

## ANNEX 16A

### Schedule of the United Kingdom

#### Section A – Central Government Entities

##### *Thresholds:*

Unless otherwise specified, Chapter 16 (Government Procurement) applies to central government entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

Goods	SDR 130,000
Services	SDR 130,000
Construction Services	SDR 5,000,000

##### *List of Entities:*

The following central government contracting authorities of the United Kingdom:

(Note: this list is exhaustive)

1. Attorney General's Office:
  - 1.1. Government Legal Department;
2. Cabinet Office:
  - 2.1. Office of the Parliamentary Counsel;
  - 2.2. Boundary Commission for England;
  - 2.3. Crown Commercial Service;
3. Charity Commission;
4. Crown Estate – Vote Expenditure Only;
5. Crown Prosecution Service;
6. Department for Business, Energy and Industrial Strategy:
  - 6.1. Competition Appeal Tribunal;
  - 6.2. Competition and Markets Authority;
  - 6.3. Competition Service;
  - 6.4. Intellectual Property Office;
  - 6.5. Nuclear Decommissioning Authority;
  - 6.6. Meteorological Office (known as "Met Office");
  - 6.7. Office of Manpower Economics;
  - 6.8. Oil and Gas Authority;
  - 6.9. UK Research and Innovation;
7. Department for Education:
  - 7.1. Office for Students;
8. Ministry of Housing, Communities and Local Government;
9. Department for Digital, Culture, Media and Sport:
  - 9.1. Arts Council England;

- 9.2. British Library;
- 9.3. British Museum;
- 9.4. The Gambling Commission;
- 9.5. Historic Buildings and Monuments Commission for England (known as "Historic England");
- 9.6. Imperial War Museum;
- 9.7. National Gallery;
- 9.8. National Maritime Museum;
- 9.9. National Portrait Gallery;
- 9.10. Natural History Museum;
- 9.11. Board of Trustees of the Science Museum (known as "Science Museum Group");
- 9.12. Tate Gallery;
- 9.13. Victoria and Albert Museum;
- 9.14. Wallace Collection;
- 10. Department for Environment, Food and Rural Affairs:
  - 10.1. Natural England;
  - 10.2. Plant Variety Rights Office;
  - 10.3. Royal Botanic Gardens, Kew.
- 11. Department of Health and Social Care:
  - 11.1. NHS Business Services Authority;
  - 11.2. NHS Commissioning Board (known as "NHS England");
  - 11.3. NHS Trusts;
  - 11.4. NHS Foundation Trusts;
- 12. Department for International Trade;
- 13. Department for Transport:
  - 13.1. Maritime and Coastguard Agency;
  - 13.2. Highways England Company Ltd (known as "Highways England");
- 14. Department for Work and Pensions:
  - 14.1. Office for Nuclear Regulation;
  - 14.2. Pensions Regulator;
  - 14.3. Social Security Advisory Committee.
- 15. Export Credits Guarantee Department (known as "UK Export Finance");
- 16. Foreign, Commonwealth and Development Office:
  - 16.1. Wilton Park;
- 17. Government Actuary's Department;
- 18. Government Communications Headquarters;
- 19. Home Office:
  - 19.1. HM Inspectorate of Constabulary and Fire & Rescue Services;
- 20. Corporate Officer of the House of Commons;
- 21. Corporate Officer of the House of Lords;
- 22. Ministry of Defence:
  - 22.1. Defence Equipment & Support;
- 23. Ministry of Justice:
  - 23.1. Court of Appeal (England and Wales);
  - 23.2. Employment Appeals Tribunal;
  - 23.3. Employment Tribunals;
  - 23.4. First-tier Tribunal;

- 23.5. Her Majesty's Courts and Tribunals Service;
- 23.6. Law Commission;
- 23.7. Legal Aid Agency – England and Wales;
- 23.8. Office of the Official Solicitor to the Senior Courts and the Public Trustee;
- 23.9. Office of the Public Guardian;
- 23.10. Parole Board;
- 23.11. UK Supreme Court;
- 23.12. Upper Tribunal;
- 24. The National Archives;
- 25. National Audit Office;
- 26. National Savings and Investments;
- 27. Northern Ireland Assembly Commission;
- 28. Northern Ireland Ministers:
  - 28.1. Agricultural Wages Board for Northern Ireland;
  - 28.2. Attorney General for Northern Ireland;
  - 28.3. Department of Agriculture, Environment and Rural Affairs;
  - 28.4. Department for Communities;
    - 28.4.1. National Museums Northern Ireland;
    - 28.4.2. Northern Ireland Housing Executive;
  - 28.5. Department for the Economy:
    - 28.5.1. Belfast Metropolitan College;
    - 28.5.2. Consumer Council Northern Ireland (with respect only to the functions transferred from the National Consumer Council which were themselves transferred from the Gas and Electricity Consumer Council);
    - 28.5.3. Health and Safety Executive for Northern Ireland;
    - 28.5.4. Northern Regional College;
    - 28.5.5. North West Regional College;
    - 28.5.6. South Eastern Regional College;
    - 28.5.7. Southern Regional College;
    - 28.5.8. South West College;
    - 28.5.9. Stranmillis University College;
  - 28.6. Department of Education;
    - 28.6.1. Council for Catholic Maintained Schools;
  - 28.7. Department of Finance;
  - 28.8. Department of Health;
    - 28.8.1. Northern Ireland Fire and Rescue Service;
  - 28.9. Department for Infrastructure;
  - 28.10. Department of Justice:
    - 28.10.1. Coroners Service;
    - 28.10.2. County Courts;
    - 28.10.3. Court of Appeal and High Court of Justice in Northern Ireland;
    - 28.10.4. Crown Court;
    - 28.10.5. Enforcement of Judgements Office;
    - 28.10.6. Forensic Science Northern Ireland;
    - 28.10.7. Legal Service Agency Northern Ireland;

- 28.10.8. Magistrates' Courts;
- 28.10.9. Pensions Appeals Tribunals (Northern Ireland);
- 28.10.10. Police Ombudsman Northern Ireland;
- 28.10.11. Police Retraining and Rehabilitation Trust;
- 28.10.12. Police Service of Northern Ireland;
- 28.10.13. Probation Board for Northern Ireland;
- 28.10.14. Office of the Social Security Commissioners and Child Support Commissioners (Northern Ireland);
- 28.10.15. State Pathologist's Department;
- 28.11. Executive Office:
  - 28.11.1. Maze Long Kesh Development Corporation;
- 29. Northern Ireland Office:
  - 29.1. Office of the Chief Electoral Officer for Northern Ireland;
  - 29.2. Public Prosecution Service for Northern Ireland.
- 30. Office for National Statistics:
  - 30.1. National Health Service Central Register;
- 31. Parliamentary Works Sponsor Body;
- 32. Parliamentary and Health Service Ombudsman;
- 33. Postal business of the Post Office;
- 34. Privy Council Office;
- 35. Restoration and Renewal Delivery Authority Ltd;
- 36. HM Revenue and Customs;
- 37. Royal Hospital, Chelsea;
- 38. Royal Mint;
- 39. Rural Payments Agency;
- 40. Scotland, Auditor-General;
- 41. Scotland, Crown Office and Procurator Fiscal Service;
- 42. Scotland, National Records of Scotland;
- 43. Scotland, Queen's and Lord Treasurer's Remembrancer;
- 44. Scotland, Registers of Scotland;
- 45. The Scotland Office;
- 46. The Scottish Ministers:
  - 46.1. Architecture and Design Scotland;
  - 46.2. Crofting Commission;
  - 46.3. Lands Tribunal for Scotland;
  - 46.4. National Galleries of Scotland;
  - 46.5. National Library of Scotland;
  - 46.6. National Museums of Scotland;
  - 46.7. Royal Botanic Garden, Edinburgh;
  - 46.8. Scottish Courts and Tribunals Service;
  - 46.9. Scottish Further and Higher Education Funding Council;
  - 46.10. Scottish Law Commission;
  - 46.11. Special Health Boards;
  - 46.12. Health Boards;
  - 46.13. The Office of the Accountant of Court;
  - 46.14. High Court of Justiciary;
  - 46.15. Court of Session;
  - 46.16. HM Inspectorate of Constabulary;

- 46.17. Parole Board for Scotland;
- 46.18. Pensions Appeal Tribunals (Scotland);
- 46.19. Scottish Land Court;
- 46.20. Sheriff Courts;
- 46.21. Scottish Natural Heritage;
- 46.22. Scottish Police Authority;
- 46.23. First-tier Tribunal for Scotland;
- 46.24. Upper Tribunal for Scotland;
- 46.25. Historic Environment Scotland;
- 47. The Scottish Parliamentary Corporate Body;
- 48. HM Treasury:
  - 48.1. United Kingdom Debt Management Office;
- 49. The Wales Office – Office of the Secretary of State for Wales;
- 50. The Welsh Ministers:
  - 50.1. Agricultural Dwelling House Advisory Committees (Wales);
  - 50.2. Agricultural Land Tribunal for Wales;
  - 50.3. Higher Education Funding Council for Wales;
  - 50.4. Local Democracy and Boundary Commission for Wales;
  - 50.5. Rent Assessment Committee (Wales);
  - 50.6. The Royal Commission on the Ancient and Historical Monuments of Wales;
  - 50.7. Valuation Tribunal for Wales;
  - 50.8. Welsh National Health Service Trusts and Local Health Boards.

*Notes to Section A:*

1. The provisions of Article 16.19 (Domestic Review Procedures) do not apply to suppliers and service providers of Australia in contesting the award of contracts to a supplier or service provider, which are small or medium sized enterprises as defined in Regulation 112(4) of the *Public Contracts Regulations 2015*, until such time as the United Kingdom accepts that Australia no longer operates discriminatory measures in favour of certain domestic small and minority businesses.
2. Procurement by any subordinated entity of any central government contracting authority listed in Section A is covered provided it does not have separate legal personality.
3. As far as procurement by entities in the field of defence and security is concerned, only non-sensitive and non-warlike materials contained in the list in Section D are covered.

## Section B – Sub-Central Government Entities

### *Thresholds:*

Unless otherwise specified, Chapter 16 (Government Procurement) applies to sub-central government entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

For procurement by regional and local contracting authorities:

Goods	SDR 355,000
Services	SDR 355,000
Construction Services	SDR 5,000,000

For procurement by bodies governed by public law:

Goods	SDR 400,000
Services	SDR 400,000
Construction Services	SDR 5,000,000

### *List of Entities:*

1. All regional or local contracting authorities.
  - (a) All contracting authorities of the administrative units falling under International Territorial Levels 1, 2 and 3.
  - (b) For the purposes of this Section, "regional contracting authorities" shall be understood as contracting authorities of the administrative units falling under International Territorial Levels 1 and 2.
  - (c) For the purposes of this Section, "local contracting authorities" shall be understood as contracting authorities of the administrative units falling under International Territorial Level 3.
2. All contracting authorities which are bodies governed by public law, for England, Wales and Northern Ireland, as defined by the *Public Contracts Regulations 2015* and, for Scotland, the *Public Contracts (Scotland) Regulations 2015*.
  - (a) "Bodies governed by public law" as defined by the *Public Contracts Regulations 2015* means any bodies that have all of the following characteristics:

- (i) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
  - (ii) they have legal personality; and
  - (iii) they have any of the following characteristics:
    - (A) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law;
    - (B) they are subject to management supervision by those authorities or bodies; or
    - (C) they have an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.
- (b) "Body governed by public law" as defined by the *Public Contracts (Scotland) Regulations 2015* means a body that has legal personality, is established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character and which:
- (i) is financed for the most part by the State, regional or local authorities, or by any other body governed by public law;
  - (ii) is subject to management supervision by any such authority or body; or
  - (iii) has an administrative, managerial or supervisory board more than half the members of which were appointed by any body referred to in subparagraph (i).

An indicative list of contracting authorities which are bodies governed by public law follows.

**Indicative list of contracting authorities which are bodies governed by public law:**

**Bodies:**

1. Health and Safety Executive;

2. Advisory, Conciliation and Arbitration Service;
3. Homes England;
4. NHS Blood and Transplant Service;
5. Environment Agency;
6. Scottish Enterprise;
7. Ordnance Survey Limited;
8. Financial Conduct Authority.

**Categories:**

1. Maintained schools;
2. Universities and colleges financed for the most part by other contracting authorities;
3. National Museums and Galleries;
4. Fire and Rescue Authorities;
5. Clinical Commissioning Groups;
6. Police Authorities;
7. Police and Crime Commissioners;
8. New Town Development Corporations;
9. Urban Development Corporations;
10. Local authorities including unitary authorities, county councils, district councils, metropolitan district councils, London boroughs and the City of London;
11. National Park Authorities;
12. Registered providers of social housing.

*Notes to Section B:*

1. Procurement by contracting authorities which are smaller administrative units that are not contracting authorities of the administrative units falling under International Territorial Level 3 shall not be considered as covered procurement.
2. The provisions of Article 16.19 (Domestic Review Procedures) do not apply to suppliers and service providers of Australia in contesting the award of contracts to a supplier or service provider, which are small or medium sized enterprises as defined in Regulation 112(4) of the *Public Contracts Regulations 2015*, until such time as the United Kingdom accepts that Australia no longer operates discriminatory measures in favour of certain domestic small and minority businesses.



## Section C – Other Entities

### *Thresholds:*

Unless otherwise specified, Chapter 16 (Government Procurement) applies to other government entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

Goods	SDR 400,000
Services	SDR 400,000
Construction Services	SDR 5,000,000

### *List of Entities:*

1. All utilities whose procurement is covered by the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016* which are contracting authorities (e.g. those covered under Section A or Section B) or public undertakings<sup>1</sup> and which have as one of their activities any of those referred to below or any combination thereof:
  - (a) the provision or operation of networks<sup>2</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable;

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<sup>1</sup> According to the *Utilities Contracts Regulations 2016*, a "public undertaking" means any undertaking over which contracting authorities may exercise directly or indirectly a dominant influence by virtue of:

- (a) their ownership of that undertaking;
- (b) their financial participation in that undertaking; or
- (c) the rules which govern that undertaking.

According to the *Utilities Contracts (Scotland) Regulations 2016*, a "public undertaking" means a person over which one or more contracting authorities are able to exercise, directly or indirectly, a dominant influence by virtue of one or more of the following:

- (a) their ownership of that person;
- (b) their financial participation in that person;
- (c) the rights accorded to them by the rules which govern that person.

According to both the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016*, a dominant influence on the part of contracting authorities is presumed in any of the following cases in which those authorities, directly or indirectly:

- (a) hold the majority of the undertaking's subscribed capital;
- (b) control the majority of the votes attaching to shares issued by the undertaking;
- (c) can appoint more than half of the undertaking's administrative, management or supervisory body.

<sup>2</sup> As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of the United Kingdom such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

- (b) the provision or operation of networks providing a service to the public in the field of transport by railways.<sup>3</sup>

Indicative lists of contracting authorities and public undertakings fulfilling the criteria set out above follow.

**Indicative Lists of Contracting Authorities and Public Undertakings Fulfilling the Criteria Laid Down in Section C:**

**Contracting entities in the field of urban railway, tramway, trolleybus or bus services**

1. London Bus Services Limited;
2. London Underground Limited;
3. Transport for London;
4. A subsidiary of Transport for London within the meaning of section 424(1) of the *Greater London Authority Act 1999*;
5. Strathclyde Partnership for Transport;
6. Transport for Greater Manchester;
7. Tyne and Wear Passenger Transport (trading as 'Nexus');
8. Brighton and Hove City Council;
9. South Yorkshire Passenger Transport Executive;
10. Blackpool Transport Services Limited;
11. Conwy County Borough Council;
12. A person who provides a London local service as defined in section 179(1) of the *Greater London Authority Act 1999* (a bus service) in pursuance of an agreement entered into by Transport for London under section 156(2) of that Act or in pursuance of a transport subsidiary's agreement as defined in section 169 of that Act;
13. Northern Ireland Transport Holding Company;
14. A person who holds a bus operator's licence under section 4(1) of the *Transport Act (Northern Ireland) 1967* which authorises him to provide a regular service within the meaning of that licence.

**Contracting entities in the field of rail services**

1. Network Rail plc;
2. Northern Ireland Transport Holding Company;
3. Northern Ireland Railways Company Limited;
4. Providers of rail services which operate on the basis of special or exclusive rights granted by the Department of Transport or any other competent authority.

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<sup>3</sup> E.g. the provision or operation of networks (within the meaning of footnote 2) providing a service to the public in the field of transport by high-speed or conventional trains.

*Notes to Section C:*

1. Procurement for the pursuit of an activity listed above when exposed to competitive forces in the market concerned are not covered by Chapter 16 (Government Procurement).
2. Chapter 16 (Government Procurement) does not cover procurement by procuring entities included in this Section:
  - (a) for the purchase of water and for the supply of energy or of fuels for the production of energy;
  - (b) for purposes other than the pursuit of their activities as listed in this Section or for the pursuit of such activities outside of the United Kingdom;
  - (c) for purposes of re-sale or hire to third parties, provided that the procuring 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 procuring entity.
3. Chapter 16 (Government Procurement) does not cover procurement:
  - (a) by a procuring entity to an affiliated undertaking<sup>4</sup>; or
  - (b) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of subparagraphs 1(a) and 1(b) of this Section, to an undertaking which is affiliated with one of these procuring entities,  
  
for services or supplies contracts provided that at least 80 per cent of the average turnover of the affiliated undertaking with respect to services or supplies for the preceding three years derives respectively from the provision of such services or supplies to undertakings with which it is affiliated.<sup>5</sup>
4. Chapter 16 (Government Procurement) does not cover procurement:

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<sup>4</sup> "affiliated undertaking" means any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

<sup>5</sup> When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in this paragraph is credible, in particular by means of business projections.

- (a) by a joint venture, formed exclusively by a number of procuring entities for the purposes of carrying out activities within the meaning of subparagraphs 1(a) and 1(b) of this Section, to one of these procuring entities; or
  - (b) by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up to carry out the activity concerned over a period of at least three years and the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.
5. The provisions of Article 16.19 (Domestic Review Procedures) do not apply to suppliers and service providers of Australia in contesting the award of contracts to a supplier or service provider, which are small or medium sized enterprises as defined in Regulation 112(4) of the *Public Contracts Regulations 2015*, until such time as the United Kingdom accepts that Australia no longer operates discriminatory measures in favour of certain domestic small and minority businesses.

## Section D – Goods

1. Chapter 16 (Government Procurement) covers the procurement of all goods procured by the entities listed in Sections A through C, unless otherwise specified.
2. Chapter 16 (Government Procurement) covers only the goods that are described in the Chapters of the 2017 Harmonized Commodity Description and Coding System (HS) specified below and that are procured by the Ministry of Defence and Agencies for defence or security activities in the United Kingdom:

<b>HS Chapter</b>	<b>Description</b>
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:	Fertilisers
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 fur skins) and leather
Chapter 42:	Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silkworm 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, basket ware 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:
- ex 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:
- ex 89.01 A: warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts and accessories 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: Manufacture of watches and clocks
- 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

## Section E – Services

Chapter 16 (Government Procurement) covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120<sup>6</sup>:

	<b>Description</b>	<b>CPC Prov.</b>
1.	Sale, maintenance and repair services of motor vehicles and motorcycles	61
2.	Repair services for personal and household goods	633
3.	Hotel and restaurant services (see note 1)	64
4.	Other land transport services	712
5.	Transport services via pipeline	713
6.	Air transport services of passengers and freight	73
7.	Postal services (see note 1)	7511
8.	Courier services	7512
9.	Telecommunications and related services	752, 754
10.	Financial services	ex 81
a.	Insurance services	812, 814
b.	Banking and investment services <sup>7</sup>	
11.	Real estate services on a fee or contract basis	8220
12.	Computer and related services	84
13.	Legal services (see notes 1 and 2)	861
14.	Accounting, auditing and bookkeeping services	862
15.	Taxation services	863
16.	Market research and public opinion polling services	864
17.	Management consulting services and related services	865, 866 <sup>8</sup>
18.	Architectural services; engineering services and other technical services	867
19.	Advertising services	871
20.	Investigation and security services (see note 1)	873
21.	Building-cleaning services	874
22.	Photographic services	875
23.	Packaging services	876
24.	Other business services	879

<sup>6</sup> 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.

<sup>7</sup> Except for the procurement or acquisition of fiscal agency or depository services, liquidation, and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities.

<sup>8</sup> Except arbitration and conciliation services.

	<b>Description</b>	<b>CPC Prov.</b>
25.	Services incidental to mining	883
26.	Services incidental to manufacturing, except the manufacture of metal products, machinery and equipment	884
27.	Services incidental to the manufacture of metal products, machinery and equipment	885
28.	Repair services incidental to metal products, machinery and equipment	886
29.	Services incidental to energy distribution	887
30.	Administrative services of the government (see note 1)	91136, 9127
31.	Education services (see note 1)	92
32.	Sewage and refuse disposal; sanitation and similar services	94
33.	Recreational, cultural and sporting services (see note 1)	96, (except 9611 and 9613)

*Notes to Section E:*

1. Hotel and restaurant services (CPC Prov. 64), postal services (CPC Prov. 7511), legal services (CPC Prov. 861), investigation and security services (CPC Prov. 873, except 87304), administrative services of the government (CPC Prov. 91136 and 9127), education services (CPC Prov. 92), and recreational, cultural and sporting services (CPC Prov. 96311 to 96332, and 96411 to 96419) contracts are included under the national treatment regime for suppliers and services providers of Australia, provided their value equals or exceeds GBP 663,540 when they are awarded by procuring entities covered under Sections A and B and their value equals or exceeds GBP 884,720 when they are awarded by procuring entities covered under Section C.<sup>9</sup>
2. The following legal services (CPC Prov. 861) are not covered:
  - (a) legal representation of a client by a lawyer in:
    - (i) an arbitration or conciliation held in the United Kingdom, another country or before an international arbitration or conciliation instance, or

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<sup>9</sup> The thresholds in relation to these services may be adjusted in accordance with paragraph 6 of Section H (Threshold Adjustment Formula) of this Annex.

- (ii) judicial proceedings before the courts, tribunals or public authorities of the United Kingdom, another country or before international courts, tribunals or institutions;
  - (b) legal advice given:
    - (i) in preparation of any of the proceedings referred to in subparagraph (a), or
    - (ii) where there is a tangible indication and high probability that the matter to which the advice relates will become the subject of such proceedings,

provided that the advice is given by a lawyer;
  - (c) document certification and authentication services which must be provided by notaries;
  - (d) legal services provided by trustees or appointed guardians or other legal services the providers of which are designated by a court or tribunal in the United Kingdom or are designated by law to carry out specific tasks under the supervision of such tribunals or courts;
  - (e) other legal services which in the United Kingdom are connected, even occasionally, with the exercise of official authority.
3. For greater certainty, Section E does not cover procurement of the following services:
- (a) Human health services (CPC Prov. 931);
  - (b) Administrative healthcare services (CPC Prov. 91122); and
  - (c) Supply services of nursing personnel and supply services of medical personnel (CPC Prov. 87206 and 87209).

## **Section F – Construction Services and Public Works Concessions Contracts**

### **Construction Services**

1. All services listed in Division 51 (CPC Prov.), as contained in document MTN/GNS/W/120.

### **Public Works Concession Contracts**

2. Public works concessions contracts<sup>10</sup> are only covered provided their value equals or exceeds 5,000,000 SDR and when awarded by Section A and B entities and are only included under the national treatment regime.

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<sup>10</sup> For greater certainty, "public works concessions contracts" are "works concessions contracts" covered under the *Concession Contracts Regulations 2016* and *Concession Contracts (Scotland) Regulations 2016*.

## **Section G – General Notes**

1. Chapter 16 (Government Procurement) does not cover:
  - (a) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes (e.g. food aid including urgent relief aid); and
  - (b) procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
2. Procurement by procuring entities covered under Sections A and B in connection with activities in the fields of drinking water, energy, transport and the postal sector are not covered by Chapter 16 (Government Procurement), unless covered under Section C.
3. Concessions contracts are covered procurement only as specified in paragraph 2 of Section F (Construction Services and Public Works Concessions Contracts).

## Section H – Threshold Adjustment Formula

1. The thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on 1 January, beginning on 1 January of the first even numbered year after the date of entry into force of this Agreement for the United Kingdom.
2. Every two years, the United Kingdom shall calculate and publish the value of the thresholds under Chapter 16 (Government Procurement) expressed in British pound sterling (GBP). These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.
3. The conversion rates shall be the average of the daily values of the British pound sterling in terms of the Special Drawing Rights (SDR) over the two-year period terminating on the last day of August preceding the year before the adjusted thresholds are to take effect.
4. The United Kingdom shall notify Australia of the current thresholds in its currency immediately after this Agreement enters into force, and the adjusted thresholds in its currency thereafter in a timely manner.
5. The United Kingdom shall consult if a major change in its national currency relative to the SDR or to the national currency of the United Kingdom were to create a significant problem with regard to the application of Chapter 16 (Government Procurement).
6. The United Kingdom may adjust the thresholds contained in Note 1 of Section E (Services) of this Annex to account for changes to these values in its domestic law as a result of inflation. The United Kingdom shall notify Australia of these thresholds in accordance with paragraph 4.



## Section I – Procurement Information

Electronic or paper media utilised for the publication of laws, regulations, judicial decisions, administrative rulings of general application, standard contract clauses, and procedures regarding government procurement covered by this Agreement pursuant to Article 16.5 (Information on the Procurement System):

1. Legislation - [www.legislation.gov.uk](http://www.legislation.gov.uk)
2. Jurisprudence - law reports, including those published on [www.judiciary.gov.uk](http://www.judiciary.gov.uk) (for England, Wales and Northern Ireland) and [www.scotscourts.gov.uk](http://www.scotscourts.gov.uk) (for Scotland).

Electronic media utilised for the publication of notices required by Article 16.6 (Notices), paragraph 8 of Article 16.8 (Qualification of Suppliers) and paragraph 2 of Article 16.15 (Transparency of Procurement Information), pursuant to Article 16.5 (Information on the Procurement System):

1. The UK Find a Tender service, being a single web-based portal which is provided by or on behalf of the Cabinet Office at [www.find-tender.service.gov.uk](http://www.find-tender.service.gov.uk)