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraphs 1 and 5 of Annex 3, and

- supply to the public network depends only on the entity’s own consumption and has not exceeded 30 per cent of the entity’s total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

6. With regard to Annex 4, this Agreement shall not apply to the following:

- contracts for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon;

- contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;

- contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: "Lag om offentlig upphandling" (1992:1528) on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;

- contracts of employment.

7. The Agreement shall not apply to contracts awarded under:

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;

- an international agreement relating to the stationing of troops;

- the particular procedure of an international organization.
Sweden (cont'd)

8. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

9. The thresholds specified in the Annexes will be applied so as to conform with the public procurement thresholds in the EEA agreement.

10. This Agreement does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.

11. When a specific procurement 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.

12. Procurement by defence entities (marked with an * in Annex 1) covers products falling under the following CCCN chapters:

<table>
<thead>
<tr>
<th>CCCN Chapter</th>
<th>Except:</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-26</td>
<td>ex 27.10 special engine fuels</td>
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<tr>
<td>27</td>
<td>ex 28.09 explosives</td>
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<td></td>
<td>ex 28.13 explosives</td>
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<td>ex 28.14 tear gas</td>
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<td></td>
<td>ex 28.28 explosives</td>
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<tr>
<td></td>
<td>ex 28.32 explosives</td>
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<tr>
<td></td>
<td>ex 28.39 explosives</td>
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<td></td>
<td>ex 28.50 toxic products</td>
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<td>ex 28.51 toxic products</td>
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<td></td>
<td>ex 28.54 explosives</td>
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<td>29</td>
<td>ex 29.03 explosives</td>
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<td>ex 29.04 explosives</td>
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<td></td>
<td>ex 29.07 explosives</td>
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<td></td>
<td>ex 29.08 explosives</td>
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<td>ex 29.11 explosives</td>
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<td></td>
<td>ex 29.27 toxic products</td>
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<td></td>
<td>ex 29.29 explosives</td>
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</tbody>
</table>
Sweden (cont'd)

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
    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 measurements instruments
91-92
94  ex 94.01 aerodynamic seats
95-98
UNITED STATES

(Authentic in the English language only)

ANNEX 1

Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

Threshold: 130,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

1. Department of Agriculture (not including procurement of agricultural products made in
furtherance of agricultural support programmes or human feeding programmes)
2. Department of Commerce (not including shipbuilding activities of NOAA, as excluded in
Annex 4)
3. Department of Education
4. Department of Health and Human Services
5. Department of Housing and Urban Development
6. Department of the Interior (including the Bureau of Reclamation)
7. Department of Justice
8. Department of Labor
9. Department of State
10. United States Agency for International Development (not including procurement for the direct
purpose of providing foreign assistance)
11. Department of the Treasury
12. Department of Transportation (not including procurement by the Federal Aviation Administration,
and pursuant to Article XXIII, the national security considerations applicable to the Department
of Defense are equally applicable to the Coast Guard, a military unit of the United States)
13. Department of Energy (pursuant to Article XXIII, national security exceptions include
procurements made in support of safeguarding nuclear materials or technology and entered
into under the authority of the Atomic Energy Act, and oil purchases related to the Strategic
Petroleum Reserve)
14. General Services Administration (except Federal Supply Groups 51 and 52 and Federal Supply
Class 7340)
15. National Aeronautics and Space Administration
16. The Department of Veterans Affairs
17. Environmental Protection Agency
18. United States Information Agency
19. National Science Foundation
20. Panama Canal Commission
21. Executive Office of the President
22. Farm Credit Administration
23. National Credit Union Administration
24. Merit Systems Protection Board
25. ACTION
United States (cont'd)

26. United States Arms Control and Disarmament Agency
27. Office of Thrift Supervision
28. Federal Housing Finance Board
29. National Labor Relations Board
30. National Mediation Board
31. Railroad Retirement Board
32. American Battle Monuments Commission
33. Federal Communications Commission
34. Federal Trade Commission
35. Interstate Commerce Commission
36. Securities and Exchange Commission
37. Office of Personnel Management
38. United States International Trade Commission
39. Export-Import Bank of the United States
40. Federal Mediation and Conciliation Service
41. Selective Service System
42. Smithsonian Institution
43. Federal Deposit Insurance Corporation
44. Consumer Product Safety Commission
45. Equal Employment Opportunity Commission
46. Federal Maritime Commission
47. National Transportation Safety Board
48. Nuclear Regulatory Commission
49. Overseas Private Investment Corporation
50. Administrative Conference of the United States
51. Board for International Broadcasting
52. Commission on Civil Rights
53. Commodity Futures Trading Commission
54. Peace Corps
55. National Archives and Records Administration
56. Advisory Commission on Intergovernmental Relations
57. African Development Foundation
58. Alaska Natural Gas Transportation System
59. Appalachian Regional Commission
60. Commission of Fine Arts
61. Delaware River Basin Commission
62. Federal Election Commission
63. Federal Emergency Management Agency
64. Federal Home Loan Mortgage Corporation
65. Federal Maritime Commission
66. Federal Mine Safety and Health Review Commission
67. Federal Reserve System
68. Federal Retirement Thrift Investment Board
69. Holocaust Memorial Council
70. Inter-American Foundation
71. National Capital Planning Commission
72. National Commission on Libraries and Information Science
73. National Council on Disability
74. National Foundation on the Arts and the Humanities
United States (cont’d)

75. Occupational Safety and Health Review Commission
76. Office of Government Ethics
77. Office of the Nuclear Waste Negotiator
78. Office of Special Counsel
79. Resolution Trust Corporation Oversight Board
80. Small Business Administration
81. Susquehanna River Basin Commission
82. Pennsylvania Avenue Development Corporation
83. Federal Crop Insurance Corporation
84. Federal Prison Industries, Inc.
85. Government National Mortgage Association
86. Uranium Enrichment Corporation
87. Department of Defense, including the Corps of Army Engineers

This Agreement will not apply to the following purchases of the Department of Defense:

(a) Federal Supply Classification (FSC) 83 - all elements of this classification other than pins, needles, sewing kits, flagstaffs, 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) Speciality 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, olybdenum, 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 and 52;
(h) Following FSC categories are not generally covered due to application of Article XXIII, 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 XXIII, paragraph 1.

FSC 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
### United States (cont’d)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>37</td>
<td>Agricultural Machinery and Equipment</td>
</tr>
<tr>
<td>38</td>
<td>Construction, Mining, Excavating, and Highway Maintenance Equipment</td>
</tr>
<tr>
<td>39</td>
<td>Materials Handling Equipment</td>
</tr>
<tr>
<td>40</td>
<td>Rope, Cable, Chain and Fittings</td>
</tr>
<tr>
<td>41</td>
<td>Refrigeration and Air Conditioning Equipment</td>
</tr>
<tr>
<td>42</td>
<td>Fire Fighting, Rescue and Safety Equipment</td>
</tr>
<tr>
<td>43</td>
<td>Pumps and Compressors</td>
</tr>
<tr>
<td>44</td>
<td>Furnace, Steam Plant, Drying Equipment and Nuclear Reactors</td>
</tr>
<tr>
<td>45</td>
<td>Plumbing, Heating and Sanitation Equipment</td>
</tr>
<tr>
<td>46</td>
<td>Water Purification and Sewage Treatment Equipment</td>
</tr>
<tr>
<td>47</td>
<td>Pipe, Tubing, Hose and Fittings</td>
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<tr>
<td>48</td>
<td>Valves</td>
</tr>
<tr>
<td>49</td>
<td>Maintenance and Repair Shop Equipment</td>
</tr>
<tr>
<td>53</td>
<td>Hardware and Abrasives</td>
</tr>
<tr>
<td>54</td>
<td>Prefabricated Structures and Scaffolding</td>
</tr>
<tr>
<td>55</td>
<td>Lumber, Millwork, Plywood and Veneer</td>
</tr>
<tr>
<td>56</td>
<td>Construction and Building Materials</td>
</tr>
<tr>
<td>61</td>
<td>Electric Wire, and Power and Distribution Equipment</td>
</tr>
<tr>
<td>62</td>
<td>Lighting Fixtures and Lamps</td>
</tr>
<tr>
<td>63</td>
<td>Alarm and Signal Systems</td>
</tr>
<tr>
<td>65</td>
<td>Medical, Dental, and Veterinary Equipment and Supplies</td>
</tr>
<tr>
<td>66</td>
<td>Instruments and Laboratory Equipment</td>
</tr>
<tr>
<td>67</td>
<td>Photographic Equipment</td>
</tr>
<tr>
<td>68</td>
<td>Chemicals and Chemical Products</td>
</tr>
<tr>
<td>69</td>
<td>Training Aids and Devices</td>
</tr>
<tr>
<td>70</td>
<td>General Purpose ADPE, Software, Supplies and Support Equipment</td>
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<tr>
<td>71</td>
<td>Furniture</td>
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<tr>
<td>72</td>
<td>Household and Commercial Furnishings and Appliances</td>
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<tr>
<td>73</td>
<td>Food Preparation and Serving Equipment</td>
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<tr>
<td>74</td>
<td>Office Machines, Visible Record Equipment and ADP Equipment</td>
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<td>75</td>
<td>Office Supplies and Devices</td>
</tr>
<tr>
<td>76</td>
<td>Books, Maps and Other Publications</td>
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<tr>
<td>77</td>
<td>Musical Instruments, Phonographs, and Home Type Radios</td>
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<tr>
<td>78</td>
<td>Recreational and Athletic Equipment</td>
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<tr>
<td>79</td>
<td>Cleaning Equipment and Supplies</td>
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<tr>
<td>80</td>
<td>Brushes, Paints, Sealers and Adhesives</td>
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<tr>
<td>81</td>
<td>Containers, Packaging and Packing Supplies</td>
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<td>85</td>
<td>Topoltries</td>
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<tr>
<td>87</td>
<td>Agricultural Supplies</td>
</tr>
<tr>
<td>88</td>
<td>Live Animals</td>
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<tr>
<td>91</td>
<td>Fuels, Lubricants, Oils and Waxes</td>
</tr>
<tr>
<td>93</td>
<td>Non-metallic Fabricated Materials</td>
</tr>
<tr>
<td>94</td>
<td>Non-metallic Crude Materials</td>
</tr>
<tr>
<td>96</td>
<td>Ores, Minerals and their Primary Products</td>
</tr>
<tr>
<td>99</td>
<td>Miscellaneous</td>
</tr>
</tbody>
</table>

#### Note to Annex 1

The conditions specified in the General Notes apply to this Annex.
United States (cont’d)

ANNEX 2

Sub-Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

Threshold: 355,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

California
Executive branch agencies

Colorado
Executive branch agencies

Connecticut
Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware*
Administrative Services (Central Procurement Agency)
State Universities
State Colleges

Florida*
Executive branch agencies

Hawaii
Department of Accounting and General Services (with the exception of procurements of software
developed in the state and construction)
United States (cont’d)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Illinois*

Department of Central Management Services

Louisiana

Executive branch agencies

Maine*

Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies and school construction)
Maine Department of Transportation

Maryland*

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation

Michigan*

Department of Management and Budget

Mississippi

Department of Finance and Administration (does not include services)
United States (cont’d)

Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York*

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Oregon

Department of Administrative Services

Pennsylvania*

Executive branch agencies, including:

Governor’s Office
Department of the Auditor General
Treasury Department
Department of Agriculture
Department of Banking
Pennsylvania Securities Commission
Department of Health
Department of Transportation
Insurance Department
Department of Aging
Department of Correction
Department of Labor and Industry
Department of Military Affairs
Office of Attorney General
Department of General Services
Department of Education
Public Utility Commission
Department of Revenue
United States (cont’d)

Department of State
Pennsylvania State Police
Department of Public Welfare
Fish Commission
Game Commission
Department of Commerce
Board of Probation and Parole
Liquor Control Board
Milk Marketing Board
Lieutenant Governor’s Office
Department of Community Affairs
Pennsylvania Historical and Museum Commission
Pennsylvania Emergency Management Agency
State Civil Service Commission
Pennsylvania Public Television Network
Department of Environmental Resources
State Tax Equalization Board
Department of Public Welfare
State Employees’ Retirement System
Pennsylvania Municipal Retirement Board
Public School Employees’ Retirement System
Pennsylvania Crime Commission
Executive Offices

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

General Services Commission

Washington

Washington State executive branch agencies, including:

General Administration
Department of Transportation
State Universities
United States (cont’d)

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

Wisconsin

Executive branch agencies, including:
Department of Administration
State Correctional Institutions
Department of Development
Educational Communications Board
Department of Employment Relations
State Historical Society
Department of Health and Social Services
Insurance Commissioner
Department of Justice
Lottery Board
Department of Natural Resources
Administration for Public Instruction
Racing Board
Department of Revenue
State Fair Park Board
Department of Transportation
State University System

Wyoming*

Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

Exceptions for all States with pre-existing restrictions

Construction-Grade Steel (including requirements on subcontracts)
Motor Vehicles
Coal*

Procurements subject to programmes promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women are reserved from coverage.
United States (cont'd)

Notes to Annex 2

In addition to the conditions specified in the General Notes, the following conditions apply:

1. Nothing in this Annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.

2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

3. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.

* The exceptions for steel, motor vehicles and coal apply only to those States marked by asterisk.
United States (cont'd)

ANNEX 3

All Other Entities which Procure in Accordance
With the Provisions of this Agreement

Threshold: 400,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- Alaska Power Administration

St. Lawrence Seaway Development Corporation

Waiver of Buy American restrictions on Rural Electrification Administration financing to rural power cooperatives.

Note to Annex 3

The conditions specified in the General Notes apply to this Annex.
United States (cont’d)

ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are excluded:

1. All transportation services, including Launching Services (CPC Categories 71, 72, 73, 74, 8859, 8868).

   Note: Transportation services, where incidental to a contract for the procurement of supplies, are not subject to this Agreement.

2. Dredging.

3. All services purchased in support of military forces located overseas.

4. Management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development centers (FFRDCs).

5. Public utilities services, including telecommunications and ADP-related telecommunications services except enhanced (i.e., value-added) telecommunications services.

6. Research and Development.

7. Printing Services (for Annex 2 entities only).

Note to Annex 4

The conditions specified in the General Notes also apply to this Annex.
UNITED STATES (cont'd)

ANNEX 5

Construction Services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of Division 51, CPC:

All services listed in Division 51.

Note to Annex 5

The conditions specified in the General Notes apply to this Annex.
GENERAL NOTES

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of small and minority businesses.

2. Procurement in terms of US coverage does not include non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under US annexes to this Agreement.

3. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.

4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.

5. For goods and services (including construction) of the following countries and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3 or the waiver described in Annex 3:

   Member States of the European Communities
   Canada
   Austria
   Switzerland
   Norway
   Sweden
   Finland
   Japan

   The United States is prepared to amend this note at such time as coverage with respect to these annexes can be resolved with a Party listed above.

6. For construction services of the Republic of Korea and suppliers of such services, this Agreement applies only to procurement of the entities listed in Annexes 2 and 3 above a threshold of 15 million SDRs.

7. For goods and services (including construction) of Japan and suppliers of such goods and services, this Agreement does not apply to procurement by the National Aeronautics and Space Administration.

8. A service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has included that service in its Annex 4.
APPENDIX II

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION OF NOTICES OF INTENDED PROCUREMENTS - PARAGRAPH 1 OF ARTICLE IX, AND OF POST-AWARD NOTICES - PARAGRAPH 1 OF ARTICLE XVIII

APPENDICE II

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION DES AVIS DE MARCHES ENVISAGES - PARAGRAPHE 1 DE L’ARTICLE IX, ET DES AVIS POSTERIEURS A L’ADJUDICATION DES MARCHES - PARAGRAPHE 1 DE L’ARTICLE XVIII

APÉNDICE II

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LOS ANUNCIOS DE LOS CONTRATOS PREVISTOS - PÁRRAFO 1 DEL ARTÍCULO IX - Y LOS ANUNCIOS DE LAS ADJUDICACIONES - PÁRRAFO 1 DEL ARTÍCULO XVIII.
AUSTRIA

Amtsblatt zur Wiener Zeitung

CANADA

Government Business Opportunities (GBO)
Open Bidding Service, ISM Publishing

EUROPEAN COMMUNITIES

Belgium - Le Bulletin des Adjudications
- Other publications in the specialized press

Denmark - Official Journal of the European Communities

Germany, Federal Republic of - Official Journal of the European Communities

Spain - Official Journal of the European Communities

France - Bulletin officiel des annonces des marchés publics
- Publication in the daily, financial, regional and specialized press

Greece - Official Journal of the European Communities

Ireland - Official Journal of the European Communities

Italy - Official Journal of the European Communities

Luxembourg - Official Journal of the European Communities
- Daily Press

Netherlands - Official Journal of the European Communities

Portugal - Official Journal of the European Communities

United Kingdom - Official Journal of the European Communities

FINLAND

Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite
(Public Procurement in Finland and at the EEA-area,
Supplement to the Official Gazette of Finland)

Official Journal of the European Communities (as long as the cost of the publication is free of charge)
HONG KONG

Annex 1

Hong Kong Government Gazette
Daily Press

Annex 2

Hong Kong Government Gazette
Daily Press

Annex 3

Hospital Authority - Hong Kong Government Gazette
- Daily Press
Housing Authority - Hong Kong Government Gazette
- Daily Press
Kowloon-Canton Railway Corporation - to be notified
Mass Transit Railway Corporation - to be notified
Provisional Airport Authority - to be notified

ISRAEL

The Jerusalem Post

JAPAN

Annex 1

Kanpō

Annex 2

Kanpō
Shihō
or their equivalents

Annex 3

Kanpō
THE REPUBLIC OF KOREA

Kwanbo (The Korean Government's Official Gazette)
The Seoul Shinmun

NORWAY

Official Journal of the European Communities

SWEDEN

Europeiska Gemenskapernas Tidning (Official Journal of the European Communities)

SWITZERLAND

Annex 1
Swiss Official Trade Gazette

Annex 2
Official publications of every Swiss Canton (26)

Annex 3
Swiss Official Trade Gazette
Official publications of every Swiss Canton (26)

UNITED STATES

The Commerce Business Daily
Additional information for entities listed in Annex 2 of Appendix I may be available in state journals, such as the New York Contract Reporter
## AUTRICHE

Amtsblatt zur Wiener Zeitung

## CANADA

Marchés publics (GBO)

Service des invitations ouvertes à soumissionner, ISM Publishing

## COMMUNAUTES EUROPEENNES

<table>
<thead>
<tr>
<th>Country</th>
<th>Publications</th>
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<tr>
<td>Belgique</td>
<td>- Journal officiel des Communautés européennes</td>
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<td>- Le Bulletin des Adjudications</td>
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<td>- Autres publications de la presse spécialisée</td>
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<td>- Bulletin officiel des annonces des marchés publics</td>
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<td>Grèce</td>
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<td>- Publication dans la presse quotidienne, financière, régionale et spécialisée</td>
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<tr>
<td>Irlande</td>
<td>- Journal officiel des Communautés européennes</td>
</tr>
<tr>
<td></td>
<td>- Presse quotidienne: &quot;Irish Independent&quot;, &quot;Irish Times&quot;, &quot;Irish Press&quot;, &quot;Cork Examiner&quot;</td>
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<tr>
<td>Italie</td>
<td>- Journal officiel des Communautés européennes</td>
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<td>Luxembourg</td>
<td>- Journal officiel des Communautés européennes</td>
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<tr>
<td></td>
<td>- Presse quotidienne</td>
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<tr>
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<td>- Journal officiel des Communautés européennes</td>
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<td>- Journal officiel des Communautés européennes</td>
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<td>- Journal officiel des Communautés européennes</td>
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## FINLANDE

Julkiset hankinnat Suomessa ja ETA - alucella, Viralhisen lehden hite

(Marchés publics en Finlande et dans l'EEE, Supplément au Journal officiel de la Finlande)

Journal officiel des Communautés européennes (tant que la publication des avis est gratuite)
HONG KONG

Annexe 1

Hong Kong Government Gazette
Presse quotidienne

Annexe 2

Hong Kong Government Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux - Hong Kong Government Gazette
- Presse quotidienne
Direction du logement - Hong Kong Government Gazette
- Presse quotidienne
Société du chemin de fer - à notifier
Kowloon-Canton
Société de transports en commun par chemin de fer - à notifier
Direction provisoire de l’aéroport - à notifier

ISRAËL

The Jerusalem Post

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō
REPUBLIC DE COREE

Kwanbo (Journal officiel du gouvernement coréen)
The Seoul Shinmun

NORVEGE

Journal officiel des Communautés européennes

SUEDE

Europeiska Gemenskapernas Tidning (Journal officiel des
Communautés européennes)

SUISSE

Annexe 1
Feuille officielle suisse du commerce

Annexe 2
Organe de publications officielles de chaque canton suisse (26)

Annexe 3
Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

The Commerce Business Daily
On peut trouver des renseignements supplémentaires sur les entités énumérées
à l'Annexe 2 de l'Appendice I dans des publications des Etats
comme le New York Contract Reporter
AUSTRIA

Amtsblatt zur Wiener Zeitung

CANADÁ

Government Business Opportunities (GBO)
Servicio de Licitaciones Públicas, ISM Publishing

COMUNIDADES EUROPEAS

Bélgica
- Diario Oficial de las Comunidades Europeas
- Le Bulletin des Adjudications
- Otras publicaciones de la prensa especializada

Dinamarca
- Diario Oficial de las Comunidades Europeas

Alemania, Rep. Fed. de
- Diario Oficial de las Comunidades Europeas

España
- Diario Oficial de las Comunidades Europeas

Francia
- Bulletin officiel des annonces des marchés publics

Grecia
- Diario Oficial de las Comunidades Europeas
- Publicación en la prensa diaria, financiera, regional y especializada

Irlanda
- Prensa diaria: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"

Italia
- Diario Oficial de las Comunidades Europeas

Luxemburgo
- Prensa diaria

Países Bajos
- Diario Oficial de las Comunidades Europeas

Portugal
- Diario Oficial de las Comunidades Europeas

Reino Unido
- Diario Oficial de las Comunidades Europeas

FINLANDIA

Julkiset hankinnat Suomessa ja ETA - alucella, Viralhisen lehden hite (Contratación pública en Finlandia y en el EEE, Suplemento de la Gaceta Oficial de Finlandia)
Diario Oficial de las Comunidades Europeas (en la medida en que la publicación sea gratuita)
HONG KONG

Anexo 1

Hong Kong Government Gazette
Prensa diaria

Anexo 2

Hong Kong Government Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria - Hong Kong Government Gazette
- Prensa diaria
Servicio de la Vivienda - Hong Kong Government Gazette
- Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton - Pendiente de notificación
Compañía de los Trenes Colectivos - Pendiente de notificación
Administración Provisional de Aeropuertos - Pendiente de notificación

ISRAEL

The Jerusalem Post

JAPÓN

Anexo 1

Kenpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kenpō
REPUBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)
The Seoul Shinmun

NORUEGA

Diario Oficial de las Comunidades Europeas

SUECIA

Europeiska Gemenskapernas Tidning (Diario Oficial de las Comunidades Europeas)

SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily
En los periódicos de los Estados, como el New York Contract Reporter, puede encontrarse información adicional sobre los contratos previstos por entidades incluidas en el Anexo 2 del Apéndice I
APPENDIX III

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION ANNUALLY OF INFORMATION ON PERMANENT LISTS OF QUALIFIED SUPPLIERS IN THE CASE OF SELECTIVE TENDERING PROCEDURES - PARAGRAPH 9 OF ARTICLE IX

APPENDICE III

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE FOURNISSEURS QUALIFIES DANS LE CAS DES PROCÉDURES SELECTIVES - PARAGRAPHE 9 DE L’ARTICLE IX

APÉNDICE III

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS - PÁRRAFO 9 DEL ARTÍCULO IX.
AUSTRIA

Amtsblatt zur Wiener Zeitung

CANADA

Government Business Opportunities (GBO)
Open Bidding Service, ISM Publishing

EUROPEAN COMMUNITIES

Member States do not normally operate permanent lists of suppliers and service providers. In the few cases that such lists exist, this will be published in the Official Journal of the European Communities

FINLAND

Official Journal of the European Communities
(currently no list exists)

HONG KONG

Annex 1

Hong Kong Government Gazette

Annex 2

Hong Kong Government Gazette
Daily Press

Annex 3

- Hospital Authority
- Housing Authority
- Kowloon-Canton Railway Corporation
- Mass Transit Railway Corporation
- Provisional Airport Authority

- Hong Kong Government Gazette
- to be notified
- to be notified
- to be notified
ISRAEL

The Jerusalem Post

JAPAN

Annex 1

Kanpō

Annex 2

Kenpō

Shihō

or their equivalents

Annex 3

Kanpō

REPUBLIC OF KOREA

Kwanbo (The Korean Government's Official Gazette)

NORWAY

Official Journal of the European Communities

SWEDEN

Europeiska Gemenskapernas Tidning (Official Journal of the European Communities)

SWITZERLAND

Annex 1

Swiss Official Trade Gazette
Switzerland (cont'd)

Annex 2

Official publications of every Swiss Canton (26)

Annex 3

Swiss Official Trade Gazette
Official publications of every Swiss Canton (26)

UNITED STATES

The Commerce Business Daily
Entities in Annexes 2 and 3 of Appendix I, as an alternative to publication in the Commerce Business Daily, may provide such information directly to interested suppliers through inquiries to contact points listed in notices regarding invitations to participate
AUTRICHE
Amtsblatt zur Wiener Zeitung

CANADA
Marchés publics (GBO)
Service des invitations ouvertes à soumissionner, ISM Publishing

COMMUNAUTES EUROPEENNES
Les États membres ne tiennent pas normalement de listes permanentes de fournisseurs de produits et de services. Dans les rares cas où de telles listes existent, elles sont publiées au Journal officiel des Communautés européennes

FINLANDE
Journal officiel des Communautés européennes
(II n’existe pas de liste actuellement)

HONG KONG
Annexe 1
Hong Kong Government Gazette

Annexe 2
Hong Kong Government Gazette
Presse quotidienne

Annexe 3
Direction des hôpitaux - Hong Kong Government Gazette
Direction du logement - Hong Kong Government Gazette
Société du chemin de fer - à notifier
Kowloon-Canton - Hong Kong Government Gazette
Société de transports en commun par chemin de fer - à notifier
Direction provisoire de l’aéroport - à notifier
ISRAEL

The Jerusalem Post

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLICQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

NORVEGE

Journal officiel des Communautés européennes

SUEDE

Europeiska Gemenskapernas Tidning (Journal officiel des Communautés européennes)

SUISSE

Annexe 1

Feuille officielle suisse du commerce
Suisse (suite)

Annexe 2
Organe de publications officielles de chaque canton suisse (26)

Annexe 3
Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS
The Commerce Business Daily
Au lieu de les faire paraître dans le Commerce Business Daily, les entités énumérées
aux Annexes 2 et 3 de l’Appendice I peuvent communiquer directement ces renseignements
aux fournisseurs intéressés, sur demande adressée aux services chargés des contacts
désignés dans les avis utilisés pour les invitations à soumissionner
AUSTRIA
Amtsblatt zur Wiener Zeitung

CANADÁ
Government Business Opportunities (GBO)
Servicio de Licitaciones Públicas, ISM Publishing

COMUNIDADES EUROPEAS
Los Estados miembros normalmente no establecen listas permanentes de proveedores de bienes y servicios. En los pocos casos en que existe tal lista, se publicará en el Diario Oficial de las Comunidades Europeas

FINLANDIA
Diario Oficial de las Comunidades Europeas
(actualmente no existe lista)

HONG KONG
Anexo 1
Hong Kong Government Gazette

Anexo 2
Hong Kong Government Gazette
Prensa diaria

Anexo 3
Administración Hospitalaria - Hong Kong Government Gazette
Servicio de la Vivienda - Hong Kong Government Gazette
Sociedad del Ferrocarril Kowloon - Canton-Pendiente de notificación
Compañía de los Trenes Colectivos - Pendiente de notificación
Administración Provisional de Aeropuertos - Pendiente de notificación
ISRAEL

The Jerusalem Post

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kanpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

NORUEGA

Diario Oficial de las Comunidades Europeas

SUECIA

Europeiska Gemenskapernas Tidning (Diario Oficial de las Comunidades Europeas)
SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily

Las entidades incluidas en los Anexos 2 y 3 del Apéndice I, como alternativa a la publicación en el Commerce Business Daily, pueden facilitar esa información directamente a los proveedores interesados, quienes deberán dirigirse a los centros de información que se indican en los anuncios de invitaciones a participar.
APPENDIX IV

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS, REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL APPLICATION AND ANY PROCEDURE REGARDING GOVERNMENT PROCUREMENT COVERED BY THIS AGREEMENT - PARAGRAPH 1 OF ARTICLE XIX.

APPENDICE IV

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION, DANS LES MOINDRES DELAIS, DES LOIS, REGLEMENTS, DECISIONS JUDICIAIRES, DECISIONS ADMINISTRATIVES D'APPLICATION GENERALE ET PROCEDURES, RELATIFS AUX MARCHES PUBLICS VISES PAR LE PRESENT ACCORD - PARAGRAPHE 1 DE L'ARTICLE XIX.

APÉNDICE IV

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LEYES, REGLAMENTOS, DECISIONES JUDICIALES Y RESOLUCIONES ADMINISTRATIVAS DE APLICACIÓN GENERAL, ASÍ COMO DE LOS PROCEDIMIENTOS PARA LA ADJUDICACIÓN DE LOS CONTRATOS PÚBLICOS COMPRENDIDOS EN EL ÁMBITO DEL PRESENTE ACUERDO - PÁRRAFO 1 DEL ARTÍCULO XIX.
AUSTRIA

Österreichisches Bundesgesetzblatt
Amtsblatt zur Wiener Zeitung
Sammlung von Entscheidungen des Verfassungsgerichtshofes
Sammlung der Entscheidungen des Verwaltungsgerichtshofes - administrativer und
finanzrechtlicher Teil
Amtliche Sammlung der Entscheidungen des OGH in Zivilsachen

CANADA

Laws and Regulations

Statutes of Canada
Canada Gazette

Judicial Decisions

Dominion Law Reports
Supreme Court Reports
Federal Court Reports
National Reporter

Administrative Rulings and Procedures

Government Business Opportunities
Canada Gazette
Open Bidding Service, ISM Publishing

EUROPEAN COMMUNITIES

Belgium
- 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
- Rulings by the Appeal Board for Public Procurement - Konkurrence raaded Dokumentation

Germany, Federal Republic of
- Legislation and regulations - Bundesanzeiger
- Herausgeber: der Bundesminister der Justiz
  Verlag: Bundesanzeiger
  Bundesanzeiger
  Postfach 108006
  5000 Köln
European Communities (cont'd)

- Judicial Decisions: Entscheidungsammlungen des
  - Bundesverfassungsgerichts
  - Bundesgerichtshofs
  - Bundesverwaltungsgerichts
  - Bundesfinanzhofs sowie der Oberlandesgerichte

Spain
- Legislation - Boletin Oficial del Estado
- Judicial rulings - no official publication

France
- Legislation - Journal Officiel de la République française
  - Jurisprudence - Recueil des arrêts du Conseil d'Etat
  - Revue des marchés publics

Greece
- Government Gazette of Greece - εφημερίδα ευρωπαϊκών κοινοτήτων

Ireland
- Legislation and regulations - Iris Oifigiuil (Official Gazette of the Irish Government)

Italy
- Legislation - Gazetta Ufficiale
  - Jurisprudence - no official publication

Luxembourg
- Legislation - Memoral
  - Jurisprudence - Pasicrisie

Netherlands
- Legislation - Nederlandse Staatscourant and/or Staatsblad
  - Jurisprudence - no official publication

Portugal
- Legislation - Diário da República Portuguesa 1ª série A e 2ª série
  - Judicial Publications:
    - Boletim do Ministério da Justiça
    - Colectânea de Acordos do Supremo Tribunal Administrativo
    - Colectânea de Jurisprudência Das Relações

United Kingdom
- Legislation - HM Stationery Office
  - Jurisprudence - Law Reports
  - "Public Bodies" - HM Stationery Office

FINLAND

Suomen Säädöskokoelma - Finlands Författningssamling
(The Collection of the Statutes of Finland)

HONG KONG

Annex 1

Hong Kong Government Gazette
Hong Kong (cont’d)

Annex 2

Hong Kong Government Gazette

Annex 3

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<td>Mass Transit Railway Corporation</td>
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<tr>
<td>Provisional Airport Authority</td>
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ISRAEL

The Jerusalem Post

JAPAN

Annex 1

Kanpō
and/or
Hōreizensho

Annex 2

Kanpō
Shihō
or their equivalents,
or Kanpō
and/or
Hōreizensho

Annex 3

Kanpō
and/or
Hōreizensho
REPUBLIC OF KOREA

Kwanbo (The Korean Government’s Official Gazette)

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SWEDEN

Svensk Författningssamling (Swedish Code of Statutes)

SWITZERLAND

Compendium of Federal laws
Decisions of the Swiss Federal Court
Jurisprudence of the administrative authorities of the Confederation and every Canton (26)
Compendiums of Cantonal laws (26)

UNITED STATES

Laws, judicial decisions, administrative rulings and procedures regarding government procurement for entities listed in Annex 1 of Appendix I are published in the Federal Acquisition Regulations (FAR) as part of the US Code of Federal Regulations (CFR), Title 48, Chapter 1

Laws, judicial decisions, administrative rulings and procedures regarding government procurement for entities listed in Annexes 2 and 3 of Appendix I are available either through relevant state and local publications or directly from the listed entities
AUTRICHE

Österreichisches Bundesgesetzblatt
Amtsblatt zur Wiener Zeitung
Sammlung von Entscheidungen des Verfassungsgerichtshofes
Sammlung der Entscheidungen des Verwaltungsgerichtshofes - administrativrechtlicher und
disziplinärrechtlicher Teil
Amtliche Sammlung der Entscheidungen des OGH in Zivilsachen

CANADA

Lois et règlements

Lois du Canada
Gazette du Canada

Décisions judiciaires

Dominion Law Reports
Recueil des arrêts de la Cour suprême
Recueil des arrêts de la Cour fédérale
National Reporter

Décisions administratives et procédures

Marchés publics (GBO)
Gazette du Canada
Service des invitations ouvertes à soumissionner, ISM Publishing

COMMUNAUTES EUROPEENNES

Belgique
- Lois, arrêtés royaux, arrêtés ministériels, circulaires ministérielles - Le Moniteur belge
- Jurisprudence - Pasicrisie

Danemark
- Lois et arrêtés - Lovtidende
- Décisions judiciaires - Ugeskrift for Retvsaeen
- Décisions et procédures administratives - Ministerialtidende
- Décisions de la Commission de recours en matière de marchés publics - Konkurrence raaded Dokumentation

France
- Législation - Journal officiel de la République française
- Jurisprudence - Recueil des arrêts du Conseil d'Etat
- Revue des marchés publics
Communautés européennes (suite)

Allemagne, République fédérale

- Législation et règlements - Bundesanzeiger
- Editeur: der Bundesminister der Justiz
- Verlag: Bundesanzeiger
- Bundesanzeiger
- Postfach 108006
- 5000 Cologne
- Décisions judiciaires: Entscheidungsammlungen des
  - Bundesverfassungsgerichts
  - Bundesgerichtshofs
  - Bundesverwaltungsgerichts
  - Bundesfinanzhofs sowie der Oberlandesgerichte

Grèce

- Journal officiel de la Grèce - Εφημερίδα ευρωπαϊκών
  κοινοτήτων

Irlande

- Législation et règlements - Iris Oifigiuil (Journal officiel du
gouvernement irlandais)

Italie

- Législation - Gazetta Ufficiale
- Jurisprudence - pas de publication officielle

Luxembourg

- Législation - Memorial
- Jurisprudence - Pasicrisie

Pays-Bas

- Législation - Nederlandse Staatscourant et/ou Staatsblad
  Jurisprudence - pas de publication officielle

Portugal

- Législation - Diário da República Portuguesa 1° série A e
  2° série
- Publications judiciaires:
  - Boletim do Ministério da Justiça
  - Colectânea de Acordos do Supremo Tribunal Administrativo
  - Colectânea de Jurisprudencia Das Relações

Espagne

- Législation - Boletín Oficial des Estado
- Décisions judiciaires - pas de publication officielle

Royaume-Uni

- Législation - HM Stationery Office (Office des publications
de Sa Majesté)
- Jurisprudence - Law Reports
- Organismes publics ("Public bodies") - HM Stationery Office
  (Office des publications de Sa Majesté)

FINLANDE

Suomen Säädöskokoelma - Finlands Författningssamling
(Recueil des lois et règlements de la Finlande)
HONG KONG

Annexe 1

Hong Kong Government Gazette

Annexe 2

Hong Kong Government Gazette

Annexe 3

Direction des hôpitaux - Hong Kong Government Gazette
Direction du logement - Hong Kong Government Gazette
Société du chemin de fer - à notifier
Kowloon-Canton
Société de transports en commun par chemin de fer - à notifier
Direction provisoire de l’aéroport - à notifier

ISRAËL

The Jerusalem Post

JAPON

Annexe 1

Kanpō et/ou Hōreizensho

Annexe 2

Kanpō, Shihō ou leurs équivalents, ou Kanpō et/ou Hōreizensho

Annexe 3

Kanpō et/ou Hōreizensho
REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

NORVEGE

Norsk Lovtidend (Bulletin des lois de la Norvège)

SUEDE

Svensk Författningssamling (Bulletin national des lois suédoises)

SUISSE

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudence des autorités administratives de la Confédération et de chaque canton (26)
Recueils des lois cantonales (26)

ETATS-UNIS

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités énumérées à l'Annexe 1 de l'Appendice I sont publiées dans les règlements relatifs aux achats fédéraux (Federal Acquisition Regulations (FAR)), qui figurent au Titre 48, Chapitre premier, du Code des règlements fédéraux (United States Code of Federal Regulations (CFR))

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles soit dans les publications y relatives des États et des collectivités locales soit directement auprès desdites entités
AUSTRIA

Österreichisches Bundesgesetzblatt
Amtsblatt zur Wiener Zeitung
Sammlung von Entscheidungen des Verfassungsgerichtshofes
Sammlung der Entscheidungen des Verwaltungsgerichtshofes - administrativrechtlicher und finanzrechtlicher Teil
Amtliche Sammlung der Entscheidungen des OGH in Zivilsachen

CANADÁ

Leyes y reglamentos
Statutes of Canada
Canada Gazette

Decisiones judiciales
Dominion Law Reports
Supreme Court Reports
Federal Court Reports
National Reporter

Resoluciones y procedimientos administrativos
Government Business Opportunities
Canada Gazette
Servicio de Contratación Pública, ISM Publishing

COMUNIDADES EUROPEAS

Bélgica - Leyes, disposiciones reales, disposiciones ministeriales, circulares administrativas - Le Moniteur Belge
- Jurisprudencia - Pasicrisie

Dinamarca - Leyes y reglamentos - Lovtidende
- Decisiones judiciales - Uggeskrift for Retsvaesen
- Resoluciones y procedimientos administrativos - Ministerialtidende
- Decisiones de la Junta de Apelación de la Contratación Pública - Konkurrence raaded Dokumentation

Alemania, República Federal de - Leyes y reglamentos - Bundesanzeiger
- Herausgeber: der Bundesminister der Justiz
Verlag: Bundesanzeiger
Bundesanzeiger
Postfach 108006
5000 Köln
Comunidades Europeas (Cont.)

- Decisiones Judiciales: Entscheidungsammlungen des
  - Bundesverfassungsgerichts
  - Bundesgerichtshofs
  - Bundesverwaltungsgerichts
  - Bundesfinanzhofs sowie der Oberlandesgerichte

España - Legislación - Boletín Oficial del Estado
- Decisiones judiciales - no existe publicación oficial

Francia - Legislación - Journal Officiel de la République française
- Jurisprudencia - Recueil des arrêts du Conseil d'Etat
- Revue des marchés publics

Grecia - Diario Oficial de Grecia - εφημερίδα ευρωπαϊκών κοινοτήτων

Irlanda - Leyes y reglamentos - Iris Oifigiuil (Diario Oficial del Gobierno de Irlanda)

Italia - Legislación - Gazetta Ufficiale
- Jurisprudencia - no existe publicación oficial

Luxemburgo - Legislación - Memorial
- Jurisprudencia - Pasicrisie

Países Bajos - Legislación - Nederlandse Staatscourant y/o Staatsblad
- Jurisprudencia - no existe publicación oficial

Portugal - Legislación - Diário da República Portuguesa, 1* serie A y 2* serie
- Publicaciones Judiciales:
  - Boletim do Ministério da Justiça
  - Colectânea de Acordos do Supremo Tribunal Administrativo
  - Colectânea de Jurisprudencia Das Relações

Reino Unido - Legislación - HM Stationery Office
- Jurisprudencia - Law Reports
- "Organismos Públicos" - HM Stationery Office

FINLANDIA

Suomen Säädöskokoelma - Författningssamling de Finlandia
(Colección de leyes de Finlandia)

HONG KONG

Anexo 1

Hong Kong Government Gazette
Hong Kong (Cont.)

Anexo 2

Hong Kong Government Gazette

Anexo 3

Administración hospitalaria - Hong Kong Government Gazette
Servicio de la Vivienda - Hong Kong Government Gazette
Sociedad del Ferrocarril Kowloon-Canton - pendiente de notificación
Compañía de los Trenes Colectivos - pendiente de notificación
Administración Provisional de Aeropuertos - pendiente de notificación

ISRAEL

The Jerusalem Post

JAPÓN

Anexo 1

Kanpō y/o Hōreizensho

Anexo 2

Kanpō, Shihō o sus equivalentes, o Kanpō y/o Hōreizensho

Anexo 3

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

NORUEGA

Norsk Lovtidend (Gaceta Oficial de Noruega)
SUECIA

Svensk Författningssamling (Colección Legislativa de Suecia)

SUIZA

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudencia de las autoridades administrativas de la Confederación y de cada cantón (26)
Colecciones legislativas cantonales (26)

ESTADOS UNIDOS

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en el Anexo I del Apéndice I se publican en el Federal Acquisition Regulations (FAR), como parte del Code of Federal Regulations (CFR) de los Estados Unidos, título 48, capítulo 1

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en los Anexos 2 y 3 del Apéndice I se pueden obtener o bien consultando las publicaciones estatales y locales pertinentes o bien solicitando la información directamente a las entidades incluidas en dichos Anexos
For the Republic of Austria:
WOLFGANG SCHLUSSEL
[Subject to ratification — Sous réserve de ratification]

For the Kingdom of Belgium:
R. URBAIN
[Sous réserve de ratification — Subject to ratification]

For Canada:
ROY MACLAREN
[Subject to ratification — Sous réserve de ratification]

For the Kingdom of Denmark:
NIELS L. HELVEG PETERSEN
[Subject to ratification — Sous réserve de ratification]

For the European Communities:
— Commission:
LEON BRITTAN
[Subject to ratification — Sous réserve de ratification]

— Presidency:
G. ROMAJO

For the Republic of Finland:
PETTRI SALOLAINEN
[Subject to ratification — Sous réserve de ratification]

For the French Republic:
G. LONGUET
[Sous réserve de ratification — Subject to ratification]
For the Federal Republic of Germany:  Pour la République fédérale d'Allemagne:  Por la República Federal de Alemania:

G. Rexrodt; Alois Jelonek

[Subject to ratification — Sous réserve de ratification]

For the Hellenic Republic:  Pour la République hellénique:  Por la República Helénica:

Theodoros Pangalos

For Hong Kong:  Pour Hong Kong:  Por Hong Kong:

For Ireland:  Pour l'Irlande:  Por Irlanda:

Charles McCreevy

[Subject to ratification — Sous réserve de ratification]

For the State of Israel:  Pour l'État d'Israël:  Por el Estado de Israel:

M. Harish

[Subject to acceptance — Sous réserve d'acceptation]

For the Italian Republic:  Pour la République italienne:  Por la República Italiana:

Paolo Baratta

[Subject to ratification — Sous réserve de ratification]

For Japan:  Pour le Japon:  Por el Japón:

T. Hata

[Subject to ratification — Sous réserve de ratification]

For the Republic of Korea:  Pour la République de Corée:  Por la República de Corea:

Chulsu Kim

[Subject to ratification — Sous réserve de ratification]

For the Grand Duchy of Luxembourg:  Pour le Grand-Duché de Luxembourg:  Por el Gran Ducado de Luxemburgo:

Georges Wohlfart
For the Kingdom of the Netherlands: 
Y. VAN ROOY
[Subject to acceptance — Sous réserve d'acceptation]

For the Kingdom of Norway: 
GRETE KNUDSEN
[Subject to ratification — Sous réserve de ratification]

For the Portuguese Republic: 
JOSE M. D. BARROSO
[Subject to ratification — Sous réserve de ratification]

For the Kingdom of Spain: 
J. GOMEZ-NAVARRO
(Ad referendum)

For the Kingdom of Sweden: 
ULF DINKELSPIEL
[Subject to ratification — Sous réserve de ratification]

For the Swiss Confederation: 
J.-P. DELAMURAZ
[Subject to ratification — Sous réserve de ratification]

For the United Kingdom of Great Britain and Northern Ireland: 
TIMOTHY SAINSBURY
[Subject to ratification — Sous réserve de ratification]

For the United States of America: 
MICHAEL KANTOR
[Subject to ratification — Sous réserve de ratification]
RECTIFICATIONS OF A PURELY FORMAL NATURE TO APPENDICES I TO IV
OF THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)
PRIOR TO ITS ENTRY INTO FORCE

Appendix I
Annex 1

NORWAY

Change "Directorate of Postal Services" and "Directorate of Public Roads" to "Norway Post" and "Public Roads Administration", respectively.

Under "Ministry of Government Administration", add: "Directorate of Public Construction and Property ".

Appendix II

UNITED STATES

Change present text to read:

"The Commerce Business Daily

For entities listed in Annex 2 and relevant subcentral entities listed in
Annex 3, publications utilized by state governments, such as the
New York Contract Reporter"
MODIFICATIONS TO APPENDIX I

EUROPEAN COMMUNITIES

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

Replace the present text of the General Notes and Derogations from the Provisions of Article III by the following:

1. The EC will not extend the benefits of this Agreement:

   - as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada;

   - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;

   - as regards the award of contracts by entities listed in Annex 3 paragraph

     (a) (water), to the suppliers and service providers of Canada and the USA;

     (b) (electricity), to the suppliers and service providers of Canada, Hong Kong, and Japan;

     (c) (airports), to the suppliers and service providers of Canada, Korea and the USA;

     (d) (ports), to the suppliers and service providers of Canada;

     (e) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA

     until such time as the EC has accepted that the Parties concerned give comparable and effective access for EC undertakings to the relevant markets;

   - to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

2. The provisions of Article XX shall not apply to suppliers and service providers of:

   - Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as the EC accepts that they have completed coverage of sub-central entities;

   - Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium sized enterprises under the relevant provisions of EC law, until such time as the EC accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;
EC (cont’d)

- Israel, Japan and Korea in contesting the award of contracts by EC entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the EC has accepted that the Parties concerned provide access for EC suppliers and service providers to their own markets, the EC will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment);

- Canada, as regards procurement of FSG 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;

- Korea and Israel as regards procurement by entities listed in Annex 3 paragraph (b), as regards procurement of HS Nos. 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos. 8501, 8536 and 902830;

- the USA, as regards procurement by entities listed in Annex 3 paragraph (d), as regards procurement of dredging services and procurement related to shipbuilding;

- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

4. The Agreement shall not apply to contracts awarded under:

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;

- an international agreement relating to the stationing of troops;

- the particular procedure of an international organisation.

5. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

6. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.

7. This Agreement shall not apply to contracts awarded by entities in Annex 3:

- for the purchase of water and for the supply of energy or of fuels for the production of energy;
EC (cont’d)

- for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-member country;

- for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;

8. This Agreement shall not be applicable to contracts:

- for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;

- for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

9. This Agreement shall not be applicable to the award of service contracts by Spanish entities listed in Annex 3 before 1 January 1997 or to the award of contracts by Greek or Portuguese entities listed in Annex 3 before 1 January 1998.
MODIFICATIONS TO APPENDIX 1

UNITED STATES

ANNEXES 2 AND 3 OF APPENDIX 1 AND GENERAL NOTES

ANNEX 2

Replace the present text of Annexes 2 and 3 of Appendix 1 and General Notes by the following:

Sub-Central Government Entities which Procure in Accordance with the Provisions of this Agreement

Thresholds

355,000 SDRs for supplies and services
5 million SDRs for construction

List of Entities:

Arizona
Executive branch agencies

Arkansas
Executive branch agencies, including universities but excluding the Office of Fish and Game and construction services

California
Executive branch agencies

Colorado
Executive branch agencies

Connecticut
Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware *
Administrative Services (Central Procurement Agency)
State Universities
State Colleges

Florida *
Executive branch agencies
UNITED STATES (cont’d)

Hawaii

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Illinois*

Department of Central Management Services

Iowa*

Department of General Services
Department of Transportation
Board of Regents’ Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding construction projects

Louisiana

Executive branch agencies

Maine*

Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies and school construction)
Maine Department of Transportation

Maryland*

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation
UNITED STATES (cont’d)

Massachusetts

Executive Office for Administration and Finance
Executive Office of Communities and Development
Executive Office of Consumer Affairs
Executive Office of Economic Affairs
Executive Office of Education
Executive Office of Elder Affairs
Executive Office of Environmental Affairs
Executive Office of Health and Human Service
Executive Office of Labor
Executive Office of Public Safety
Executive Office of Transportation and Construction

Michigan*

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York*

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Nebraska

Central Procurement Agency
UNITED STATES (cont’d)

New Hampshire*

Central Procurement Agency

Oklahoma*

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act, excluding construction services

Oregon

Department of Administrative Services

Pennsylvania*

Executive branch agencies, including:

Governor’s Office
Department of the Auditor General
Treasury Department
Department of Agriculture
Department of Banking
Pennsylvania Securities Commission
Department of Health
Department of Transportation
Insurance Department
Department of Aging
Department of Correction
Department of Labor and Industry
Department of Military Affairs
Office of Attorney General
Department of General Services
Department of Education
Public Utility Commission
Department of Revenue
Department of State
Pennsylvania State Police
Department of Public Welfare
Fish Commission
Game Commission
Department of Commerce
Board of Probation and Parole
Liquor Control Board
Milk Marketing Board
Lieutenant Governor’s Office
Department of Community Affairs
Pennsylvania Historical and Museum Commission
Pennsylvania Emergency Management Agency
State Civil Service Commission
Pennsylvania Public Television Network
UNITED STATES (cont’d)

Department of Environmental Resources
State Tax Equalization Board
Department of Public Welfare
State Employees’ Retirement System
Pennsylvania Municipal Retirement Board
Public School Employees’ Retirement System
Pennsylvania Crime Commission
Executive Offices

Rhode Island

Executive branch agencies, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

General Services Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration
Department of Transportation
State Universities

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.
UNITED STATES (cont’d)

Wisconsin

Executive branch agencies, including:

Department of Administration
State Correctional Institutions
Department of Development
Educational Communications Board
Department of Employment Relations
State Historical Society
Department of Health and Social Services
Insurance Commissioner
Department of Justice
Lottery Board
Department of Natural Resources
Administration for Public Instruction
Racing Board
Department of Revenue
State Fair Park Board
Department of Transportation
State University System

Wyoming *

Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

Notes to Annex 2

In addition to the conditions specified in the General Notes, the following conditions apply:

1. For those states marked by an asterisk with pre-existing restrictions, the Agreement does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.

2. The Agreement shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women.

3. Nothing in this annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.

4. The Agreement shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.

5. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.
UNIVERSAL STATES (cont’d)

ANNEX 3

All Other Entities which Procure in Accordance with the Provisions of this Agreement

Threshold
400,000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

List of Entities

The following entities at the SDR equivalent of $250,000 for supplies and services:

Tennessee Valley Authority
Power Marketing Administrations of the Department of Energy
-- Bonneville Power Administration
-- Western Area Power Administration
-- Southeastern Power Administration
-- Southwestern Power Administration
-- Alaska Power Administration
St. Lawrence Seaway Development Corporation

The following entities at 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

-- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing).

-- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors.

-- Procurement pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of Maryland in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Electrification Administration Financing:

(1) waiver of Buy American restrictions on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);

(2) application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.
UNITED STATES (cont’d)

Notes to Annex 3

1. With respect to these entities, the Agreement shall not apply to restrictions attached to Federal funds for airport projects.

2. The conditions specified in the General Notes apply to this Annex.
GENERAL NOTES

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of small and minority businesses.

2. Except as specified otherwise in this Appendix, procurement in terms of U.S. coverage does not include non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under U.S. annexes to this agreement.

3. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.

4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.

5. For goods and services (including construction) of the following countries and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3 or the waiver described in Annex 3:

- Canada
- Austria
- Switzerland
- Norway
- Sweden
- Finland
- Japan

The United States is prepared to amend this note at such time as coverage with respect to these annexes can be resolved with a Party listed above.

6. For construction services of the Republic of Korea and suppliers of such services, this Agreement applies only to procurement of the entities listed in Annexes 2 and 3 above a threshold of 15 million SDRs.

7. For goods and services (including construction) of Japan and suppliers of such goods and services, this Agreement does not apply to procurement by the National Aeronautics and Space Administration.

8. A service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has included that service in its Annex 4.
DECLARATIONS MADE UPON RATIFICATION

CANADA

"In endorsing this Agreement vis-à-vis the United States for Annex I (Federal departments and agencies), Canada’s commitments are made on the basis of our understanding of (1) the value of the U.S. offer at the time of signing of the Agreement in Marrakesh and (2) the value of ‘small and minority business set-asides’ discussed with the United States in reference to the exception taken for these programs in their offer. Canada would further note that its commitments are put forward on the understanding that the value of U.S. contracts, otherwise subject to WTO-AGP, to which preferences for U.S. small and minority businesses are applied, is consistent with statistics recently tabled by the United States in accordance with the requirements of Chapter 10 of the NAFTA. These statistics indicate that the total value of small and minority business set-asides for U.S. departments and agencies is US$3.0 billion. With appropriate adjustments for the higher threshold values of the WTO-AGP, that value would be approximately US$2.4 billion. »

REPUBLIC OF KOREA

"In accordance with paragraph 3 (a) of Article XXIV of the Agreement, the Republic of Korea will delay application of the provisions of the said Agreement, except Articles XXI and XXII, to a date not later than 1 January 1997".

RÉPUBLIQUE DE CORÉE

« Conformément au paragraphe 3 a de l’article XXIV de l’Accord, la République de Corée différera l’application des dispositions de ce dernier, exception faite des articles XXI et XXII, jusqu’à une date qui ne dépassera pas le 1er janvier 1997. »