



Miscellaneous No. 13 (1994)

Agreement

Establishing the World Trade Organisation

Plurilateral Trade Agreements

Agreement on Government Procurement

International Dairy Agreement

International Bovine Meat Agreement

Marrakesh, 15 April 1994

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 1994*

LONDON : HMSO



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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:

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 regulations³, recognized national standards⁴, 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:

³For the purpose of this Agreement, a technical regulation is a document which lays down characteristics of a product or a service or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, service, process or production method.

⁴For the purpose of this Agreement, a standard is a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or services or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, service, process or production method.

- (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.

- (c) 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 services⁵;
- (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 XIV⁶;
- (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;
- (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

⁵It is the understanding that "existing equipment" includes software to the extent that the initial procurement of the software was covered by the Agreement.

⁶Original 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.

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.

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;

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.

- (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 governments⁸ 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.

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 substantive⁹ 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.

⁸For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Communities.

⁹All provisions of the 1988 Agreement except the Preamble, Article VII and Article IX other than paragraphs 5(a) and (b) and paragraph 10.

- (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.

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.

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

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 |

AUSTRIA

(Authentic in the English language only)

ANNEX 1

Entities which Procure in Accordance With the Provisions of this Agreement

Supplies

Threshold: 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 of 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)

Services

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

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

Same as for supply contracts, except
Federal Ministry of Defence

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)
- 21. Federal Institute for Testing of Motor Vehicles
- 22. Headquarters of the Postal and Telegraph Administration (postal business only)

¹⁰Continuation of present exceptions

Austria (cont'd)

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

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

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:

	<i>CPC Reference No.</i>
1. Maintenance and repair services	6112, 6122, 633, 886
2. Land transport services, except transport of mail	712 (except 71235), 7512, 87304
3. Air transport services of passengers and freight, except transport of mail	73 (except 7321)
4. Transport of mail by land, except rail and by air	71235, 7321
5. Telecommunications services	752* (except 7524, 7525, 7526)
6. Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services**	
7. Computer and related services	84
8. Accounting, auditing and bookkeeping services	862
9. Market research and public opinion polling services	864
10. Management consulting services and related services, except arbitration and conciliation services	865, 866
11. 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	867
12. Advertising services	871
13. Building-cleaning services and property management services	874, 82201, 82202
14. Publishing and printing services on a fee or contract basis	88442
15. Sewage and refuse disposal; sanitation and similar services	94

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

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

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;

Austria (cont'd)

- 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

<i>Thresholds:</i>	130,000 SDRs	-	<i>Goods</i>
	130,000 SDRs	-	<i>Services</i> covered in Annex 4
	5,000,000 SDRs	-	<i>Construction</i> 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
14. Office of the Superintendent of Financial Institutions
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
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
47. Pipe, tubing, hose and fittings
48. Valves
49. Maintenance and repair shop equipment
52. Measuring tools

Canada (cont'd)

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

<i>Thresholds:</i>	355,000 SDRs	-	Goods
	355,000 SDRs	-	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.
	5,000,000 SDRs	-	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.

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.

ANNEX 3

Government Enterprises

<i>Thresholds:</i>	355,000 SDRs	-	<i>Goods</i>
	355,000 SDRs	-	<i>Services</i> covered in Annex 4
	5,000,000 SDRs	-	<i>Construction</i> 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
9. Defence Construction (1951) Ltd.

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.

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
843	On-line information and/or data processing (including transaction processing)

Canada (cont'd)

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.

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 from 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.
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.

Canada (cont'd)

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.

CANADA

(Les versions française et anglaise font foi)

ANNEXE 1

Entités du gouvernement fédéral

<i>Valeurs de seuil:</i>	130 000 DTS	-	Produits
	130 000 DTS	-	Services visés à l'Annexe 4
	5 000 000 DTS	-	Travaux visés à l'Annexe 5

Liste des entités:

1. Ministère de l'agriculture
2. Ministère des communications (à l'exclusion des marchés portant sur les produits repris aux n° 36, 70 et 74 de la Classification fédérale des approvisionnements (FSC))
3. Ministère de la consommation et des affaires commerciales
4. Ministère de l'emploi et de l'immigration
5. Commission de l'immigration et du statut de réfugié
6. Commission de l'emploi et de l'immigration
7. Ministère de l'énergie, des mines et des ressources
8. Commission de contrôle de l'énergie atomique
9. Office national de l'énergie (pour son propre compte)
10. Ministère de l'environnement
11. Ministère des affaires extérieures
12. Agence canadienne de développement international (pour son propre compte)
13. Ministère des finances
14. Bureau du surintendant des institutions financières
15. Tribunal canadien du commerce extérieur
16. Office du développement municipal et des prêts aux municipalités
17. Ministère des pêches et des océans (à l'exclusion des marchés portant sur les produits repris aux n° 36, 70 et 74 de la Classification fédérale des approvisionnements (FSC))
18. Ministère des forêts
19. Ministère des affaires indiennes et du Nord canadien
20. Ministère de l'industrie, des sciences et de la technologie
21. Conseil des sciences du Canada
22. Conseil national de recherches du Canada
23. Conseil de recherches en sciences naturelles et en génie du Canada
24. Ministère de la justice
25. Commission canadienne des droits de la personne
26. Commission de révision des lois
27. Cour suprême du Canada
28. Ministère du travail
29. Conseil canadien des relations du travail
30. Ministère de la santé nationale et du bien-être social
31. Conseil de recherches médicales
32. Ministère du revenu national
33. Ministère des travaux publics
34. Secrétariat d'Etat du Canada
35. Conseil de recherches en sciences humaines

36. Bureau de la coordonnatrice, Situation de la femme
37. Commission de la fonction publique
38. Ministère du Solliciteur général
39. Service correctionnel du Canada
40. Commission nationale des libérations conditionnelles
41. Ministère des approvisionnements et services (pour son propre compte)
42. Office des normes générales du Canada
43. Ministère des transports (à l'exclusion des marchés portant sur les produits repris aux n° 36, 70 et 74 de la Classification fédérale des approvisionnements (FSC). Aux fins de l'article XXIII, les considérations de sécurité nationale qui valent pour le Ministère de la défense nationale s'appliquent également à la Garde côtière canadienne).
44. Secrétariat du Conseil du Trésor et Bureau du Contrôleur général
45. Ministère des affaires des anciens combattants
46. Office de l'établissement agricole des anciens combattants
47. Ministère de la diversification de l'économie de l'Ouest (pour son propre compte)
48. Agence de promotion économique du Canada atlantique (pour son propre compte)
49. Vérificateur général du Canada
50. Bureau fédéral de développement régional (Québec) (pour son propre compte)
51. Centre canadien de gestion
52. Conseil de la radiodiffusion et des télécommunications canadiennes (pour son propre compte)
53. Commission canadienne sur la détermination de la peine
54. Tribunal de l'aviation civile
55. Commission d'enquête sur l'écrasement d'un avion d'Air Ontario à Dryden (Ontario)
56. Commission d'enquête sur le recours aux drogues et aux pratiques interdites pour améliorer la performance athlétique
57. Commissaire à la magistrature fédérale
58. Greffe du Tribunal de la concurrence
59. Commission du droit d'auteur
60. Protection civile Canada
61. Cour fédérale du Canada
62. Office du transport du grain (pour son propre compte)
63. Conseil de contrôle des renseignements relatifs aux matières dangereuses
64. Commissariats à l'information et à la protection de la vie privée
65. Investissement Canada
66. Ministère du multiculturalisme et de la citoyenneté
67. Archives nationales du Canada
68. Conseil national de commercialisation des produits agricoles
69. Bibliothèque nationale
70. Office national des transports (pour son propre compte)
71. Administration du pipeline du Nord (pour son propre compte)
72. Conseil d'examen du prix des médicaments brevetés
73. Agence de surveillance du secteur pétrolier
74. Bureau du Conseil privé
75. Secrétariat des conférences intergouvernementales canadiennes
76. Commissaire aux langues officielles
77. Conseil économique du Canada
78. Commission des relations de travail dans la fonction publique
79. Bureau du chef de Cabinet du Gouverneur général
80. Bureau du Directeur général des élections
81. Bureau des relations fédérales-provinciales
82. Commission de révision des marchés publics

Canada (suite)

83. Commission royale sur la réforme électorale et le financement des partis
84. Commission royale sur le transport des voyageurs au Canada
85. Commission royale sur les nouvelles techniques de reproduction
86. Commission royale sur l'avenir du secteur riverain de Toronto
87. Statistique Canada
88. Greffe de la Cour canadienne de l'impôt
89. Office de stabilisation des prix agricoles
90. Bureau canadien de la sécurité aérienne
91. Centre canadien d'hygiène et de sécurité au travail
92. Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports
93. Directeur de l'établissement des soldats
94. Directeur, Loi sur les terres destinées aux anciens combattants
95. Commission de soutien des prix des produits de la pêche
96. Commission des champs de bataille nationaux
97. Gendarmerie royale du Canada
98. Comité externe d'examen de la Gendarmerie royale du Canada
99. Commission des plaintes du public contre la Gendarmerie royale du Canada
100. Ministère de la défense nationale

LES PRODUITS SUIVANTS ACHETES PAR LE MINISTERE DE LA DEFENSE NATIONALE, LA GARDE COTIERE ET LA GENDARMERIE ROYALE DU CANADA FONT PARTIE DU CHAMP D'APPLICATION DU PRESENT ACCORD, SOUS RESERVE DES DISPOSITIONS DE L'ARTICLE XXIII. (LES NUMEROS SONT CEUX DE LA CLASSIFICATION FEDERALE DES APPROVISIONNEMENTS.)

22. Matériel ferroviaire
23. Véhicules automobiles, remorques et cycles (sauf les autobus compris dans 2310, les camions et remorques militaires compris dans 2320 et 2330, et les véhicules chenillés de combat, d'attaque et de tactique compris dans 2350)
24. Tracteurs
25. Pièces de véhicules
26. Enveloppes et chambres à air
29. Accessoires de moteurs
30. Matériel de transmission de l'énergie mécanique
32. Machines et matériel pour le travail du bois
34. Machines pour le travail des métaux
35. Matériel de service et de commerce
36. Machines industrielles spéciales
37. Machines et matériel agricoles
38. Matériel de construction, d'extraction, d'excavation et d'entretien routier
39. Matériel de manutention des matériaux
40. Cordages, câbles, chaînes et accessoires
41. Matériel de réfrigération et de climatisation
42. Matériel de lutte contre l'incendie, de sauvetage et de sécurité (sauf 4220: Equipement de plongée et de sauvetage en mer, 4230: Equipement d'imprégnation et de décontamination)
43. Pompes et compresseurs
44. Matériel de fours, de générateurs de vapeur, de séchage, et réacteurs nucléaires
45. Matériel de plomberie, de chauffage et sanitaire
46. Matériel d'épuration de l'eau et de traitement des eaux usées
47. Eléments de canalisation, tuyaux et accessoires

Canada (suite)

48. Robinets-vannes
49. Matériel d'ateliers d'entretien et de réparation
52. Instruments de mesure
53. Articles de quincaillerie et abrasifs
54. Éléments de construction préfabriqués et éléments d'échafaudages
55. Bois de construction, sciages, contreplaqués et bois de placage
56. Matériaux de construction
61. Fils électriques, matériel de production et de distribution d'énergie
62. Lampes et accessoires d'éclairage
63. Systèmes d'alarme et de signalisation
65. Fournitures et matériel médicaux, dentaires et vétérinaires
66. Instruments, matériel de laboratoire (sauf 6615: Mécanismes de pilotage automatique et éléments de gyroscopes d'aéronefs, 6665: Instruments et appareils de détection des dangers)
67. Matériel photographique
68. Substances et produits chimiques
69. Matériels et appareils d'enseignement
70. Matériel d'informatique général, logiciel, fournitures et matériel auxiliaire (sauf 7010: Configurations d'équipement de traitement automatique des données)
71. Meubles
72. Articles et appareils pour l'équipement des ménages et des lieux publics
73. Matériel de cuisine et de table
74. Machines de bureau, matériel de bureautique et d'informatique de bureau
75. Fournitures et appareils de bureau
76. Livres, cartes et publications diverses (sauf 7650: Plans et spécifications)
77. Instruments de musique, phonographes et récepteurs radiophoniques domestiques
78. Matériel de plaisance et d'athlétisme
79. Matériel et fournitures de nettoyage
80. Pinceaux, peinture, produits d'obturation et adhésifs
81. Conteneurs, matériaux et fournitures d'emballage
85. Articles de toilette
87. Fournitures pour l'agriculture
88. Animaux vivants
91. Combustibles, lubrifiants, huiles et cires
93. Fabrications non métalliques
94. Matières brutes non métalliques
96. Minerais, minéraux et leurs dérivés primaires
99. Divers

Note relative à l'Annexe 1

Les Notes générales s'appliquent à la présente annexe.

ANNEXE 2

Entités des gouvernements sous-centraux

<i>Valeurs de seuil:</i>	355 000 DTS	-	Produits
	355 000 DTS	-	Services dont la liste initiale sera établie au plus tard pour le 15 avril 1994, la liste définitive devant être communiquée dans un délai de 18 mois après la conclusion du nouvel accord sur les marchés publics.
	5 000 000 DTS	-	Services de construction dont la liste initiale sera établie au plus tard pour le 15 avril 1994, la liste définitive devant être communiquée dans un délai de 18 mois après la conclusion du nouvel accord sur les marchés publics.

Liste des entités:

Le gouvernement canadien offre d'inclure des entités des dix provinces sur la base des engagements obtenus des gouvernements provinciaux. La liste initiale des entités provinciales sera établie au plus tard pour le 15 avril 1994, la liste définitive devant être communiquée dans un délai de 18 mois après la conclusion du nouvel Accord sur les marchés publics.

Notes relatives à l'Annexe 2

1. Exceptions valables pour toutes les provinces: acier, véhicules automobiles et charbon.

Exceptions propres à certaines provinces: en outre, un nombre limité d'exceptions concernant les différentes provinces pourront être spécifiées à une date ultérieure, conformément aux engagements reçus des provinces.
2. Rien dans la présente offre ne sera interprété comme empêchant une entité d'une province d'appliquer des restrictions visant à promouvoir la qualité générale de l'environnement dans cette province, pour autant que ces restrictions ne constituent pas des obstacles déguisés au commerce international.
3. La présente offre ne s'applique pas aux marchés passés par une entité visée pour le compte d'une entité non visée.
4. Les Notes générales s'appliquent à la présente annexe.

ANNEXE 3

Entreprises publiques

<i>Valeurs de seuil:</i>	355 000 DTS	-	Produits
	355 000 DTS	-	Services visés à l'Annexe 4
	5 000 000 DTS	-	Travaux visés à l'Annexe 5

Entreprises fédérales

1. Société canadienne des postes
2. Commission de la capitale nationale
3. Administration de la voie maritime du Saint-Laurent. (Pour plus de précision, les dispositions du paragraphe 4 de l'article XIX s'appliquent aux marchés passés par l'Administration de la voie maritime du Saint-Laurent, aux fins de la protection des renseignements commerciaux communiqués à titre confidentiel.)
4. Monnaie royale canadienne (à l'exclusion des marchés passés par la Monnaie royale canadienne, ou en son nom, pour l'achat de matières premières destinées à être utilisées directement pour frapper de la monnaie n'ayant pas cours légal au Canada. Pour plus de précision, les dispositions du paragraphe 4 de l'article XIX s'appliquent aux marchés passés par la Monnaie royale canadienne aux fins de la protection des renseignements commerciaux communiqués à titre confidentiel).
5. Musée canadien des civilisations
6. Musée canadien de la nature
7. Musée des beaux-arts du Canada
8. Musée national des sciences et de la technologie
9. Construction de Défense (1951) Limitée.

Entreprises sous-centrales

La liste initiale des entreprises sous-centrales qui entrent dans le champ d'application de l'accord pour ce qui est des produits, des services et des services de construction sera établie au plus tard pour le 15 avril 1994, la liste définitive devant être communiquée dans un délai de 18 mois après la conclusion du nouvel Accord sur les marchés publics.

Note relative à l'Annexe 3

Les Notes générales s'appliquent à la présente annexe.

ANNEXE 4

Services

Le Canada offre d'inclure dans la présente annexe relative aux "Services" les entités fédérales énumérées à l'Annexe 1 et les entreprises fédérales énumérées à l'Annexe 3. Pour ce qui est des entités sous-centrales visées à l'Annexe 2 et des entreprises sous-centrales visées à l'Annexe 3, la liste initiale des services entrant dans le champ d'application de l'accord sera établie au plus tard pour le 15 avril 1994, la liste définitive devant être communiquée dans un délai de 18 mois après la conclusion du nouvel Accord sur les marchés publics. S'agissant des termes du présent accord, les services qui seront inclus sont ceux qui sont indiqués dans le document MTN.GNS/W/120. Sur le plan intérieur, le Canada utilisera le "Système commun de classification" aux fins de la mise en oeuvre du présent accord. La présente liste de services pourra être révisée à la suite d'autres travaux techniques entre les Parties et des ajustements pourront y être apportés, selon qu'il sera approprié, afin que le contenu en soit équitable.

Le Canada offre d'inclure les services suivants classés selon le système de classification des services de la CPC:

- 861 Services juridiques (conseils juridiques en matière de droit international et de droit étranger uniquement)
- 862 Services comptables, d'audit et de tenue de livres
- 863 Services de conseil fiscal (à l'exclusion des services juridiques)
- 8671 Services d'architecture
- 8672 Services d'ingénierie
- 8673 Services intégrés d'ingénierie (sauf 86731: Services intégrés d'ingénierie pour les projets de construction clés en main d'infrastructures de transport)
- 8674 Services d'aménagement urbain et d'architecture paysagère
- 841 Services de consultations en matière d'installation des matériels informatiques
- 842 Services de réalisation de logiciels, y compris les services de consultations en matière de systèmes et de logiciels, ainsi que les services d'analyse de systèmes, de conception, de programmation et de maintenance
- 843 Services de traitement de données, y compris les services de traitement, de tabulation et de gestion des installations
- 844 Services de base de données
- 845 Services d'entretien et de réparation de machines et de matériel de bureau, y compris les ordinateurs
- 849 Autres services informatiques

Canada (suite)

821	Services immobiliers se rapportant à des biens propres ou loués
822	Services immobiliers à forfait ou sous contrat
83106 à 83109 uniquement	Services de location simple ou en crédit-bail de machines et de matériel, sans opérateurs
83203 à 83209 uniquement	Services de location simple ou en crédit-bail d'articles personnels et domestiques
86501	Services de consultations en matière de gestion générale
86503	Services de consultations en matière de gestion de la commercialisation
86504	Services de consultations en matière de gestion des ressources humaines
86505	Services de consultations en matière de gestion de la production
8660	Services connexes aux services de consultations en matière de gestion (sauf 86602: Services d'arbitrage et de conciliation)
8676	Services d'essais et d'analyses techniques, y compris d'inspection et de contrôle de la qualité (à l'exclusion du matériel de transport et du numéro 58 de la FSC)
8814	Services annexes à la sylviculture et à l'exploitation forestière, y compris la gestion des forêts
883	Services annexes aux industries extractives, y compris les services d'exploration et de forage
633	Services de réparation d'articles personnels et domestiques
8861 à 8864 et 8866	Services de réparation annexes à la fabrication de produits en métaux, de machines et de matériel
874	Services de nettoyage de bâtiments
876	Services de conditionnement
7512	Services commerciaux de courrier (y compris les services de courrier multimodaux)
7523	Services de courrier électronique
7523	Services d'audiomessagerie téléphonique
7523	Services directs de recherche d'informations permanente et de serveur de base de données

Canada (suite)

7523	Services d'échange électronique de données
7523	Services améliorés/à valeur ajoutée de télécopie, y compris enregistrements et retransmission et enregistrement et recherche
	Services de conversion de codes et de protocoles
843	Services de traitement en direct de l'information et/ou de données (y compris traitement de transactions)
940	Services d'assainissement et d'enlèvement des ordures, services de voirie et services analogues
641	Services d'hôtellerie et services d'hébergement analogues
642-643	Services de restauration et de vente de boissons
7471	Services d'agences de voyages et d'organismes touristiques

Notes relatives à l'Annexe 4

1. Les Notes générales s'appliquent à la présente annexe.
2. La présente offre est faite sous réserve des conditions énoncées dans l'offre du Canada relative au commerce des services.
3. Dans le domaine des télécommunications, l'offre du Canada se limite aux services améliorés ou à valeur ajoutée qui sont fournis au moyen d'installations de télécommunications de base louées à des fournisseurs de réseaux publics de transport des télécommunications.
4. L'offre du Canada ne comprend pas ce qui suit:
 - * les contrats de gestion et d'exploitation de certaines installations publiques ou privées utilisées à des fins publiques, y compris la recherche-développement financée par le gouvernement fédéral;
 - * la frappe de la monnaie;
 - * les services d'utilité publique;
 - * les services d'architecture et d'ingénierie se rapportant à des aéroports ainsi qu'à des installations de communications ou de missiles;
 - * la construction navale et la réparation de navires ainsi que les services d'architecture et d'ingénierie s'y rapportant;
 - * s'agissant des produits achetés par le Ministère de la défense nationale, la Gendarmerie royale du Canada et la Garde côtière canadienne, tous les services qui ne sont pas indiqués comme entrant dans le champ d'application du présent accord;

Canada (suite)

- * les services achetés pour appuyer les forces militaires se trouvant à l'étranger;
- * les services d'imprimerie et d'édition; et
- * les marchés de services de transport qui font partie d'un marché ou qui y sont accessoires.

ANNEXE 5

Services de construction

Le Canada offre d'inclure dans la présente annexe relative aux "Services de construction" les entités fédérales énumérées à l'Annexe 1 et les entreprises fédérales énumérées à l'Annexe 3. Pour ce qui est des entités sous-centrales visées à l'Annexe 2 et des entreprises sous-centrales visées à l'Annexe 3, la liste initiale des services de construction entrant dans le champ d'application de l'accord sera établie au plus tard pour le 15 avril 1994, la liste définitive devant être communiquée dans un délai de 18 mois après la conclusion du nouvel Accord sur les marchés publics.

Définition:

Un contrat de services de construction est un contrat qui a pour objectif la réalisation, par quelque moyen que ce soit, de travaux de construction d'ouvrages de génie civil ou de bâtiments, au sens de la division 51 de la Classification centrale de produits (CPC).

Liste de services relevant de la division 51 de la CPC:

Tous les services énumérés dans la division 51 de la CPC.

Notes relatives à l'Annexe 5

1. Nonobstant les dispositions du présent accord, celui-ci ne s'applique pas:
 - a) aux marchés portant sur des travaux de dragage; ni
 - b) aux marchés de travaux passés pour le compte des ministères des transports.
2. Les Notes générales s'appliquent à la présente annexe.

NOTES GENERALES

1. Nonobstant les présentes annexes, l'accord n'est pas applicable dans les cas suivants:
 - a) construction navale et réparation de navires;
 - b) chemins de fer urbains et matériel de transport urbain, systèmes, composants et matériaux entrant dans leur fabrication, ainsi que tout le matériel en fer ou en acier destiné à des ouvrages;
 - c) marchés portant sur les produits relevant du n° 58 de la Classification fédérale des approvisionnements (matériel de communication, matériel de détection des radiations et d'émission de rayonnement cohérent);
 - d) marchés réservés aux petites entreprises et aux entreprises détenues par des minorités;
 - e) marchés de produits agricoles passés en application de programmes de soutien à l'agriculture ou de programmes d'aide alimentaire;
 - f) exemptions pour des raisons de sécurité nationale, visant notamment les achats de pétrole nécessaires au maintien de réserves stratégiques;
 - g) exceptions pour des raisons de sécurité nationale, visant notamment les marchés passés aux fins du contrôle des matières ou des technologies nucléaires.
2. Pour le Canada, les marchés entrant dans le champ d'application s'entendent de transactions contractuelles visant l'acquisition de biens ou de services devant bénéficier directement au gouvernement ou être utilisés directement par celui-ci. Le processus de passation d'un marché débute après qu'une entité a défini ses besoins et se poursuit jusques et y compris l'adjudication. Ne sont pas compris les accords non contractuels et toute forme d'aide publique, y compris, mais pas uniquement, les accords de coopération, les subventions, les prêts, les apports en capital, les garanties, les incitations fiscales et la fourniture par le gouvernement fédéral de produits et de services à des particuliers, des entreprises, des institutions privées et des gouvernements sous-centraux. Ne sont pas compris non plus les achats réalisés à des fins de revente commerciale ou effectués par une entité ou une entreprise auprès d'une autre entité ou d'une autre entreprise du Canada.
3. Toute exclusion liée expressément ou d'une manière générale à des entités ou à des entreprises fédérales ou sous-centrales énumérées à l'Annexe 1, à l'Annexe 2 ou à l'Annexe 3 s'appliquera également à toute entité ou entreprise qui pourrait leur succéder, afin de maintenir la valeur de la présente offre.
4. Tant que toutes les Parties ne seront pas convenues d'un commun accord d'une liste des services entrant dans le champ d'application, un service énuméré à l'Annexe 4 ne sera visé pour ce qui concerne une Partie donnée que dans la mesure où cette Partie aura accordé un accès réciproque au service considéré.
5. Dans le cas où une entité adjudgera un marché qui n'est pas visé par le présent accord, celui-ci ne sera pas interprété comme s'appliquant à tout produit ou service entrant dans ce marché.

Canada (suite)

6. S'agissant des produits et des services (y compris les travaux) énumérés aux Annexes 2 et 3, l'offre du Canada est subordonnée à la négociation avec les autres Parties d'engagements mutuellement acceptables (y compris de seuils), les engagements initiaux devant être spécifiés au plus tard pour le 15 avril 1994 et les engagements spécifiques confirmés dans un délai de 18 mois après la conclusion du nouvel Accord sur les marchés publics.
7. L'accord ne s'applique pas aux marchés passés en vertu d'un accord international et portant sur la réalisation ou l'exploitation en commun d'un ouvrage.
8. En ce qui concerne l'Union européenne, le Canada exclut de son offre les marchés portant sur les produits relevant des n° 70, 74 et 36 de la FSC tant qu'un accès réciproque ne lui aura pas été accordé.
9. En ce qui concerne l'Union européenne, le présent accord ne s'applique pas aux marchés passés par les entités visées aux Annexes 1 et 2 et portant sur des activités dans les secteurs de l'eau potable, de l'énergie, des transports et des télécommunications.

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 nationale¹¹
 - 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

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

- la Poste¹²;
 - la Régie des Bâtiments;
 - le Fonds des Routes;
- B.
- L'Office national de Sécurité Sociale;
 - L'Institut national d'Assurances sociales pour Travailleurs indépendants;
 - L'Institut national d'Assurance Maladie-Invalidité;
 - L'Office national des Pensions;
 - La Caisse auxiliaire d'Assurance Maladie-Invalidité;
 - Le Fonds des Maladies professionnelles;
 - L'Office national de l'Emploi.

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 | | |
| 13. | Ministry of Agriculture | - | nineteen directorates and institutions; |
| 14. | Ministry of Environment | - | five directorates; |
| 15. | Ministry of Cultural Affairs | - | three directorates and several state-owned
museums and higher education institutions; |
| 16. | Ministry of Social Affairs | - | four directorates |
| 17. | Ministry of Education | - | six directorates
twelve universities and other higher
education institutions; |

¹²Activités postales visées par la loi du 24 décembre 1993

EC (cont'd)

18. Ministry of Economic Affairs
(three departments);
19. Ministry of Defence¹³
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 Communication¹⁴ 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 Telecommunications¹⁵
14. Federal Ministry of Economic Affairs
15. Federal Ministry for Economic Co-operation
16. Federal Ministry of Defence¹³
17. Federal Ministry of Environment, Nature Conservation and Reactor Safety

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

ESPAÑA

(Esta lista es auténtica en la versión española)

Lista de entidades

1. Ministerio de Asuntos Exteriores
2. Ministerio de Justicia
3. Ministerio de Defensa¹⁶
4. Ministerio de Economía y Hacienda
5. Ministerio del Interior
6. Ministerio de Obras Públicas, Transportes y Medio Ambiente
7. Ministerio de Educación y Ciencia
8. Ministerio de Trabajo y Seguridad Social
9. Ministerio de Industria y Energía
10. Ministerio de Agricultura, Pesca y Alimentación
11. Ministerio de la Presidencia
12. Ministerio para las Administraciones Públicas
13. Ministerio de Cultura
14. Ministerio de Comercio y Turismo
15. Ministerio de Sanidad y Consumo
16. Ministerio de Asuntos Sociales

FRANCE

(La version française fait foi)

1. *Principales entités acheteuses*
 - A. *Budget général*
 - Services du Premier Ministre
 - Ministère des Affaires Sociales, de la Santé et de la Ville
 - Ministère de l'Intérieur et de l'Aménagement du Territoire
 - Ministère de la Justice
 - Ministère de la Défense
 - Ministère des Affaires Etrangères
 - Ministère de l'Education Nationale
 - Ministère de l'Economie
 - Ministère de l'Industrie, des Postes et Télécommunications et du Commerce Extérieur
 - Ministère de l'Equipement, des Transports et du Tourisme
 - Ministère des Entreprises et du Développement Economique, chargé des Petites et Moyennes Entreprises et du Commerce et de l'Artisanat

¹⁶Non-warlike materials contained in Part I (3) of this Annex

- Ministère du Travail, de l'Emploi et de la Formation Professionnelle
- Ministère de la Culture et de la Francophonie
- Ministère du Budget
- Ministère de l'Agriculture et de la Pêche
- Ministère de l'Enseignement Supérieur et de la Recherche
- Ministère de l'Environnement
- Ministère de la Fonction Publique
- Ministère du Logement
- Ministère de la Coopération
- Ministère des Départements et Territoires d'Outre-Mer
- Ministère de la Jeunesse et des Sports
- Ministère de la Communication
- Ministère des anciens Combattants et Victimes de Guerre

B. *Budget annexe*

On peut notamment signaler:

- Imprimerie Nationale;

C. *Comptes spéciaux du Trésor*

On peut notamment signaler:

- Fonds forestiers national;
- Soutien financier de l'industrie cinématographique et de l'industrie des programmes audio-visuels;
- Fonds national d'aménagement foncier et d'urbanisme;
- Caisse autonome de la reconstruction.

2. *Etablissements publics nationaux à caractère administratif*

- Académie de France à Rome;
- Académie de marine;
- Académie des sciences d'Outre-Mer;
- Agence centrale des organismes de sécurité sociale (A.C.O.S.S.);
- Agences financières de bassins;
- Agence nationale pour l'amélioration des conditions de travail (A.N.A.C.T.);
- Agence nationale pour l'amélioration de l'habitat (A.N.A.H.);
- Agence nationale pour l'emploi (A.N.P.E.);
- Agence nationale pour l'indemnisation des français d'Outre-Mer (A.N.I.F.O.M.);
- Assemblée permanente des chambres d'agriculture (A.P.C.A.);
- Bibliothèque nationale;
- Bibliothèque nationale et universitaire de Strasbourg;
- Bureau d'études des postes et télécommunications d'Outre-Mer (B.E.P.T.O.M.);
- Caisse des dépôts et consignations;
- Caisse nationale des allocations familiales (C.N.A.F.);
- Caisse nationale d'assurance maladie des travailleurs salariés (C.N.A.M.);

- Caisse nationale d'assurance-vieillesse des travailleurs salariés (C.N.A.V.T.S.);
- Caisse nationale des autoroutes (C.N.A.);
- Caisse nationale militaire de sécurité sociale (C.N.M.S.S.);
- Caisse nationale des monuments historiques et des sites;
- Caisse nationale des télécommunications¹⁷;
- Caisse de garantie du logement social;
- Casa de Velasquez;
- Centre d'enseignement zootechnique de Rambouillet;
- Centre d'études du milieu et de pédagogie appliquée du Ministère de l'Agriculture;
- Centre d'études supérieures de sécurité sociale;
- Centres de formation professionnelle agricole;
- Centre national d'art et de culture Georges Pompidou;
- Centre national de la cinématographie française;
- Centre national d'études et de formation pour l'enfance inadaptée;
- Centre national d'études et d'expérimentation du machinisme agricole, du génie rural, des eaux et des forêts;
- Centre national et de formation pour l'adaptation scolaire et l'éducation spécialisée (C.N.E.F.A.S.E.S.);
- Centre national de formation et de perfectionnement des professeurs d'enseignement ménager agricole;
- Centre national des lettres;
- Centre national de documentation pédagogique;
- Centre national des oeuvres universitaires et scolaires (C.N.O.U.S.);
- Centre national d'ophtalmologie des quinze-vingts;
- Centre national de préparation au professorat de travaux manuels éducatifs et d'enseignement ménager;
- Centre national de promotion rurale de Marmilhat;
- Centre national de la recherche scientifique (C.N.R.S.);
- Centre régional d'éducation populaire d'Ile de France;
- Centres d'éducation populaire et de sport (C.R.E.P.S.);
- Centres régionaux des oeuvres universitaires (C.R.O.U.S.);
- Centres régionaux de la propriété forestière;
- Centre de sécurité sociale des travailleurs migrants;
- Chancelleries des universités;
- Collège de France
- Commission des opérations de bourse;
- Conseil supérieur de la pêche;
- Conservatoire de l'espace littoral et des rivages lacustres;
- Conservatoire national des arts et métiers;
- Conservatoire national supérieur de musique;
- Conservatoire national supérieur d'art dramatique;
- Domaine de Pompadour;
- Ecole centrale - Lyon;
- Ecole centrale des arts et manufactures;
- Ecole française d'archéologie d'Athènes;
- Ecole française d'Extrême-Orient;
- Ecole française de Rome;
- Ecole des hautes études en sciences sociales;
- Ecole nationale d'administration;

¹⁷Postes seulement

- Ecole nationale de l'aviation civile (E.N.A.C.);
- Ecole nationale des Chartes;
- Ecole nationale d'équitation;
- Ecole nationale du génie rural des eaux et des forêts (E.N.G.R.E.F.);
- Ecoles nationales d'ingénieurs;
- Ecole nationale d'ingénieurs des industries des techniques agricoles et alimentaires;
- Ecoles nationales d'ingénieurs des travaux agricoles;
- Ecole nationale des ingénieurs des travaux ruraux et des techniques sanitaires;
- Ecole nationale des ingénieurs des travaux des eaux et forêts (E.N.I.T.E.F.);
- Ecole nationale de la magistrature;
- Ecoles nationales de la marine marchande;
- Ecole nationale de la santé publique (E.N.S.P.);
- Ecole nationale de ski et d'alpinisme;
- Ecole nationale supérieure agronomique - Montpellier;
- Ecole nationale supérieure agronomique - Rennes;
- Ecole nationale supérieure des arts décoratifs;
- Ecole nationale supérieure des arts et industries - Strasbourg;
- Ecole nationale supérieure des arts et industries textiles - Roubaix;
- Ecoles nationales supérieures d'arts et métiers;
- Ecole nationale supérieure des beaux-arts;
- Ecole nationale supérieure des bibliothécaires;
- Ecole nationale supérieure de céramique industrielle;
- Ecole nationale supérieure de l'électronique et de ses applications (E.N.S.E.A.);
- Ecole nationale supérieure d'horticulture;
- Ecole nationale supérieure des industries agricoles alimentaires;
- Ecole nationale supérieure du paysage (rattachée à l'école nationale supérieure d'horticulture);
- Ecole nationale supérieure des sciences agronomiques appliquées (E.N.S.S.A.);
- Ecoles nationales vétérinaires;
- Ecole nationale de voile;
- Ecoles normales d'instituteurs et d'institutrices;
- Ecoles normales nationales d'apprentissage;
- Ecoles normales supérieures;
- Ecole polytechnique;
- Ecole technique professionnelle agricole et forestière de Meymac (Corrèze)
- Ecole de sylviculture - Croigny (Aube);
- Ecole de viticulture et d'oenologie de la Tour Blanche (Gironde);
- Ecole de viticulture - Avize (Marne);
- Etablissement national de convalescents de Saint-Maurice;
- Etablissement national des invalides de la marine (E.N.I.M.);
- Etablissement national de bienfaisance Koenigs-Wazter;
- Fondation Carnegie;
- Fondation Singer-Polignac;
- Fonds d'action sociale pour les travailleurs immigrés et leurs familles;
- Hôpital-hospice national Dufresne-Sommeiller;
- Institut de l'élevage et de médecine vétérinaire des pays tropicaux (I.E.M.V.P.T.)
- Institut français d'archéologie orientale du Caire;
- Institut géographique national;
- Institut industriel du Nord;
- Institut international d'administration publique (I.I.A.P.);
- Institut national agronomique de Paris-Grignon;

- Institut national des appellations d'origine des vins et eaux-de-vie (I.N.A.O.V.E.V.);
- Institut national d'astronomie et de géophysique (I.N.A.G.);
- Institut national de la consommation (I.N.C.);
- Institut national d'éducation populaire (I.N.E.P.);
- Institut national d'études démographiques (I.N.E.D.);
- Institut national des jeunes aveugles - Paris;
- Institut national des jeunes sourdes - Bordeaux;
- Institut national des jeunes sourds - Chambéry;
- Institut national des jeunes sourds - Metz;
- Institut national des jeunes sourds - Paris;
- Institut national de physique nucléaire et de physique des particules (I.N2.P3);
- Institut national de promotion supérieure agricole;
- Institut national de la propriété industrielle;
- Institut national de la recherche agronomique (I.N.R.A.);
- Institut national de recherche pédagogique (I.N.R.P.);
- Institut national de la santé et de la recherche médicale (I.N.S.E.R.M.);
- Institut national des sports;
- Instituts nationaux polytechniques;
- Instituts nationaux des sciences appliquées;
- Institut national supérieur de chimie industrielle de Rouen;
- Institut national de recherche en informatique et en automatique (I.N.R.I.A.);
- Institut national de recherche sur les transports et leur sécurité (I.N.R.E.T.S.);
- Instituts régionaux d'administration;
- Institut supérieur des matériaux et de la construction mécanique de Saint-Ouen
- Musée de l'armée;
- Musée Gustave Moreau;
- Musée de la marine;
- Musée national J.J. Henner;
- Musée national de la Légion d'Honneur;
- Musée de la poste;
- Muséum national d'histoire naturelle;
- Musée Auguste Rodin;
- Observatoire de Paris;
- Office de coopération et d'accueil universitaire;
- Office français de protection des réfugiés et apatrides;
- Office national des anciens combattants;
- Office national de la chasse;
- Office national d'information sur les enseignements et les professions (O.N.I.S.E.P.);
- Office national d'immigration (O.N.I.);
- O.R.S.T.O.M. - Institut français de recherche scientifique pour le développement en coopération;
- Office universitaire et culturel français pour l'Algérie;
- 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
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. Eginitio 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;
- 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 Defence¹⁸;
- 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 ¹⁹
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
17. Ministry of the Environment
18. Ministry of University and Scientific 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;

¹⁸Non-warlike materials contained in Part I (3) of this Annex

¹⁹Acting as the central purchasing entity for most of the other Ministries or entities

²⁰Not including purchases made by the tobacco and salt monopolies

²¹Non-warlike materials contained in Part I (3) of this Annex

²²Postal business only

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 ²³ - 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
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
2. Ministry of the Interior - Ministerie van Binnenlandse Zaken
 - Government Personnel Information System Service - Dienst Informatievoorziening Overheidspersoneel
 - Redundancy Payment and Benefits Agency - Dienst Uitvoering Ontslagitkeringsregelingen
 - Public Servants Medical Expenses Agency - Dienst Ziektekostenvoorziening Overheidspersoneel
 - RPD Advisory Service - RPD Advies
 - Central Archives and Interdepartmental 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 Defensie²⁴
 - 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

²³Matériel non-militaire figurant dans la partie I (3) de la présente annexe

²⁴Non-Warlike materials contained in Part I (3) of this annex

- 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 - Staatstoezicht 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
- Education and Training Organization, Directorate General for the Protection of Young People and the care of Offenders - Opleidings- en vormingsorganisatie Directoraat-Generaal Jeugdbescherming en Delinquentenzorg
 - 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 - Penitenciaire 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 Jeugdinstellingen
 - Legal Aid Department - Dienst Gerechtelijke Ondersteuning in de arrondissementen
 - 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
8. Ministry of Agriculture, Nature Management and Fisheries - Ministerie van Landbouw, Natuurbeheer en Visserij
- 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 - Rijkswaarde Instuut voor Land- en Tuinbouwprodukten
- National Institute for Nature Management - Instuut voor Bos- en Natuuronderzoek
- Game Fund - Jachtfonds
- 9. Ministry of Education and Science - Ministerie van Onderwijs en Wetenschappen
 - Royal Library - Koninklijke Bibliotheek
 - Institute for Netherlands History - Instuut voor Nederlandse Geschiedenis
 - Netherlands State Institute for War Documentation - Rijksinstuut voor Oorlogsdocumentatie
 - Institute for Educational Research - Instuut voor Onderzoek van het Onderwijs
 - National Institute for Curriculum Development - Instuut voor de Leerplan Ontwikkeling
- 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 gewetensbezwaarden militaire dienst
 - Directorate for Equal Opportunities - Directie Emancipatie
- 11. Ministry of Transport, Public Works and Water Management - Ministerie van Verkeer en Waterstaat
 - 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 Rijksluchtvaartdienst
 - 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 directoraten generaal en de hoofddirectie Vaarwegmarkeringsdienst
- 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
- 13. Ministry of Welfare, Health and Cultural Affairs - Ministerie van Welzijn, Volksgezondheid en Cultuur
 - 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

EC (cont'd)

- 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
14. Cabinet for Netherlands Antillean and Aruban Affairs - Kabinet voor Nederlands-Antilliaanse en Arubaanse zaken
 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

P O R T U G A L

(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

EC (cont'd)

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
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

EC (cont'd)

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

Ministry of Defence²⁵

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 Forces²⁵

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 Force²⁵

Air Force Logistics and Administrative Commando
General Workshop for Aeronautical Equipment

Office of the Chief of Staff, Army²⁵

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

²⁵Non-warlike materials contained in Part I (3) of this annex

EC (cont'd)

Main Army Hospital
General Workshop of Uniforms and Equipment
General Workshop of Engineering Equipment
Bakery
Army Laboratory for Chemical and Pharmaceutical Products

Office of the Chief of Staff, Navy²⁶

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

²⁶Non-warlike materials contained in Part I (3) of this Annex

EC (cont'd)

Institute for Innovation in Education Antonio Aurélio da Costa Ferreira
Institute for Sports
Department of European Affairs
Ministry of Education Press

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 Misericórdia 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

EC (cont'd)

Ministerial Department responsible for European Affairs
GAFEEP (Ministerial Department responsible for Studies on the Funding of the State and Public Enterprises)
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 SA²⁷

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

²⁷Postal Business only

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
Regional Alcoholism Centres
Department for Studies and Health Planning

EC (cont'd)

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

EC (cont'd)

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
Ministry of Defence²⁸
 Meteorological Office
 Procurement Executive
National Audit Office
National Investment and Loans Office
Northern Ireland Court Service
 Coroners Courts
 County Courts

²⁸Non-warlike materials contained in Part I (3) of this annex

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
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

EC (cont'd)

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

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)

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

EC (cont'd)

- 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

EC (cont'd)

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.
- Belgisches Rundfunk-und Fernsehzentrum der Deutschsprachigen Gemeinschaft (Centre de Radio et Télévision belge de la Communauté de Langue allemande - Centrum voor Belgische Radio en Televisie voor de Duitstalige Gemeenschap).
- 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 de Secours et de Prévoyance en Faveur des Marins naviguant sous Pavillon belge -Hulp- en Voorzorgskas voor Zeevarenden onder Belgische Vlag.
- Caisse nationale des Calamités - Nationale Kas voor de Rampenshade.

- Caisse spéciale de Compensation pour Allocations familiales en Faveur des Travailleurs de l'Industrie diamentaire - Bijzondere Verrekenkas voor Gezinsvergoedingen ten Bate van de Arbeiders der Diamantnijverheid.
- Caisse spéciale de Compensation pour Allocations familiales en Faveur des Travailleurs de l'Industrie du Bois - Bijzondere Verrekenkas voor Gezinsvergoedingen ten Bate van Arbeiders in de Houtnijverheid.
- Caisse spéciale de Compensation pour Allocations familiales en Faveur des Travailleurs occupés dans les Entreprises de Batellerie - Bijzondere Verrekenkas voor Gezinsvergoedingen ten Bate van Arbeiders der Ondernemingen voor Binnenscheepvaart.
- Caisse spéciale de Compensation pour Allocations familiales en Faveur des Travailleurs occupés dans les Entreprises de Chargement, Déchargement et Manutention de Marchandises dans les Ports Débarcadères, Entrepôts et Stations (appelée habituellement "Caisse spéciale de Compensation pour Allocations familiales des Régions maritimes" - Bijzondere Verrekenkas voor Gezinsvergoedingen ten Bate van de Arbeiders gebezigd door Ladings- en Lossingsondernemingen en door de Stuwadoors in de Havens, Losplaatsen, Stapelplaatsen en Stations (gewoonlijk genoemd: "Bijzondere Compensatiekas voor kindertoeslagen van de zeevaartgewesten").
- Centre informatique pour la Région bruxelloise - Centrum voor Informatica voor het Brusselse Gewest.
- Commissariat général de la Communauté flamande pour la Coopération internationale Commissariaat-Generaal voor Internationale Samenwerking van de Vlaamse Gemeenschap.
- Commissariat général pour les Relations internationales de la Communauté française de Belgique Commissariaat-Generaal bij de Internationale Betrekkingen van de Franse Gemeenschap van België.
- Conseil central de l'Economie - Centrale Raad voor het Bedrijfsleven.
- Conseil économique et social de la Région Wallonne - Sociaal economische Raad van het Waals Gewest.
- Conseil national du Travail - Nationale Arbeidsraad.
- Conseil supérieur des Classes moyennes - Hoge Raad voor de Middenstand.
- Office pour les Travaux d'infrastructure de l'Enseignement subsidié - Dienst voor Infrastructuurwerken van het gesubsidieerd Onderwijs.
- Fondation royale - Koninklijke Schenking.
- Fonds d'aide médicale urgente - Fonds voor dringende geneeskundige Hulp.
- Fonds des Accidents du Travail - Fonds voor Arbeidsongevallen.
- Fonds d'Indemnisation des Travailleurs licenciés en Cas de fermeture d'Entreprises - Fonds tot Vergoeding van de in geval van Sluiting van Ondernemingen ontslagen Werknemers.
- Fonds national de Garantie pour la Réparation des Dégats houillers - Nationaal Waarborgfonds inzake Kolenmijnschade.
- Fonds national de Retraite des Ouvriers Mineurs - Nationaal Pensioenfonds voor Mijnwerkers.
- Fonds pour le Financement des Prêts à des États étrangers - Fonds voor Financiering van de Leningen aan vreemde Staten.
- Fonds pour la Rémunération des Mousses enrôlés à Bord des Bâtiments de Pêche - Fonds voor Scheepsjongens aan Boord van Vissersvaartuigen.
- Fonds wallon d'Avances pour la Réparation des Dommages provoqués par des Pompes et des Prises d'Eau souterraine - Waals Fonds van Voorschotten voor het Herstel van de Schade veroorzaakt door Grondwaterzuiveringen en Afpompingen.
- Institut d'Aéronomie spatiale - Instituut voor Ruimte-aëronomie
- Institut belge de normalisation - Belgisch Instituut voor Normalisatie.

- Institut bruxellois de l'Environnement - Brussels Instituut voor Milieubeheer.
- Institut d'Expertise vétérinaire - Instituut voor veterinaire Keuring.
- Institut économique et social des Classes moyennes - Economisch en sociaal Instituut voor de Middenstand.
- Institut d'Hygiène et d'Epidémiologie - Instituut voor Hygiëne en Epidemiologie. - Institut francophone pour la Formation permanente des Classes moyennes - Franstalig Instituut voor Permanente Vorming voor de Middenstand.
- Institut géographique national - Nationaal Geografisch Instituut
- Institut géotechnique de l'État - Rijksinstituut voor Grondmechanica.
- Institut national des Industries extractives - Nationale Instituut voor de Extractiebedrijven.
- Institut national des Invalides de Guerre, anciens Combattants et Victimes de Guerre - Nationaal Instituut voor Oorlogsinvaliden, Oudstrijders en Oorlogsslachtoffers.
- Institut pour l'Amélioration des Conditions de Travail - Instituut voor verbetering van de Arbeidsvoorwaarden.
- Institut royal belge des Sciences naturelles - Koninklijk Belgisch Instituut voor Natuurwetenschappen.
- Institut royal belge du Patrimoine artistique - Koninklijk Instituut voor het Kunstpatrimonium.
- Institut royal de Météorologie - Koninklijk meteorologisch Instituut.
- Enfance et Famille - Kind en Gezin.
- Mémorial national du Fort de Breendonck - Nationaal Gedenkteken van het Fort van Breendonck.
- Musée royal de l'Afrique centrale - Koninklijk Museum voor Midden-Afrika.
- Musées royaux d'Art et d'Histoire - Koninklijke Musea voor Kunst en Geschiedenis.
- Musées royaux des Beaux-Arts de Belgique - Koninklijke Musea voor Schone Kunsten van België.
- Observatoire royal de Belgique - Koninklijke Sterrenwacht van België.
- Office belge du Commerce extérieur - Belgische Dienst voor Buitenlandse Handel.
- Office central d'Action sociale et culturelle au Profit des Membres de la Communauté militaire Centrale Dienst voor sociale en culturele Actie ten behoeve van de Leden van de militaire Gemeenschap.
- Office de la Naissance et de l'Enfance - Dienst voor Borelingen en Kinderen.
- Office de la Navigation - Dienst voor de Scheepvaart.
- Office de Promotion du Tourisme de la Communauté française - Dienst voor de Promotie van het Toerisme van de Franse Gemeenschap.
- Office de Renseignements et d'Aide aux Familles des Militaires - Hulp- en Informatiebureau voor Gezinnen van Militairen.
- Office de Sécurité sociale d'Outre-Mer - Dienst voor overzeese sociale Zekerheid.
- Office national d'Allocations familiales pour Travailleurs salariés - Rijksdienst voor Kinderbijslag voor Werknemers.
- Office national de Sécurité sociale des Administration provinciales et locales - Rijksdienst voor sociale Zekerheid van de provinciale en plaatselijke Overheidsdiensten.
- Office national des Vacances annuelles - Rijksdienst voor de jaarlijkse Vakantie.
- Office régional bruxellois de l'Emploi - Brusselse Gewestelijke Dienst voor Arbeidsbemiddeling.
- Office régional et communautaire de l'emploi et de la Formation - Gewestelijke en Gemeenschappelijke Dienst voor Arbeidsvoorziening en Vorming.
- Office régulateur de la Navigation intérieure - Dienst voor Regeling der Binnenvaart.
- Société publique des déchets pour la Région flamande - Openbare Afvalstoffenmaatschappij voor het Vlaams Gewest.
- Orchestre national de Belgique - Nationaal Orkest van België.

- Organisme national des Déchets radioactifs et des Matières fissiles - Nationale Instelling voor radioactief afval en Splijtstoffen.
- Palais des Beaux-Arts - Paleis voor Schone Kunsten.
- Pool des Marins de la marine marchande - Pool van de Zeelieden ter Koopvaardij.
- Radio et Télévision belge de la Communauté française - Belgische Radio en Televisie van de Franse Gemeenschap.
- Conseil économique et social pour la Flandre - Sociaal economische Raad voor Vlaanderen.
- Société du Logement de la région bruxelloise et société agréées - Brusselse Gewestelijke Huisvestingsmaatschappij en erkende maatschappijen.
- Théâtre royal de la Monnaie - De Koninklijke Muntchouwborg.
- Universités relevant de la Communauté flamande - Universiteiten afhankelijk van de Vlaamse Gemeenschap.
- Universités relevant de la Communauté française - Universiteiten afhankelijk van de Franse Gemeenschap.
- Office flamand de l'Emploi et de la Formation professionnelle - Vlaamse Dienst voor Arbeidsvoorziening en Beroepsopleiding.
- Fonds flamand de Construction d'Institutions hospitalières et médico-sociales - Vlaams Fonds voor de Bouw van Ziekenhuizen en medisch-sociale Instellingen.
- Société flamande du Logement et sociétés agréées - Vlaamse Huisvestingsmaatschappij en erkende maatschappijen.
- Société régionale wallonne du Logement et sociétés agréées - Waalse Gewestelijke Maatschappij voor de Huisvesting en erkende maatschappijen.
- Société flamande d'Épuration des eaux - Vlaamse Maatschappij voor Waterzuivering.
- Fonds flamand du Logement des Familles nombreuses - Vlaams Woningfonds van de grote Gezinnen.
- Aquafin.
- Berlaymont 2000.
- Bruxelles-propreté.
- Fonds Communautaire pour l'Intégration sociale et professionnelle des personnes handicapées.
- Fonds de Construction des Institutions hospitalières et médico-sociales de la Communauté française
- Fonds de Garantie des Bâtiments scolaires de la Communauté germanophone - Garantiefonds der Deutschsprachigen Gemeinschaft für Schulbauten.
- Fonds des bâtiments scolaires de l'Enseignement officiel subventionné
- Fonds flamand de Constructions hospitalières et médico-sociales - Vlaams Fond voor de Bouw van ziekenhuizen en medisch-sociale Inrichtingen.
- Fonds national de Reclassement des Handicapés.
- Institut belge des Services postaux et de Télécommunications.
- Institut flamand pour l'Entreprise indépendante - Vlaams Instituut voor het Zelfstandig ondernemen.
- Institut national pour la Criminalistique
- 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.

EC (cont'd)

- 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
- Storebæltsforbindelsen 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)
- 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, 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 carcass disposal establishments)
- 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, Volkhochschulen) (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 (Straßenreinigung, 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 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 Trachtála (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)

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).

IX. LUXEMBOURG

(La version française fait foi)

Organismes

- L'entreprise des Postes et Télécommunications²⁹

Catégories

- Les établissements publics de l'Etat placés sous la surveillance d'un membre du Gouvernement
- Les établissements publics placés sous la surveillance des communes
- Les syndicats de communes créés en vertu de la loi du 14 février 1900 telle qu'elle a été modifiée à la suite.

X. THE NETHERLANDS

(Authentic in the English language only)

Bodies

- de Nederlandse Centrale Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek (TNO) en de daaronder ressorterende organisaties

Categories

- de waterschappen (administration of water engineering works)
- de instellingen van wetenschappelijk onderwijs vermeld in artikel 8 van de Wet op het Wetenschappelijk Onderwijs (1985), de academische ziekenhuizen institutions for scientific education, as listed in Article 8 of the Scientific Education Act (1985) (Wet op het Wetenschappelijk Onderwijs (1985)), teaching hospitals).

XI. PORTUGAL

(Authentic in the English language only)

Categories

- Estabelecimentos Públicos de Ensino, Investigação Científica e Saúde (public establishments for education, scientific research and health)
- Institutos Públicos sem carácter comercial ou industrial (public institutions without commercial or industrial character)

²⁹Postal business only

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 Corporationfalling 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 4³⁰

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 railway³¹, 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).

³⁰Under the conditions provided for in Directive 93/38/EEC

³¹Not including the entities listed in Annex VI of Directive 93/38/EEC (copy attached)

ANNEX 4

Services

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

<i>Subject</i>	<i>CPC Reference No</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752* (except 7524, 7525, 7526)
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investments services**	
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866***
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	867
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

EC (cont'd)

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)

Group	Class	Subclass	Title	Corresponding ISIC
<i>SECTION 5</i>			<i>CONSTRUCTION WORK AND CONSTRUCTIONS: LAND</i>	
DIVISION 51			CONSTRUCTION WORK	
511			Pre-erection work at construction sites	
	5111	51110	Site investigation work	4510
	5112	51120	Demolition work	4510
	5113	51130	Site formation and clearance work	4510
	5114	51140	Excavating and earthmoving work	4510
	5115	51150	Site preparation work for mining	4510
	5116	51160	Scaffolding work	4520
512			Construction work for buildings	
	5121	51210	For one- and two-dwelling buildings	4520
	5122	51220	For multi-dwelling buildings	4520
	5123	51230	For warehouses and industrial buildings	4520
	5124	51240	For commercial buildings	4520
	5125	51250	For public entertainment buildings	4520
	5126	51260	For hotel, restaurant and similar buildings	4520
	5127	51270	For educational buildings	4520
	5128	51280	For health buildings	4520
	5129	51290	For other buildings	4520
513			Construction work for civil engineering	
	5131	51310	For highways (except elevated highways), street, roads, railways and airfield runways	4520
	5132	51320	For bridges, elevated highways, tunnels and subways	4520
	5133	51330	For waterways, harbours, dams and other water works	4520
	5134	51340	For long distance pipelines, communication and power lines (cables)	4520
	5135	51350	For local pipelines and cables; ancillary works	4520
	5136	51360	For constructions for mining and manufacturing	4520
	5137		For constructions for sport and recreation	
		51371	For stadia and sports grounds	4520
		51372	For other sport and recreation installations (e.g. swimming pools, tennis courts, golf courses)	4520
	5139	51390	For engineering works n.e.c.	4520

Group	Class	Subclass	Title	Corresponding ISIC
514	5140	51400	Assembly and erection of prefabricated constructions	4520
515			Special trade construction work	
	5151	51510	Foundation work, including pile driving	4520
	5152	51520	Water well drilling	4520
	5153	51530	Roofing and water proofing	4520
	5154	51540	Concrete work	4520
	5155	51550	Steel bending and erection (including welding)	4520
	5156	51560	Masonry work	4520
	5159	51590	Other special trade construction work	4520
516			Installation work	
	5161	51610	Heating, ventilation and air conditioning work	4530
	5162	51620	Water plumbing and drain laying work	4530
	5163	51630	Gas fitting construction work	4530
	5164		Electrical work	
		51641	Electrical wiring and fitting work	4530
		51642	Fire alarm construction work	4530
		51643	Burglar alarm system construction work	4530
		51644	Residential antenna construction work	4530
		51649	Other electrical construction work	4530
	5165	51650	Insulation work (electrical wiring, water, heat, sound)	4530
	5166	51660	Fencing and railing construction work	4530
	5169		Other installation work	
		51691	Lift and escalator construction work	4530
		51699	Other installation work n.e.c.	4530
517			Building completion and finishing work	
	5171	51710	Glazing work and window glass installation work	4540
	5172	51720	Plastering work	4540
	5173	51730	Painting work	4540
	5174	51740	Floor and wall tiling work	4540
	5175	51750	Other floor laying, wall covering and wall papering work	4540
	5176	51760	Wood and metal joinery and carpentry work	4540
	5177	51770	Interior fitting decoration work	4540
	5178	51780	Ornamentation fitting work	4540
	5179	51790	Other building completion and finishing work	4540

EC (cont'd)

Group	Class	Subclass	Title	Corresponding ISIC
518	5180	51800	Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator	4550

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 lov bekendtgørelse 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.

Entities producing water pursuant to the Gesetz über Wasser- und Bodenverbände vom 10. Februar 1937 and the erste Verordnung über Wasser- und Bodenverbände vom 3. September 1937.

(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

The Water Company of Athens set up pursuant to Law 1068/80 of 23 August 1980.

The Water Company of Salonica operating pursuant to Presidential Decree 61/1988.

EC (cont'd)

The Water Company of Voios operating pursuant to Law 890/1979.

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:

dispositions 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).

IRELAND

Entities producing or distributing water pursuant to the Local Government (Sanitary Services) Act 1878 to 1964.

EC (cont'd)

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

Entities producing or distributing water pursuant to the Waterleidingwet van 6 april 1957, amended by the wetten van 30 juni 1967, 10 september 1975, 23 juni 1976, 30 september 1981, 25 januari 1984, 29 januari 1986.

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.

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 stærktstrømsanlæg, 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 de 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 della 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 électrique de l'Our (SEO).

Syndicat de Communes SIDOR.

NETHERLANDS

Elektriciteitsproductie Oost-Nederland.

Elektriciteitsbedrijf Utrecht-Noord-Holland-Amsterdam (UNA).

Elektriciteitsbedrijf Zuid-Holland (EZH)

Elektriciteitsproduktiemaatschappij Zuid-Nederland (EPZ).

Provinciale Zeeuwse Energie Maatschappij (PZEM).

Samenwerkende Elektriciteitsbedrijven (SEP).

EC (cont'd)

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.

Independant 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.

Empresa de Electricidade da Madeira, EP, created pursuant to the Decreto-Lei n 12/74 de 17 de Janeiro de 1974 and regionalized pursuant to the Decreto-Lei n 31/79 de 24 de Fevereiro de 1979, Decreto-Lei n 91/79 de 19 de Abril de 1979.

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)

Entities operating set up pursuant to lov nr. 295 af 6. juni 1984 om privatbanerne, jf. lov nr. 245 af 6. august 1977.

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).

ITALY

Ferrovie dello Stato

EC (cont'd)

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

Entities providing, on the basis of an authorization, short-distance transport services to the public (Öffentlichen Personennahverkehr) pursuant of the Personenbeförderungsgesetz vom 21. März 1961, as last amended on 25 July 1989.

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.

EC (cont'd)

(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.

IRELAND

Iarnrod 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.

EC (cont'd)

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 dei 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.

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.

EC (cont'd)

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

Airports as defined in Article 38 Absatz 2 no of the Luftverkehrszulassungsordnung vom 19. März 1979, amended last by the Verordnung vom 21. Juli 1986.

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.

IRELAND

Airports of Dublin, Cork and Shannon managed by Aer Rianta - Irish Airports.

Airports operating on the basis of a Public use License granted, pursuant to the Air Navigation and Transport Act No 23 1936, the Transport Fuel and Power Transfer of Departmental, Administration

EC (cont'd)

and Ministerial Functions Order 1959 (SI No 125 of 1959) and the Air Navigation (Aerodromes and Visual Ground Aids) Order 1970 (SI No 291 of 1970).

ITALY

Civil Stat. airports (aerodromo 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 linker Scheldeoever (Port d'Anvers).

Port de Nieuwport.

Port d'Ostende.

DENMARK

Ports as defined in Article 1, I 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.

Other ports governed by presidential decree 649/1977 (NA. 649/1977) (supervision, organization of functioning and administrative control).

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.

Puerto de Valencia set up pursuant to the Decreto de 25 de agosto de 1978, no 2409/78. Puertos y Faros. Otorga al de Valencia 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.

Ports listed in the Real Decreto 989/82 de 14 de mayo de 1982. Puertos. Clasificación de los de interés general.

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.

Industrie- en havenschap Moerdijk, set up by gemeenschappelijke regeling tot oprichting van het Industrie- en havenschap Moerdijk van 23 oktober 1970, approved by Koninklijke Besluit nr. 23 van 4 maart 1972.

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.

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;
 - 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.

EC (cont'd)

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*

Supplies		Services	(as specified in Annex 4)
<i>Threshold:</i>	SDR 130,000	<i>Threshold:</i>	SDR 130,000
Works	(as specified in Annex 5)		
<i>Threshold:</i>	SDR 5,000,000		

List of Entities:

The following contracting authorities of State:

OIKEUSKANSLERINVIRASTO

OFFICE OF THE CHANCELLOR OF
JUSTICE

KAUPPA- JA TEOLLISUUSMINISTERIÖ

MINISTRY OF TRADE AND INDUSTRY

Kuluttajavirasto
Elintarvikevirasto
Kilpailuvirasto
Kilpailuneuvosto
Kuluttaja-asiamiehen toimisto
Kuluttajavalituslautakunta
Patentti- ja rekisterihallitus

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

Telehallintokeskus

Telecommunications Administration
Centre

MAA- JA METSÄTALOUSMINISTERIÖ

MINISTRY OF AGRICULTURE AND
FORESTRY

Maanmittauslaitos

National Land Survey of Finland

OIKEUSMINISTERIÖ

Tietosuojavaltuutetun toimisto

Tuomioistuinlaitos

- Korkein oikeus

- Korkein hallinto-oikeus

- Hovioikeudet

- Käräjäoikeudet

- Lääninoikeudet

- Markkinatuomioistuin

- Työtuomioistuin

- Vakuutusosasto

- Vesioikeudet

Vankeinhoitolaitos

MINISTRY OF JUSTICE

The Office of the Data Protection

Ombudsman

Courts of Law

Prison Administration

OPETUSMINISTERIÖ

Opetushallitus

Valtion elokuvatarkastamo

MINISTRY OF EDUCATION

National Board of Education

National Office of Film Censorship

PUOLUSTUSMINISTERIÖ

Puolustusvoimat*

MINISTRY OF DEFENCE

Defence Forces

SISÄASIAINMINISTERIÖ

Väestörekisterikeskus

Keskusrikospoliisi

Liikkuva poliisi

Rajavartiolaitos*

MINISTRY OF THE INTERIOR

Population Register Centre

Central Criminal Police

Mobile Police

Frontier Guard

SOSIAALI- JA TERVEYSMINISTERIÖ

Työttömyysturvalautakunta

Tarkastuslautakunta

Lääkelaitos

Terveysturvakeskus

Tapaturmavirasto

Säteilyturvakeskus

Valtion turvapaikan hakijoiden vastaanotto-
keskukset

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

Finland (cont'd)

TYÖMINISTERIÖ

Valtakunnansovittelijain toimisto
Työneuvosto

MINISTRY OF LABOUR

National Conciliators' Office
Labour Council

ULKOASIAINMINISTERIÖ

MINISTRY FOR FOREIGN AFFAIRS

VALTIOVARAINMINISTERIÖ

MINISTRY OF FINANCE

Valtiontalouden tarkastusvirasto
Valtiokonttori
Valtion työmarkkinalaitos
Verohallinto
Tullihallinto
Valtion vakuusrahasto

State Economy Controller's Office
State Treasury Office

YMPÄRISTÖMINISTERIÖ

MINISTRY OF ENVIRONMENT

Vesi- ja ympäristöhallitus

National Board of Waters and
Environment

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		Services	(as specified in Annex 4)
Threshold:	SDR 200,000	Threshold:	SDR 200,000
Works	(as specified in Annex 5)		
Threshold:	SDR 5,000,000		

List of Entities:

1. Contracting authorities of the regional and local public authorities, including all (455) municipalities and

Lääninhallitukset	Provincial Governments
- Hämeen lääni	
- Keski-Suomen lääni	
- Kuopion lääni	
- Kymen lääni	
- Lapin lääni	
- Mikkelin lääni	
- Oulun lääni	
- Pohjois-Karjalan lääni	
- Turun ja Porin lääni	
- Uudenmaan lääni	
- Vaasan lääni	

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	National Consumer Research Centre
Matkailun edistämiskeskus	Finnish Tourist Board
Teknillinen tarkastuskeskus	Technical Inspection Centre
Mittatekniikan keskus	Centre for Metrology and Accreditation
Geologian tutkimuskeskus	Geological Survey of Finland
Valtion teknillinen tutkimuskeskus	Technical Research Centre of Finland
Teknologian kehittämiskeskus	Technology Development Centre
Valtiontakuu keskus	Finnish Guarantee Board
Tieliäitos	Road Administration
Merenkululaitos	Navigation Administration
Merentutkimuslaitos	Marine Research Institute
Ilmatieteen laitos	Meteorological Institute
Karttakeskus	Map Centre
Geodeettinen laitos	Finnish Geodetic Institute
Valtion viljavarasto	Finnish Grain Board
Maatalouden taloudellinen tutkimuslaitos	Agricultural Economics Research Institute
Maatalouden tutkimuskeskus	Agricultural Research Centre

Kasvintuotannon tarkastuskeskus	Plant Production Inspection Centre
Metsähallitus	Forest and Park Service
Metsäntutkimuslaitos	Forest Research Institute
Riista- ja kalatalouden tutkimuslaitos	Finnish Game and Fisheries Research Institute
Eläinlääkintä- ja elintarvikelaitos	National Veterinary and Food Research Institute
Oikeuspoliittinen tutkimuslaitos	National Research Institute of Legal Policy
Helsingin kriminaalipoliittinen instituutti	Helsinki Institute for Crime Prevention and Control
Valtion audiovisuaalinen keskus	State Audiovisual Centre
Ylioppilastutkintolautakunta	Matriculation Examination Board
Yliopistot, korkeakoulut ja kuvataideakatemia	Institutions of Higher Education and the Academy of Fine Arts
Suomen Akatemia	Academy of Finland
Rauhan- ja konfliktitutkimuslaitos	Peace Research Institute
Kotimaisten kielten tutkimuskeskus	Research Centre for Domestic Languages
Kansallisarkisto ja maakunta-arkistot	National Archives and Provincial Archives
Taiteen keskustoimikunta	Arts Council of Finland
Valtion taidetoimikunnat	National Art Committees
Läänien taidetoimikunnat	Regional Art Councils
Näkövammaisten kirjasto	Library of the Visually Handicapped
Museovirasto	National Board of Antiquities and Historical Monuments
- Rakennustaiteen museo	- Museum of Architecture
- Kansallismuseo	- National Museum
Valtion taidemuseo	National Gallery
Suomenlinnan hoitokunta	Administration of Suomenlinna
Suomen elokuva-arkisto	Finnish Film Archives
Valtion liikuntaneuvosto	National Sports Council
Valtion nuorisoneuvosto	National Youth Council
Valtion opintotukikeskus	National Centre for Student Aid
Kansainvälisen henkilövaihdon keskus (CIMO)	Finnish Centre for International Mobility and Exchange Programmes (CIMO)
Poliisiopisto	Police Academy
Poliisikoulu	Police School
Poliisikoiralaitos	Police Dog Training Center
Poliisivarikko	Police Material Depot
Valtion pelastusopisto	State Rescue Institute
Valtion pelastuskoulu	State Rescue School
Sosiaali- ja terveysalan tutkimus- ja kehittämiskeskus	National Research and Development Centre for Welfare and Health
Kansanterveyslaitos	National Public Health Institute
Merimiespalvelutoimisto	Seamen's Service
Työvoimaopisto	Labour Institute
Valtion taloudellinen tutkimuskeskus SITRA	State's Economic Research Centre
Valtionhallinnon kehittämiskeskus	
Tilastokeskus	Central Statistical Office
Suomen pankki	Bank of Finland
Valtion hankintakeskus	Government Purchasing Centre

ANNEX 3

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

<i>Supplies</i>		<i>Services</i>	(as specified in Annex 4)
<i>Threshold:</i>	SDR 400,000	<i>Threshold:</i>	SDR 400,000
<i>Works</i>	(as specified in Annex 5)		
<i>Threshold:</i>	SDR 5,000,000		

List of Entities:

Public entities and activities as specified in Article 2 of "Laki julkisista hankinnoista (1505/92)" (Public Procurement Act) and in Articles 1-4 of "Asetus Euroopan talousalueesta tehdys ä sopimuksessa tarkoitetuista vesi- ja energiahuollon, liikenteen ja teletoiminnan alalla toimivien yksiköiden hankinnoista" (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 tiellä" 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

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 satamajärjestyksistä ja liikennemaksuista (955/76)", *inter alia*

Finland (cont'd)

- 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 1 of "Laki yleisistä vesija viemärlaitoksista (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)

ANNEX 4

Services

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

<i>Subject</i>	<i>CPC Ref No</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752** (except 7524, 7525, 7526)
Financial services	ex 81
(a) insurance services	812, 814
(b) banking and investments services***	
Computer and related services	84
Accounting, auditing and book-keeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866****
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	867
Advertising services	871
Building-cleaning services and property management services	874, 82201-82206

Finland (cont'd)

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

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

Spare parts

Foodstuffs

- coffee, tea
- rice
- frozen fish
- dried fruits
- spices

Machines

- office machines
- laundry machines

Miscellaneous

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;
- 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;

Finland (cont'd)

- 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 tehdyssä sopimuksessa tarkoitetuista rakennusurakoista), 1350/93 (Asetus Euroopan talousalueesta tehdyssä sopimuksessa tarkoitetuista tavarahankinnoista), 1351/93 (Asetus Euroopan talousalueesta tehdyssä sopimuksessa tarkoitetuista vesi- ja energiahoullon, 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.

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

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

ANNEX 4

Services

Those items of the Universal List of Services (MTN.GNS/W/120) as specified below:

List of Services Included

	<i>CPC</i>
1. <i>Computer and Related Services</i>	
- Data base and processing services	843 + 844
- Maintenance and repair services of office machinery and equipment including computers	845
- Other Computer Services	849
2. <i>Rental/Leasing Services Without Operators</i>	
- 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. <i>Other Business Services</i>	
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. <i>Courier Services</i>	
5. <i>Telecommunication Services</i>	(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
Voice mail	7523

Hong Kong (cont'd)

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. <i>Environmental Services</i>	
- Sewage services	9401
- Refuse disposal services	9402
7. <i>Financial Services</i>	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. <i>Transport Services</i>	
- Air transportation services (excluding transportation of mail)	731, 732, 734
- Road transport services	712, 6112, 8867

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

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.

3. 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.
4. 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.
5. 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

Israel (cont'd)

ANNEX 2

*Sub-Central Government Entities which Procure in Accordance
With the Provisions of this Agreement*

<i>Supplies</i>	<i>Threshold:</i>	250,000 SDR
<i>Services</i> (specified in Annex 4)	<i>Threshold:</i>	250,000 SDR
<i>Construction</i> (specified in Annex 5)	<i>Threshold:</i>	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*

<i>Supplies</i>	<i>Threshold:</i>	355,000 SDR
<i>Services</i> (specified in Annex 4)	<i>Threshold:</i>	355,000 SDR
<i>Construction</i> (specified in Annex 5)	<i>Threshold:</i>	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).

ANNEX 4

Services

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

<i>CPC</i>	<i>Description</i>
8672-3	Architectural services
8671	Engineering services
8674	Urban planning
841-3	Computer and related services
871	Advertising services
864	Market research and public opinion
865-6	Management consulting
9401-5	Environmental services

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

<i>CPC</i>	<i>Description</i>
511	Pre-erection work at construction sites
512	Construction work for buildings
513	Construction work for civil engineering
514	Assembly and erection of prefabricated construction
515	Special trade construction work
516	Installation work
517	Building completion and finishing work
518	Renting services related to equipment for construction

GENERAL NOTES

- (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.

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 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 (National Police Agency)
- 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 (National Police Agency)
- 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

Japan (cont'd)

Services (cont'd)

- 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:

FSC Description

- 22 Railway Equipment
- 24 Tractors
- 32 Woodworking Machinery and Equipment

- 34 Metalworking Machinery
- 35 Service and Trade Equipment
- 36 Special Industry Machinery
- 37 Agricultural Machinery and Equipment
- 38 Construction, Mining, Excavating, and Highway Maintenance Equipment
- 39 Materials Handling Equipment
- 40 Rope, Cable, Chain, and Fittings
- 41 Refrigeration, Air Conditioning, and Air Circulating Equipment
- 43 Pumps and Compressors
- 45 Plumbing, Heating and Sanitation Equipment
- 46 Water Purification and Sewage Treatment Equipment
- 47 Pipe, Tubing, Hose, and Fittings
- 48 Valves
- 51 Hand Tools
- 52 Measuring Tools
- 55 Lumber, Millwork, Plywood and Veneer
- 61 Electric Wire, and Power and Distribution Equipment
- 62 Lighting Fixtures and Lamps
- 65 Medical, Dental, and Veterinary Equipment and Supplies
- 6630 Chemical Analysis Instruments
- 6635 Physical Properties Testing Equipment
- 6640 Laboratory Equipment and Supplies
- 6645 Time Measuring Instruments
- 6650 Optical Instruments
- 6655 Geophysical and Astronomical Instruments
- 6660 Meteorological Instruments and Apparatus
- 6670 Scales and Balances
- 6675 Drafting, Surveying, and Mapping Instruments
- 6680 Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
- 6685 Pressure, Temperature, and Humidity Measuring and Controlling Instruments
- 6695 Combination and Miscellaneous Instruments
- 67 Photographic Equipment
- 68 Chemicals and Chemical Products
- 71 Furniture

Japan (cont'd)

FSC Description (cont'd)

- 72 Household and Commercial
Furnishings and Appliances
- 73 Food Preparation and Serving
Equipment
- 74 Office Machines and Visible Record
Equipment
- 75 Office Supplies and Devices
- 76 Books, Maps, and Other Publications
- 77 Musical Instruments, Phonographs,
and Home-type Radios
- 79 Cleaning Equipment and Supplies
- 80 Brushes, Paints, Sealers, and
Adhesives
- 8110 Drums and Cans
- 8115 Boxes, Cartons, and Crates
- 8125 Bottles and Jars
- 8130 Reels and Spools
- 8135 Packaging and Packing Bulk
Materials
- 85 Toiletries
- 87 Agricultural Supplies
- 93 Non-metallic Fabricated Materials
- 94 Non-metallic Crude Materials
- 99 Miscellaneous

ANNEX 2

*Sub-Central Government Entities which Procure in Accordance
with the Provisions of this Agreement*

Supplies

Threshold:

200 thousand SDR

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-ken
- Nara-ken

- 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
- Nagoya-shi
- Kyoto-shi
- Yokohama-shi
- Kobe-shi
- Kitakyushu-shi
- Sapporo-shi
- Kawasaki-shi
- Fukuoka-shi
- Hiroshima-shi
- Sendai-shi
- Chiba-shi

Services

Threshold:

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

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
- 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-ken
- Nara-ken
- 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
- 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.

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 Corp.
- People's Finance Corporation
- Environmental Sanitation Business Finance 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

Japan (cont'd)

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
- 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

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

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

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.

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^{Note 1}
- 6122 Maintenance and repair services of motorcycles and snowmobiles^{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^{Note 2}
- Telecommunications services
- MTN.GNS/W/120
 - Corresponding CPC
 - 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^{Note 3}
- 871 Advertising services
- 87304 Armoured car services
- 874 Building-cleaning services
- 88442 Publishing and printing services^{Note 4}
- 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 estimates of either CPC 86722 Engineering design services for the construction of foundation 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.

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.

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.

<i>FSC</i>	<i>Description</i>
2510	Vehicular cab, body, and frame structural components
2520	Vehicular power transmission components
2540	Vehicular furniture and accessories
2590	Miscellaneous vehicular components
2610	Tires and tubes, pneumatic, nonaircraft
2910	Engine fuel system components, nonaircraft
2920	Engine electrical system components, nonaircraft
2930	Engine cooling system components, nonaircraft
2940	Engine air and oil filters, strainers and cleaners, nonaircraft
2990	Miscellaneous engine accessories, nonaircraft
3020	Gears, pulleys, sprockets and transmission chain
3416	Lathes
3417	Milling machines
3510	Laundry and dry cleaning equipment
4110	Refrigeration equipment
4230	Decontaminating and impregnating equipment
4520	Space heating equipment and domestic water heaters
4940	Miscellaneous maintenance and repair shop specialized equipment
5120	Hand tools, nonedged, nonpowered
5410	Prefabricated and portable buildings
5530	Plywood and veneer
5660	Fencing, fences and gates
5945	Relays and solenoids
5965	Headsets, handsets, microphones and speakers
5985	Antennae, waveguide, and related equipment
5995	Cable, cord, and wire assemblies: communication equipment
6505	Drugs and biologicals
6220	Electric vehicular lights and fixtures
6840	Pest control agents disinfectants
6850	Miscellaneous chemical, specialties
7310	Food cooking, baking, and serving equipment
7320	Kitchen equipment and appliances
7330	Kitchen hand tools and utensils
7350	Table ware
7360	Sets, kits, outfits, and modules food preparation and serving
7530	Stationery and record forms
7920	Brooms, brushes, mops, and sponges
7930	Cleaning and polishing compounds and preparations
8110	Drums and cans
9150	Oils and greases: cutting, lubricating, and hydraulic
9310	Paper and paperboard

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 Incheon
- City of Kwangju
- City of Taejon
- 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.

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 Space Industry Development Promotion Law for five years from its entry into force for

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):

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
1.A.b.	862	Accounting, auditing and bookkeeping services
1.A.c.	863	Taxation services
1.A.d.	8671	Architectural services
1.A.e.	8672	Engineering services
1.A.f.	8673	Integrated engineering services
1.A.g.	8674	Urban planning and landscape architectural services
1.B.a.	841	Consultancy services related to the installation of computer hardware
1.B.b.	842	Software implementation services
1.B.c.	843	Data processing services
1.B.d.	844	Data base services
1.B.e.	845	Maintenance and repair services of office machinery and equipment (including computers)
1.E.a.	83013	Rental/leasing services without operators relating to ships
1.E.b.	83104	Rental/leasing services without operators relating to aircraft
1.E.c.	83101, 83105*	Rental/leasing services without operators relating to other transport equipment (only passenger vehicles for less than fifteen passengers)
1.E.d.	83106, 83108, 83109	Rental/leasing services without operators relating to other machinery and equipment
	87107	Rental/leasing services without operator relating to construction machinery and equipment
1.F.a.	8711, 8719	Advertising agency services
1.F.b.	864	Market research and public opinion polling services

Korea (cont'd)

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
1.F.c.	865	Management consulting services
1.F.d.	86601	Project management services
1.F.e.	86761*	Composition and purity testing and analysis services (only inspection, testing and analysis services of air, water, noise level and vibration level)
	86764	Technical inspection services
1.F.f.	8811*, 8812*	Consulting services relating to agriculture and animal husbandry
	8814*	Services incidental to forestry (excluding aerial fire fighting and disinfection)
1.F.g.	882*	Consulting services relating to fishing
1.F.h.	883*	Consulting services relating to mining
1.F.m.	86751, 86752	Related scientific and technical consulting services
1.F.n.	633, 8861 8862, 8863 8864, 8865 8866	Maintenance and repair of equipment
1.F.p.	875	Photographic services
1.F.q.	876	Packaging services
1.F.r.	88442*	Printing (screen printing, gravure printing, and services relating to printing)
1.F.s.	87909*	- Stenography services - Convention agency services
1.F.t.	87905	Translation and interpretation services
2.C.h.	7523*	Electronic mail
2.C.i.	7523*	Voice mail
2.C.j.	7523*	On-line information and data-base retrieval
2.C.k.	7523*	Electronic data interchange
2.C.l.	7523*	Enhanced/value-added facsimile services including store and forward, store and retrieve

Korea (cont'd)

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
2.C.m.	-	Code and protocol conversion
2.C.n.	843*	On-line information and/or data processing (including transaction processing)
2.D.a.	96112*, 96113*	Motion picture and video tape production and distribution services (excluding those services for cable TV broadcasting)
2.D.e.	-	Record production and distribution services (sound recording)
6.A.	9401*	Refuse water disposal services (only collection and treatment services of industrial waste water)
6.B.	9402*	Industrial refuse disposal services (only collection, transport, and disposal services of industrial refuse)
6.D.	9404*, 9405*	Cleaning services of exhaust gases and noise abatement services (services other than construction work services)
	9406*, 9409*	Environmental testing and assessment services (only environmental impact assessment services)
11.A.b.	7212*	International transport, excluding cabotage
11.A.d.	8868*	Maintenance and repair of vessels
11.F.b.	71233*	Transportation of containerized freight, excluding cabotage
11.H.a.	741*	- Maritime cargo handling services - Container station services (provided in port areas)
11.H.b.	742*	Storage and warehouse services other than those in ports (excluding services for agricultural, fishery and livestock products)
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.I.	-	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.

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:

<i>CPC</i>	<i>Description</i>
511	Pre-erection work at construction sites
512	Construction work for buildings
513	Construction work for civil engineering
514	Assembly and erection of prefabricated construction
515	Special trade construction work
516	Installation work
517	Building completion and finishing work

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 1

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

Office of the Prime Minister

Administrasjonsdepartementet

Ministry of Government Administration

Prisdirektoratet

The Price Directorate

Statens Forvaltningstjeneste

Government Administration Services

Statens Informasjonstjeneste

Norwegian Central Information Service

Statskonsult

Directorate of Public Management

Barne - og familiedepartementet

Ministry of Children and Family Affairs

Barneombudet

Commissioner for Children

Forbrukerombudet

Consumer Ombudsman

Forbrukerrådet

Consumer Council

Likestillingsombudet

Equal Status Ombud

Likestillingsrådet

Equal Status Council

Statens Adopsjonskontor

Government Adoption Office

Statens Institutt for Forbruksforskning

National Institute for Consumer Research

Finans- og tolldepartementet

Ministry of Finance

Kredittilsynet

The Banking, Insurance and Securities

Commission of Norway

Skattedirektoratet

Directorate of Taxes

Oljeskattekontoret

Petroleum Tax Office

Toll- og avgiftsdepartementet

Directorate of Customs and Excise



Miscellaneous No. 13 (1994)

Agreement

Establishing the World Trade Organisation

Plurilateral Trade Agreements

Agreement on Government Procurement

International Dairy Agreement

International Bovine Meat Agreement

Marrakesh, 15 April 1994

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 1994*

LONDON : HMSO

Fiskeridepartementet

Fiskeridirektoratet
Havforskningsinstituttet
Kystdirektoratet

Ministry of Fisheries

Directorate of Fisheries
Institute of Marine Research
Coast Directorate

Forsvarsdepartementet*

Forsvarets Forskningsinstitutt*
Forsvarets Overkommando*
Hærens Forsyningskommando*
Luftforsvarets Forsyningskommando*
Sjøforsvarets Forsyningskommando*
Forsvarets Sanitet*

Ministry of Defence*

Norwegian Defence Research
Establishment*
Headquarters Defence Command Norway*
Army Material Command*
Airforce Material Command*
Navy Material Command*
Norwegian Defence Medical Service*

Justis- og politidepartementet

Brønnøysundregisterene
Datatilsynet
Direktoratet for sivilt beredskap

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:

Riksadvokaten
Statsadvokatembetene:
- Eidsivating
- Vestfold og Telemark
- Agder
- Rogaland
- Hordaland
- Møre og Romsdal, Sogn og Fjordane
- Trondheim
- Nordland
- Troms og Finnmark
Politiet

Police Services

**Kirke,- utdannings- og
forskningsdepartementet**

Det norske meteorologiske institutt
Kirkerådet
Lærerutdanningsrådet
Mellomkirkelig råd

**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

Norsk Utenrikspolitisk Institutt
Norsk Voksenpedagogisk
Forskningsinstitutt
Riksbibliotekjenesten

Norwegian Institute of International Affairs
Norwegian Institute of Adult Education

Samisk Utdanningsråd

National Office for Research and Special
Libraries
Sami Education Council

Kommunal- og arbeidsdepartementet

Arbeidsdirektoratet
Arbeidsforskningsinstituttet
Arbeidstilsynet
Direktoratet for Brann og

Ekspløsjonsvern
Produktregisteret
Statens Bygningstekniske Etat

Utlendingsdirektoratet

Kulturdepartementet

Norsk Filminstitutt
Norsk Kulturråd
Norsk Språkråd
Riksarkivet
Statsarkivene i :

- Oslo
- Hamar
- Kongsberg
- Kristiansand
- Stavanger
- Bergen
- Trondheim
- Tromsø

Rikskonsertene

Statens Bibliotektilsyn

Statens Filmkontroll
Statens Filmsentral

Landbruksdepartementet

Norsk Institutt for
Skogforskning
Reindriftsadministrasjonen
Statens forskningsstasjoner i Landbruk

Statens Naturskadefond

Statens Næringsmiddeltilsyn
Statens Tilsynsinstitutsjoner for
Landbruket
Veterinærinstituttet

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

Ministry of Cultural Affairs

National Film Board
Norwegian Cultural Council
Norwegian Language Council
National Archives of Norway
National Archives in:

Norwegian State Foundation for National
Promotion of Music
Norwegian Directorate of Public and
School Libraries
National Board of Film Censors
National Film Board

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

Miljøverndepartementet

Direktoratet for Naturforvaltning
Norsk Polarinstitut
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

Stortinget

Stortingets ombudsmann for
forvaltningen - Sivilombudsmannen

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 L
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

The Storting

Stortingets Ombudsman for Public
Administration

Norway (cont'd)

Riksrevisjonen

Office of the Auditor General

Høyesterett

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.

ANNEX 2

*Entities which 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 law³², including:

Norsk Rikskringkastning

The Norwegian Broadcasting Corporation

Norges Bank

Norges Bank

Statistisk Sentralbyrå

Statistics Norway

Norges Forskningsråd

Research Council of Norway

Statens Pensjonskasse

Norwegian Public Service Pension Fund

Garanti-instituttet for Eksportkreditt

Norwegian Guarantee Institute for Export Credit

³²A 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):*

Statens Landbruksbank	State Bank of Agriculture
Statens Fiskarbank	National Fishery Bank of Norway
Statens Nærings- og Distriktsutviklingsfond	Norwegian Industrial and Regional Development Fund
Den norske stats Husbank	The Norwegian State Housing Bank
Norges Kommunalbank	The Norwegian Municipalities Bank
Statens Lånekasse for aviser	State Loan Fund for Newspapers
Statens Lånekasse for Utdanning	State Educational Loan Fund

- *Universiteter og Høyskoler etter lov av 16. juni 1989 nr. 77 (Universities and Colleges)*

- *Publicly owned and operated museums*

ANNEX 3*

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

Supplies

Threshold: SDR 400,000

Services (specified in Annex 4)**

Threshold: SDR 400,000

Works (specified in Annex 5)

Threshold: SDR 5,000,000

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 forstadsbane 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.

ANNEX 4

Services

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

<i>Subject</i>	<i>CPC Reference N</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 712235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752** (except 7524, 7525, 7526)
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services***	
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866****
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	867
Advertising services	871
Building-cleaning services and property management services	874, 82201-82206
Publishing and printing services on a fee or contract basis	88442

Norway (cont'd)

<i>Subject</i>	<i>CPC Reference N</i>
Sewage and refuse disposal; sanitation and similar services	94

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

ANNEX 5

Construction 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.
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.
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
- Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes
except:
ex 27.10 special engine fuels
- Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes
except:
ex 28.09 explosives
ex 28.13 explosives
ex 28.14 tear gas
ex 28.28 explosives
ex 28.32 explosives
ex 28.39 explosives
ex 28.50 toxic products
ex 28.51 toxic products
ex 28.54 explosives
- Chapter 29: Organic chemicals
except:
ex 29.03 explosives

- ex 29.04 explosives
- ex 29.07 explosives
- ex 29.08 explosives
- ex 29.11 explosives
- ex 29.12 explosives
- ex 29.13 toxic products
- ex 29.14 toxic products
- ex 29.15 toxic products
- ex 29.21 toxic products
- ex 29.22 toxic products
- ex 29.23 toxic products
- ex 29.26 explosives
- ex 29.27 toxic products
- ex 29.29 explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35: Albuminoidal substances; glues; enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
 - except:
 - ex 38.19 toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
 - except:
 - ex 39.03 explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
 - except:
 - ex 40.11 bullet-proof tyres
- Chapter 41: Raw hides and skins (other than furskins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur; manufactures thereof
- Chapter 44: Wood and articles of wood; wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware

- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof
except:
ex 82.05 tools
ex 82.07 tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof
except:
ex 84.06 engines
ex 84.08 other engines
ex 84.45 machinery
ex 84.53 automatic data-processing machines
ex 84.55 parts of machines under heading 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
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

Norway (cont'd)

- 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*

Supplies

Threshold: SDR 130,000

Services (as specified in Annex 4)

Threshold: SDR 130,000

Works (as specified in Annex 5)

Threshold: SDR 5,000,000

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
Arbetskyddsstyrelsen	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)

Arkitekturmuseet	Museum of Architecture
Arkivet för ljud och bild	National Archive of Recorded Sound and Moving Images
Arrendenämnder (12)	Regional Tenancies Tribunals (12)
B	
Barnmiljörådet	National Child Environment Council
Beredning för utvärdering av medicinsk metodik, statens	Swedish Council on Technology Assessment in Health Care
Beredningen för internationellt tekniskt-ekonomiskt samarbete	Agency for International Technical and Economic Co-operation
Besvärsnämnden för rättshjälp	Legal Aid Appeals Commission
Biblioteket, Kungl.	Royal Library
Biografbyrå, statens	National Board of Film Censors
Biografiskt lexikon, svenskt	Dictionary of Swedish Biography
Bokföringsnämnden	Swedish Accounting Standards Board
Bostadsdomstolen	Housing Appeal Court
Bostadskreditnämnd, statens (BKN)	National Housing Credit Guarantee Board
Boverket	National Housing Board
Brottsförebyggande rådet	National Council for Crime Prevention
Brottsskadenämnden	Criminal Injuries Compensation Board
C	
Centrala försöksdjursnämnden	Central Committee for Laboratory Animals
Centrala studiestödsnämnden	National Board of Student Aid
Centralnämnden för fastighetsdata	Central Board for Real-Estate Data
D	
Datainspektionen	Data Inspection Board
Departementen	Ministries (Government Departments)
Domstolsverket	National Courts Administration

E

Elsäkerhetsverket

National Electrical Safety Board

Expertgruppen för forskning om regional utveckling

Expert Group on Regional Studies

Exportkreditnämnden

Export Credits Guarantee Board

F

Fideikommissnämnden

Entailed Estates Council

Finansinspektionen

Financial Supervisory Authority

Fiskeriverket

National Board of Fisheries

Flygtekniska försöksanstalten*

Aeronautical Research Institute*

Folkhälsoinstitutet

National Institute of Public Health

Forskningsrådsnämnden

Council for Planning and Co-ordination of Research

Fortifikationsförvaltningen*

Fortifications Administration*

Frivårdens behandlingscentral

Probation Treatment Centre

Förlikningsmannaexpedition, statens

National Conciliators' Office

Försvarets civilförvaltning*

Civil Administration of the Defence Forces*

Försvarets datacenter*

Defence Data-Processing Centre*

Försvarets forskningsanstalt*

National Defence Research Establishment*

Försvarets förvaltningsskola*

Defence Forces' Administration School*

Försvarets materielverk*

Defence Material Administration*

Försvarets radioanstalt*

National Defence Radio Institute*

Försvarets sjukvårdsstyrelse*

Medical Board of the Defence Forces*

Försvärshistoriska museer, statens*

Swedish Museums of Military History*

Försvärshögskolan*

National Defence College*

Försäkringskassorna

Social Insurance Offices

Försäkringsdomstolarna

Social Insurance Courts

Sweden (cont'd)

Försäkringsöverdomstolen

Supreme Social Insurance Court

G

Geologiska undersökning, Sveriges

Geological Survey of Sweden

Geotekniska institut, statens

Geotechnical Institute

Glesbygdsmyndigheten

National Rural Area Development Authority

Grafiska institutet och institutet för högre
kommunikations-och reklamutbildning

Graphic Institute and the Graduate School of
Communications

H

Handelsflottans kultur-och fritidsråd

Swedish Government Seamen's Service

Handelsflottans pensionsanstalt

Merchant Pensions Institute

Handikappråd, statens

National Council for the Disabled

Haverikommission, statens

Board of Accident Investigation

Hovrätterna (6)

Courts of Appeal (6)

Humanistisk-samhällsvetenskapliga
forskningsrådet

Council for Research in the Humanities and
Social Sciences

Hyresnämnder (12)

Regional Rent Tribunals (12)

Häktena (30)

Remand Prisons (30)

Hälso-och sjukvårdens ansvarsnämnd

Committee on Medical Responsibility

Högsta domstolen

Supreme Court

I

Inskrivningsmyndigheten för
företagsinteckningar

Register Authority for Floating Charges

Institut för byggnadsforskning, statens

Council for Building Research

Institut för psykosocial
miljömedicin, statens

National Institute for Psycho-Social Factors
and Health

Institutet för rymdfysik

Swedish Institute of Space Physics

Invandrarverk, statens

Swedish Immigration Board

Sweden (cont'd)

J

Jordbruksverk, statens	Swedish Board of Agriculture
Justitiekanslern	Office of the Chancellor of Justice
Jämställdhetsombudsmannen och jämställdhetsdelegationen	Office of the Equal Opportunities Ombudsman and the Equal Opportunities Commission

K

Kabelnämnden/Närradionämnden	Swedish Cable Authority/Swedish Community Radio Authority
Kammarkollegiet	National Judicial Board of Public Lands and Funds
Kammarrätterna (4)	Administrative Courts of Appeal (4)
Kemikalieinspektionen	National Chemicals Inspectorate
Kommerskollegium	National Board of Trade
Koncessionsnämnden för miljöskydd	National Franchise Board for Environment Protection
Konjunkturinstitutet	National Institute of Economic Research
Konkurrensverket	Swedish Competition Authority
Konstfackskolan	College of Arts, Crafts and Design
Konsthögskolan	College of Fine Arts
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 regionkanslier (7)	Correctional Region Offices (7)
Kriminalvårdsanstalterna (78)	National/Local Institutions (78)
Kriminalvårdsnämnden	National Paroles Board

Sweden (cont'd)

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
<u>L</u>	
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 distriktsåklagar- myndigheterna	County Public Prosecution Authority and District Prosecution Authority
Länsarbetsnämnderna (24)	County Labour Boards (24)
Länsrätterna (25)	County Administrative Courts (25)
Länsstyrelserna (24)	County Administrative Boards (24)
Löne- och pensionsverk, statens	National Government Employee Salaries and Pensions Board
<u>M</u>	
Marknadsdomstolen	Market Court
Maskinprovningar, statens	National Machinery Testing Institute
Medicinska forskningsrådet	Medical Research Council
Meteorologiska och hydrologiska institut, Sveriges	Swedish Meteorological and Hydrological Institute
Militärhögskolan*	Armed Forces Staff and War College*
Musiksamlingar, statens	Swedish National Collections of Music

Sweden (cont'd)

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
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
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P

Patentbesvärsrätten	Court of Patent Appeals
Patent- och registreringsverket	Patents and Registration Office
Person- och adressregisternämnd, statens	Co-ordinated Population and Address Register

Sweden (cont'd)

Polarforskningssekretariatet	Swedish Polar Research Secretariat
Presstödsnämnden	Press Subsidies Council
Psykologisk-pedagogiska bibliotek, statens	National Library for Psychology and Education
<u>R</u>	
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
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*

Sweden (cont'd)

Rättshjälpsnämnden	Regional Legal-aid Commission
Rättsmedicinalverket	National Board of Forensic Medicine
<u>S</u>	
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 jordbrukets forskningsråd	Swedish Council for Forestry and Agricultural Research
Skogsstyrelsen	National Board of Forestry
Skolverk, statens	National Agency for Education
Smittskyddsinstitutet	Swedish Institute for Infectious Disease Control
Socialstyrelsen	National Board of Health and Welfare
Socialvetenskapliga forskningsrådet	Swedish Council for Social Research
Sprängämnesinspektionen	National Inspectorate of Explosives and Flammables
Statistiska centralbyrån	Statistics Sweden
Statskontoret	Agency for Administrative Development
Stiftelsen WHO	Collaborating Centre on International Drug Monitoring
Strålskyddsinstitut, statens	National Institute of Radiation Protection
Styrelsen för internationell utveckling, SIDA	Swedish International Development Authority
Styrelsen för Internationellt Näringslivsbistånd, SWEDECORP	Swedish International Enterprise Development
Styrelsen för psykologiskt försvar*	National Board of Psychological Defence*
Styrelsen för Sverige bilden	Image Sweden
Styrelsen för teknisk ackreditering	Swedish Board for Technical Accreditation

Sweden (cont'd)

Styrelsen för u-landsforskning, SAREC	Swedish Agency for Research Cooperation with Developing Countries
Svenska institutet, stiftelsen	Swedish Institute
<u>I</u>	
Talboks- och punktskrifts- biblioteket	Library of Talking Books and Braille Publications
Teknikvetenskapliga forskningsrådet	Swedish Research Council for Engineering Sciences
Tekniska museet, stiftelsen	National Museum of Science and Technology
Tingsrätterna (97)	District and City Courts (97)
Tjänsteförslagsnämnden för domstolsväsendet	Judges Nomination Proposal Committee
Transportforskningsberedningen	Transport Research Board
Transportrådet	Board of Transport
Tullverket	Swedish Board of Customs
<u>U</u>	
Ungdomsråd, statens	State Youth Council
Universitet och högskolor	Universities and University Colleges
Utlänningsnämnden	Aliens Appeals Board
Utsädeskontroll, statens	National Seed Testing and Certification Institute
<u>V</u>	
Vatten- och avloppsnämnd, statens	National Water Supply and Sewage Tribunal
Vattenöverdomstolen	Water Rights Court of Appeal
Verket för högskoleservice (VHS)	National Agency for Higher Education
Veterinärmedicinska anstalt, statens	National Veterinary Institute
Väg- och trafikinstitut, statens	Road and Traffic Research Institute
Värnpliktsverket*	Armed Forces' Enrolment Board*
Växsortsnämnd, statens	National Plant Variety Board

Sweden (cont'd)

Y

Yrkesinspektionen

Labour Inspectorate

Å

Åklagarmyndigheterna

Public Prosecution Authorities

Ö

Överbefälhavaren*

Supreme Commander of the Armed Forces*

Överstyrelsen för civil beredskap*

National Board of Civil Emergency Preparedness*

Note to Annex 1

For explanation of asterisks, see note 12 of General Notes.

ANNEX 2

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

Supplies

Threshold: SDR 200,000

Services (as specified in Annex 4)

Threshold: SDR 200,000

Works (as specified in Annex 5)

Threshold: SDR 5,000,000

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 criteria³³ pursuant to the Public Procurement Act: "Lag om offentlig upphandling" (1992:1528).

³³ - 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.

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 huvudmannaskap för viss kollektiv persontrafik", for urban railway or tramway services pursuant to "Lag (1990:1157) om järnvägssäkerhet" and for trolley bus or bus services in accordance with "Lag (1988:263) om yrkestrafik", *inter alia*;

Storstockholms Lokaltrafik AB, SL

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

³⁴Under the conditions provided for in the Swedish Procurement Act (1992:1528).

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*;

Gävle 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".

ANNEX 4

Services

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

Subject	CPC Ref No
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752* (except 7524, 7525, 7526)
Financial services (a) insurance services (b) banking and investment services**	ex 81 812, 814
Computer and related services	84
Accounting, auditing and book-keeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866***
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	867
Advertising services	871
Building-cleaning services and property management services	874, 82201-82206

Sweden (cont'd)

Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal, sanitation and similar services	94

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.

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.

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.

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.

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:

CCCN Chapter	Except:
25-26	
27	ex 27.10 special engine fuels
28	ex 28.09 explosives ex 28.13 explosives ex 28.14 tear gas ex 28.28 explosives ex 28.32 explosives ex 28.39 explosives ex 28.50 toxic products ex 28.51 toxic products ex 28.54 explosives
29	ex 29.03 explosives ex 29.04 explosives ex 29.07 explosives ex 29.08 explosives ex 29.11 explosives ex 29.12 explosives ex 29.13 toxic products ex 29.14 toxic products ex 29.15 toxic products ex 29.21 toxic products ex 29.22 toxic products ex 29.23 toxic products ex 29.26 explosives ex 29.27 toxic products ex 29.29 explosives
30-49	
65-81	
82	ex 82.05 tools ex 82.07 tools, parts
83	
84	ex 84.06 engines ex 84.08 other engines ex 84.45 machinery ex 84.53 ADP-machines
85	ex 85.13 telecommunication equipment ex 85.15 transmission apparatus
86	ex 86.02 armoured locomotives, electric 86.03 other armoured locomotives 86.05 armoured wagons 86.06 repair wagons 86.07 wagons
87	87.08 tanks and armoured vehicles ex 87.01 tractors ex 87.02 military vehicles ex 87.03 breakdown lorries

Sweden (cont'd)

	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		

SUISSE

(La version française fait foi)

ANNEXE 1

*Entités du gouvernement fédéral qui passent des marchés
conformément aux dispositions du présent accord*

Fournitures	Valeur de seuil: 130 000 DTS
Services (spécifiés à l'Annexe 4)	Valeur de seuil: 130 000 DTS
Services de construction (spécifiés à l'Annexe 5)	Valeur de seuil: 5 000 000 DTS

*Liste des entités couvrant tous les Départements
fédéraux suisses:*

Office central fédéral des imprimés et du matériel

Bibliothèque centrale du Parlement et de
l'administration fédérale

Office des constructions fédérales

Ecole polytechnique fédérale Zurich

Ecole polytechnique fédérale Lausanne

Institut Paul Scherrer

Institut fédéral de recherches forestières

Institut fédéral pour l'étude de la neige et des
avalanches

Institut suisse de météorologie

Institut fédéral pour l'aménagement,
l'épuration et la protection des eaux

Office fédéral de la santé publique

Bibliothèque nationale suisse

Suisse (suite)

Office fédéral de la protection civile³⁵

Administration fédérale des douanes³⁵

Régie fédérale des alcools

Monnaie

Office fédéral de métrologie

Office fédéral de l'agriculture

Office fédéral de l'aviation civile

Office fédéral de l'économie des eaux

Groupement de l'armement³⁵

Entreprise des postes³⁶

Office fédéral de l'environnement, des forêts
et du paysage

Laboratoire fédéral d'essai des matériaux
et de recherche

Office fédéral de génie et des fortifications³⁵

Office fédéral des troupes de transmission³⁵

Office fédéral des affaires sanitaires de l'armée³⁵

Commissariat central des guerres³⁵

Etat major du groupement de l'instruction³⁵

Intendance du matériel de guerre³⁵

Office fédéral de la topographie

Ecole fédérale de sport, Macolin

Office fédéral des aérodromes militaires, Dübendorf³⁵

Office vétérinaire fédéral

³⁵Pour les marchés passés par les offices du Département militaire fédéral mentionnés, voir liste des matériels civils de la défense et de la protection civile en annexe. (Il en est de même de l'Administration fédérale des douanes en ce qui concerne l'équipement des gardes-frontières et des douaniers.)

³⁶Pour autant que l'entité ne soit pas en concurrence avec des entreprises auxquelles le présent accord n'est pas applicable

Suisse (suite)

Gouvernement de la Principauté du Liechtenstein

Note relative à l'Annexe 1

Le présent accord ne s'applique pas aux marchés passés par des entités énumérées dans cette annexe et portant sur des activités dans les secteurs de l'eau potable, de l'énergie, des transports ou des télécommunications.

ANNEXE 2

Entités des gouvernements sous-centraux³⁷ qui passent des marchés conformément aux dispositions du présent accord

Fournitures	Valeur de seuil: 200 000 DTS
Services (spécifiés à l'Annexe 4)	Valeur de seuil: 200 000 DTS
Services de construction (spécifiés à l'Annexe 5)	Valeur de seuil: 5 000 000 DTS

Liste des entités³⁸

1. Les autorités publiques cantonales
2. Les organismes de droit public établis au niveau cantonal n'ayant pas un caractère commercial ou industriel

Liste des cantons suisses:

Appenzell (Rhodes Intérieures/Extérieures)

Argovie

Bâle (Ville/Campagne)

Berne

Fribourg

Glaris

Genève

Grisons

Jura

Neuchâtel

Lucerne

Schaffhouse

³⁷C'est-à-dire les gouvernements cantonaux selon la terminologie suisse

³⁸Pour autant que les cantons passent des marchés de produits de défense dans le cadre d'une délégation de compétence du Département militaire fédéral: voir liste des matériels civils de la défense et de la protection civile en annexe

Suisse (suite)

Schwyz

Soleure

St Gall

Tessin

Thurgovie

Vaud

Valais

Unterwald (Nidwald/Obwald)

Uri

Zoug

Zurich

Note relative à l'Annexe 2

Le présent accord ne s'applique pas aux marchés passés par des entités mentionnées dans cette annexe et portant sur des activités dans les secteurs de l'eau potable, de l'énergie, des transports ou des télécommunications.

ANNEXE 3

Toutes les autres entités qui passent des marchés conformément aux dispositions du présent accord

Fournitures	Valeur de seuil: 400 000 DTS
Services (spécifiés à l'Annexe 4)	Valeur de seuil: 400 000 DTS
Services de construction (spécifiés à l'Annexe 5)	Valeur de seuil: 5 000 000 DTS

Liste des entités:

Les entités adjudicatrices qui sont des pouvoirs publics³⁹ ou des entreprises publiques⁴⁰ et qu'exercent au moins une des activités suivantes:

1. la mise à disposition ou l'exploitation de réseaux fixes destinés à fournir un service au public dans le domaine de la production, du transport ou de la distribution d'eau potable ou l'alimentation de ces réseaux en eau potable (spécifiés sous titre I);
2. la mise à disposition ou l'exploitation de réseaux fixes destinés à fournir un service au public dans le domaine de la production, du transport ou de la distribution d'électricité ou l'alimentation de ces réseaux en électricité (spécifiés sous titre II);
3. l'exploitation de réseaux destinés à fournir un service au public dans le domaine du transport par chemin de fer urbain, systèmes automatiques, tramway, trolleybus, autobus ou câble (spécifiés sous titre III);

³⁹Pouvoir public: L'Etat, les collectivités territoriales, les organismes de droit public, les associations formées par une ou plusieurs de ces collectivités ou de ces organismes de droit public. Est considéré comme un organisme de droit public tout organisme:

- créé pour satisfaire spécifiquement des besoins d'intérêt général ayant un caractère autre qu'industriel ou commercial,
- doté d'une personnalité juridique et
- dont soit l'activité est financée majoritairement par l'Etat, les collectivités territoriales ou d'autres organismes de droit public, soit la gestion est soumise à un contrôle par ces derniers, soit l'organe d'administration, de direction ou de surveillance est composé de membres dont plus de la moitié est désignée par l'Etat, les collectivités territoriales ou d'autres organismes de droit public.

⁴⁰Entreprise publique: toute entreprise sur laquelle les pouvoirs publics peuvent exercer directement ou indirectement une influence dominante du fait de la propriété, de la participation financière ou des règles qui la régissent. L'influence dominante est présumée lorsque les pouvoirs publics, directement ou indirectement, à l'égard de l'entreprise:

- détiennent la majorité du capital souscrit de l'entreprise ou
- disposent de la majorité des voix attachées aux parts émises par l'entreprise ou
- peuvent désigner plus de la moitié des membres de l'organe d'administration, de direction ou de surveillance de l'entreprise.

Suisse (suite)

4. l'exploitation d'une aire géographique dans le but de mettre à la disposition des transporteurs aériens des aéroports ou d'autres terminaux de transport (spécifiés sous titre IV);
5. l'exploitation d'une aire géographique dans le but de mettre à la disposition des transporteurs fluviaux des ports intérieurs ou d'autres terminaux de transport (spécifiés sous titre V).

I. Production, transport ou distribution d'eau potable

Pouvoirs publics ou entreprises publiques de production, de transport et de distribution potable. Ces pouvoirs publics et entreprises publiques opèrent conformément à la législation cantonale ou locale, ou encore par le biais d'accords individuels respectant ladite législation.

Par exemple:

- Wasserverbund Regio Bern AG
- Hardwasser AG
- Gruppenwasserversorgung Liechtensteiner Oberland
- Gruppenwasserversorgung Liechtensteiner Unterland

II. Production, transport ou distribution d'électricité

Pouvoirs publics ou entreprises publiques de transport et de distribution d'électricité auxquels le droit d'expropriation peut être accordé conformément à la "loi fédérale du 24 juin 1902 concernant les installations électriques à faible et à fort courant".

Pouvoirs publics ou entreprises publiques de production d'électricité conformément à la "loi fédérale du 22 décembre 1916 sur l'utilisation des forces hydrauliques" et à la "loi fédérale du 23 décembre 1959 sur l'utilisation pacifique de l'énergie atomique et la protection contre les radiations".

Par exemple:

- Bernische Kraftwerke AG
- Nordostschweizerische Kraftwerke AG
- Liechtensteinische Kraftwerke

III. Transport par chemin de fer urbain, tramway, systèmes automatiques, trolleybus, autobus ou câble

Pouvoirs publics ou entreprises publiques exploitant des tramways au sens de l'article 2, 1er alinéa, de la "loi fédérale du 20 décembre 1957 sur les chemins de fer".

Pouvoirs publics ou entreprises publiques offrant des services de transport public au sens de l'article 4, 1er alinéa, de la "loi fédérale du 29 mars 1950 sur les entreprises de trolleybus".

Suisse (suite)

Entreprise suisse des postes, téléphones et télégraphes (PTT) au sens de l'article 2 de la "loi fédérale du 18 juin 1993 sur le transport de voyageurs et les entreprises de transport par route".

Pouvoirs publics ou entreprises publiques qui, à titre professionnel, effectuent des courses régulières de transport de personnes selon un horaire, au sens de l'article 4 de la "loi fédérale du 18 juin 1993 sur le transport de voyageurs et les entreprises de transport par route".

Par exemple:

- Transports publics genevois
- Verkehrsbetriebe Zürich

IV. Aéroports

Pouvoirs publics ou entreprises publiques exploitant des aéroports en vertu d'une concession au sens de l'article 37 de la "loi fédérale du 21 décembre 1948 sur la navigation aérienne".

Par exemple:

- Flughafen Zürich-Kloten
- Aéroport de Genève-Cointrin
- Aérodrome civil de Sion

V. Ports intérieurs

Ports fluviaux des deux Bâle: pour le canton de Bâle-Ville, est déterminante la "loi du 13 novembre 1919 concernant l'administration des installations portuaires rhénanes de la ville de Bâle"; pour le canton de Bâle-Campagne est déterminante la "loi du 26 octobre 1936 sur la mise en place d'installations portuaires, de voies ferroviaires et de routes sur le "Sternenfeld" à Birsfelden, et dans l'"Au" à "Muttenz".

Notes relatives à l'Annexe 3

Le présent accord ne s'applique pas:

1. Aux marchés que les entités adjudicatrices passent à des fins autres que la poursuite de leurs activités décrites dans cette Annexe ou pour la poursuite de ces activités en dehors de Suisse.
2. Aux marchés passés à des fins de revente ou de location à des tiers, lorsque l'entité adjudicatrice ne bénéficie d'aucun droit spécial ou exclusif pour vendre ou louer l'objet de ces marchés et lorsque d'autres entités peuvent librement le vendre ou le louer dans les mêmes conditions que l'entité adjudicatrice.
3. Aux marchés passés pour l'achat d'eau.

Suisse (suite)

4. Aux marchés passés par une entité adjudicatrice autre que les pouvoirs publics, qui assure l'alimentation en eau potable ou en électricité des réseaux destinés à fournir un service au public, lorsque la production d'eau potable ou d'électricité par l'entité concernée a lieu parce que sa consommation est nécessaire à l'exercice d'une activité autre que celle visée dans cette Annexe sous chiffre I et II et lorsque l'alimentation du réseau public ne dépend que de la consommation propre de l'entité et n'a pas dépassé 30% de la production totale d'eau potable ou d'énergie de l'entité prenant en considération la moyenne des trois dernières années, y compris l'année en cours.
5. Aux marchés passés pour la fourniture d'énergie ou de combustibles destinés à la production d'énergie.
6. Aux marchés passés par les entités adjudicatrices assurant au public un service de transport par autobus, lorsque d'autres entités peuvent librement fournir ce service, soit d'une manière générale, soit dans une aire géographique spécifique, dans les mêmes conditions que les entités adjudicatrices.

ANNEXE 4

Services

Les services suivants qui figurent dans la Classification sectorielle des services reproduite dans le document MTN.GNS/W/120 sont inclus:

<i>Objet</i>	<i>Numéros de référence CPC (Classification centrale des produits)</i>
Services d'entretien et de réparation	6112, 6122, 633, 886
Services de transport terrestre, y compris les services de véhicules blindés et les services de courrier, à l'exclusion des transports de courrier	712 (sauf 71235) 7512, 87304
Services de transport aérien: transport de voyageurs et de marchandises, à l'exclusion des transports de courrier	73 (sauf 7321)
Transport de courrier par transport terrestre (à l'exclusion des services de transport ferroviaire) et par air	71235, 7321
Services de télécommunications	752 ⁴¹ (sauf 7524, 7525, 7526)
Services financiers:	ex 81
a) services d'assurances	812, 814
b) services bancaires et d'investissement ⁴²	
Services informatiques et services connexes	84
Services comptables, d'audit et de tenue de livres	862
Services d'études de marché et de sondages	864
Services de conseil en gestion et services connexes	865, 866 ⁴³

⁴¹A l'exclusion des services de téléphonie vocale, de téléx, de radiotéléphonie, de radiomessagerie et de télécommunication par satellite

⁴²A l'exclusion des marchés des services financiers relatifs à l'émission, à l'achat, à la vente et au transfert de titres ou d'autres instruments financiers, ainsi que des services fournis par des banques centrales

⁴³A l'exclusion des services d'arbitrage et de conciliation

Suisse (suite)

Services d'architecture; services d'ingénierie et services intégrés d'ingénierie; services d'aménagement urbain et d'architecture paysagère; services connexes de consultations scientifiques et techniques; services d'essais et d'analyses techniques	867
Services de publicité	871
Services de nettoyage de bâtiments et services de gestion de propriétés	874, 82201-82206
Services de publication et d'impression sur la base d'une redevance ou sur une base contractuelle	88442
Services de voirie et d'enlèvement des ordures: services d'assainissement et services analogues	94

Notes relatives à l'Annexe 4

Le présent accord ne s'applique pas:

1. Aux marchés de services attribués à une entité qui est elle-même un pouvoir adjudicateur au sens de l'Annexe 1, 2 ou 3 sur la base d'un droit exclusif dont elle bénéficie en vertu de dispositions législatives, réglementaires ou administratives publiées.
2. Aux marchés de services qu'une entité adjudicatrice passe auprès d'une entreprise liée ou passés par une coentreprise, constituée de plusieurs entités adjudicatrices aux fins de la poursuite des activités au sens de l'Annexe 3, auprès d'une de ces entités adjudicatrices ou d'une entreprise liée à une de ces entités adjudicatrices, pour autant que 80% au moins du chiffre d'affaires moyen que cette entreprise a réalisé au cours des trois dernières années en matière de services provienne de la fourniture de ces services aux entreprises auxquelles elle est liée. Lorsque le même service ou des services similaires sont fournis par plus d'une entreprise liée à l'entité adjudicatrice, il doit être tenu compte du chiffre d'affaires total résultant de la fourniture de services par ces entreprises.
3. Aux marchés de services qui ont pour objet l'acquisition ou la location, quelles qu'en soient les modalités financières, de terrains, de bâtiments existants ou d'autres biens immeubles ou qui concernent des droits sur ces biens.
4. Aux marchés de l'emploi.
5. Aux marchés visant l'achat, le développement, la production ou la coproduction d'éléments de programmes par des organismes de radiodiffusion et aux marchés concernant les temps de diffusion.

ANNEXE 5

Services de Construction

Définition:

Un contrat de services de construction est un contrat qui a pour objectif la réalisation, par quelque moyen que ce soit, de travaux de construction d'ouvrages de génie civil ou de bâtiments, au sens de la division 51 de la Classification centrale de produits (CPC).

Liste de services relevant de la division 51 de la CPC

Travaux de préparation des sites et chantiers de construction	511
Travaux de construction de bâtiments	512
Travaux de construction d'ouvrages de génie civil	513
Assemblage et construction d'ouvrages préfabriqués	514
Travaux d'entreprises de construction spécialisées	515
Travaux de pose d'installations	516
Travaux d'achèvement et de finition des bâtiments	517
Autres services	518

Valeur de seuil: 5 000 000 DTS

Liste des matériels civils de la défense et de la protection civile soumis à l'accord

- Chapitre 25:** Sel; soufre; terres et pierres; plâtres; chaux et ciments
- Chapitre 26:** Minerais métallurgiques, scories et cendres
- Chapitre 27:** Combustibles minéraux, huiles minérales et produits de leur distillation; matières bitumineuses; cires minérales
- Chapitre 28:** Produits chimiques inorganiques; composés inorganiques ou organiques de métaux précieux, d'éléments radioactifs, de métaux des terres rares et d'isotopes
- à l'exception de:
- ex 28.09 : explosifs
 - ex 28.13 : explosifs
 - ex 28.14 : gaz lacrymogènes
 - ex 28.28 : explosifs
 - ex 28.32 : explosifs
 - ex 28.39 : explosifs
 - ex 28.50 : produits toxicologiques
 - ex 28.51 : produits toxicologiques
 - ex 28.54 : explosifs
- Chapitre 29:** Produits chimiques organiques
- à l'exception de:
- ex 29.03 : explosifs
 - ex 29.04 : explosifs
 - ex 29.07 : explosifs
 - ex 29.08 : explosifs
 - ex 29.11 : explosifs
 - ex 29.12 : explosifs
 - ex 29.13 : produits toxicologiques
 - ex 29.14 : produits toxicologiques
 - ex 29.15 : produits toxicologiques
 - ex 29.21 : produits toxicologiques
 - ex 29.22 : produits toxicologiques
 - ex 29.23 : produits toxicologiques
 - ex 29.26 : explosifs
 - ex 29.27 : produits toxicologiques
 - ex 29.29 : explosifs
- Chapitre 30:** Produits pharmaceutiques
- Chapitre 31:** Engrais

Suisse (suite)

- Chapitre 32:** Extraits tannants ou tinctoriaux; tanins et leurs dérivés; matières colorantes, couleurs, peintures, vernis et teintures, mastics, encres
- Chapitre 33:** Huiles essentielles et résinoïdes; produits de parfumerie ou de toilette et cosmétiques
- Chapitre 34:** Savons, produits organiques tensio-actifs, préparations pour lessives, préparations lubrifiantes, cires artificielles, cires préparées, produits d'entretien, bougies et articles similaires, pâtes à modeler et "cires pour l'art dentaire"
- Chapitre 35:** Matières albuminoïdes; colles, enzymes
- Chapitre 36:** Poudres et explosifs; articles de pyrotechnie; allumettes; alliages pyrophoriques; matières inflammables
- à l'exception de:*
- ex 36.01 : poudres
 - ex 36.02 : explosifs préparés
 - ex 36.04 : détonateurs
 - ex 36.08 : explosifs
- Chapitre 37:** Produits photographiques et cinématographiques
- Chapitre 38:** Produits divers des industries chimiques
- à l'exception de:*
- ex 38.19 : produits toxicologiques
- Chapitre 39:** Matières plastiques artificielles, éthers et esters de la cellulose, résines artificielles et ouvrages en ces matières
- à l'exception de:*
- ex 39.03 : explosifs
- Chapitre 40:** Caoutchouc naturel ou synthétique, factice pour caoutchouc et ouvrages en caoutchouc
- à l'exception de:*
- ex 40.11 : pneus
- Chapitre 43:** Pelleteries et fourrures, pelleteries factices
- Chapitre 44:** Bois, charbon de bois et ouvrages en bois
- Chapitre 45:** Liège et ouvrages en liège

Suisse (suite)

- Chapitre 46:* Ouvrages de sparterie et de vannerie
- Chapitre 47:* Matières servant à la fabrication du papier
- Chapitre 48:* Papiers et cartons; ouvrages en pâte de cellulose, en papier et en carton
- Chapitre 49:* Articles de librairie et produits des arts graphiques
- Chapitre 65:* Coiffures et parties de coiffures
- Chapitre 66:* Parapluies, parasols, cannes, fouets, cravaches et leurs parties
- Chapitre 67:* Plumes et duvet apprêtés et articles en plumes ou en duvet; fleurs artificielles; ouvrages en cheveux
- Chapitre 68:* Ouvrages en pierres, plâtre, ciment, amiante, mica et matières analogues
- Chapitre 69:* Produits céramiques
- Chapitre 70:* Verre et ouvrages en verre
- Chapitre 71:* Perles fines, pierres gemmes et similaires, métaux précieux, plaqués ou doublés de métaux précieux et ouvrages en ces matières; bijouterie de fantaisie
- Chapitre 73:* Fonte, fer et acier
- Chapitre 74:* Cuivre
- Chapitre 75:* Nickel
- Chapitre 76:* Aluminium
- Chapitre 77:* Magnésium, beryllium (glucinium)
- Chapitre 78:* Plomb
- Chapitre 79:* Zinc
- Chapitre 80:* Etain
- Chapitre 81:* Autres métaux communs
- Chapitre 82:* Outillage; articles de coutellerie et couverts de table, en métaux communs
- Chapitre 83:* Ouvrages divers en métaux communs
- Chapitre 84:* Chaudières, machines, appareils et engins mécaniques

Suisse (suite)

Chapitre 85: Machines et appareils électriques et objets servant à des usages électrotechniques

à l'exception de:

ex 85.03 : Piles électriques
ex 85.13 : Télécommunications
ex 85.15 : Appareils de transmission

Chapitre 86: Véhicules et matériaux pour voies ferrées; appareils de signalisation non électriques pour voies de communication

à l'exception de:

ex 86.02 : Locomotives blindées
ex 86.03 : autres locoblindées
ex 86.05 : Wagons blindés
ex 86.06 : Wagons ateliers
ex 86.07 : Wagons

Chapitre 87: Voitures automobiles, tracteurs, cycles et autres véhicules terrestres

à l'exception de:

87.08 : Cars et automobiles blindés
ex 87.02 : Camions lourds
ex 87.09 : Motocycles
ex 87.14 : Remorques

Chapitre 88: Navigation aérienne

à l'exception de:

ex 88.02 : Avions

Chapitre 89: Navigation maritime et fluviale

Chapitre 90: Instruments et appareils d'optique, de photographie et de cinématographie, de mesure, de vérification, de précision; instruments et appareils médico-chirurgicaux

à l'exception de:

ex 90.05 : Jumelles
ex 90.13 : Instruments divers, lasers
ex 90.14 : Télémètres
ex 90.28 : Instruments de mesure électriques ou électroniques

Chapitre 91: Horlogerie

Suisse (suite)

Chapitre 92: Instruments de musique; appareils d'enregistrement ou de reproduction du son; appareils d'enregistrement ou de reproduction des images et du son en télévision; parties et accessoires de ces instruments et appareils

Chapitre 93: Armes et munitions

à l'exception de:

ex 93.01 : Armes blanches

ex 93.02 : Pistolets

ex 93.03 : Armes de guerre

ex 93.04 : Armes à feu

ex 93.05 : Autres armes

ex 93.07 : Projectiles et munitions

Chapitre 94: Meubles; mobilier médico-chirurgical; articles de literie et similaires

Chapitre 95: Matières à tailler et à mouler, à l'état travaillé (y compris les ouvrages)

Chapitre 96: Ouvrages de broserie et pinceaux, balais, houppes et articles de tamiserie

Chapitre 98: Ouvrages divers

**NOTES GENERALES ET DEROGATIONS AUX DISPOSITIONS
DE L'ARTICLE III**

1. La Suisse n'étendra pas le bénéfice des dispositions du présent accord:
 - en ce qui concerne les marchés passés par les entités mentionnées à l'Annexe 2 aux fournisseurs de produits et de services du Canada et des Etats-Unis d'Amérique;
 - en ce qui concerne les marchés passés par les entités mentionnées à l'Annexe 3 dans les secteurs suivants:
 - eau: aux fournisseurs de produits et de services du Canada et des Etats-Unis d'Amérique;
 - électricité: aux fournisseurs de produits et de services du Canada, de Hong Kong, du Japon et des Etats-Unis d'Amérique;
 - aéroports: aux fournisseurs de produits et de services du Canada, de la Corée et des Etats-Unis d'Amérique;
 - ports: aux fournisseurs de produits et de services du Canada et des Etats-Unis d'Amérique;
 - transports urbains: aux fournisseurs de produits et de services du Canada, d'Israël, du Japon, de la Corée et des Etats-Unis d'Amérique;
- tant qu'elle n'aura pas constaté que les Parties concernées assurent aux entreprises suisses un accès comparable et effectif aux marchés considérés;
- aux fournisseurs de services des Parties qui n'incluent pas, dans leurs propres listes, les marchés de services passés par les entités mentionnées aux Annexes 1 à 3 et concernant les catégories de services visées aux Annexes 4 et 5.
2. Les dispositions de l'Article XX ne sont pas applicables aux fournisseurs de produits et de services des pays suivants:
 - Israël, Japon et Corée en ce qui concerne les recours intentés contre l'adjudication de marchés par les organismes mentionnés à l'Annexe 2, chiffre 2, tant que la Suisse n'a pas constaté que ces pays ont complété la liste des entités des gouvernements sous-centraux;
 - Japon, Corée et Etats-Unis d'Amérique en ce qui concerne les recours intentés contre l'adjudication de marchés à un fournisseur de produits ou de services d'autres Parties au présent accord, lorsque ledit fournisseur est une entreprise petite ou moyenne au sens du droit suisse, tant que la Suisse n'aura pas constaté que ces pays n'appliquent plus de mesures discriminatoires pour favoriser certaines petites entreprises nationales ou certaines entreprises nationales détenues par les minorités;
 - Israël, Japon et Corée en ce qui concerne les recours intentés contre l'adjudication par des entités suisses de marchés dont la valeur est inférieure au seuil appliqué à la même catégorie de marchés par lesdites Parties.

Suisse (suite)

3. Tant que la Suisse n'aura pas constaté que les Parties concernées assurent l'accès de leurs marchés aux fournisseurs suisses de produits et de services suisses, elle n'étendra pas le bénéfice des dispositions du présent accord aux fournisseurs de produits et de services des pays suivants:
 - Canada, en ce qui concerne les marchés portant sur les produits relevant des n° 36, 70 et 74 de la FSC (machines industrielles spéciales; matériel d'informatique général, logiciel, fournitures et matériel auxiliaire (sauf 7010: Configurations d'équipement de traitement automatique des données); machines de bureau, matériel de bureautique et d'informatique de bureau;
 - Canada, en ce qui concerne les marchés portant sur les produits relevant du n° 58 de la FSC (matériel de communications, matériel de détection des radiations et d'émission de rayonnement cohérent) et Etats-Unis d'Amérique en ce qui concerne les équipements de contrôle du trafic aérien;
 - Corée et Israël en ce qui concerne les marchés passés par les entités énumérées à l'Annexe 3, chiffre 2 pour les produits relevant des n° 8504, 8535, 8537 et 8544 du SH (transformateurs électriques, prises de courant, interrupteurs et câbles isolés); Israël, en ce qui concerne les produits relevant des n° 8501, 8536 et 902830 du SH;
 - Canada et Etats-Unis d'Amérique en ce qui concerne les marchés de fournitures et de services entrant dans le cadre de marchés qui, tout en étant passés par une entité relevant du champ d'application du présent accord, ne sont pas eux-mêmes soumis à ce dernier.
4. Le présent accord n'est pas applicable aux marchés passés en vertu:
 - d'un accord international et portant sur la réalisation ou l'exploitation en commun d'un ouvrage par les Etats signataires;
 - de la procédure spécifique d'une organisation internationale.
5. Le présent accord n'est pas applicable aux marchés de produits agricoles passés en application de programmes de soutien à l'agriculture ou de programmes d'aide alimentaire.
6. Les engagements pris par la Suisse dans le domaine des services au titre du présent accord sont limités aux engagements initiaux spécifiés dans l'offre finale suisse présentée dans le cadre de l'Accord général sur le commerce des services.

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
26. United States Arms Control and Disarmament Agency
27. Office of Thrift Supervision

United States (cont'd)

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
75. Occupational Safety and Health Review Commission
76. Office of Government Ethics
77. Office of the Nuclear Waste Negotiator
78. Office of Special Counsel

United States (cont'd)

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, flagstuffs, flagpoles, and flagstaff trucks;
- (b) FSC 84 - all elements other than sub-class 8460 (luggage);
- (c) FSC 89 - all elements other than sub-class 8975 (tobacco products);
- (d) FSC 2310 - (buses only);
- (e) Speciality metals, defined as steels melted in steelmanufacturing 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 |
| | 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 |

United States (cont'd)

43	Pumps and Compressors
44	Furnace, Steam Plant, Drying Equipment and Nuclear Reactors
45	Plumbing, Heating and Sanitation Equipment
46	Water Purification and Sewage Treatment Equipment
47	Pipe, Tubing, Hose and Fittings
48	Valves
49	Maintenance and Repair Shop Equipment
53	Hardware and Abrasives
54	Prefabricated Structures and Scaffolding
55	Lumber, Millwork, Plywood and Veneer
56	Construction and Building Materials
61	Electric Wire, and Power and Distribution Equipment
62	Lighting Fixtures and Lamps
63	Alarm and Signal Systems
65	Medical, Dental, and Veterinary Equipment and Supplies
66	Instruments and Laboratory Equipment
67	Photographic Equipment
68	Chemicals and Chemical Products
69	Training Aids and Devices
70	General Purpose ADPE, Software, Supplies and Support Equipment
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines, Visible Record Equipment and ADP Equipment
75	Office Supplies and Devices
76	Books, Maps and Other Publications
77	Musical Instruments, Phonographs, and Home Type Radios
78	Recreational and Athletic Equipment
79	Cleaning Equipment and Supplies
80	Brushes, Paints, Sealers and Adhesives
81	Containers, Packaging and Packing Supplies
85	Toiletries
87	Agricultural Supplies
88	Live Animals
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
96	Ores, Minerals and their Primary Products
99	Miscellaneous

Note to Annex I

The conditions specified in the General Notes apply to this Annex.

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)

Missouri

Office of Administration

Division of Purchasing and Materials Management

United States (cont'd)

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

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

United States (cont'd)

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

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

United States (cont'd)

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.

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.

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.

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.

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**

AUSTRIA

Amtsblatt zur Wiener Zeitung

CANADA

Government Business Opportunities (GBO)

Open Bidding Service, ISM Publishing

EUROPEAN COMMUNITIES

Belgium	-	Official Journal of the European Communities
	-	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	-	Official Journal of the European Communities
	-	Bulletin officiel des annonces des marchés publics
Greece	-	Official Journal of the European Communities
	-	Publication in the daily, financial, regional and specialized press
Ireland	-	Official Journal of the European Communities
	-	Daily Press: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italy	-	Official Journal of the European Communities
Luxembourg	-	Official Journal of the European Communities
	-	Daily Press
Netherlands	-	Official Journal of the European Communities
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

Hong Kong (cont'd)

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

Kenpō
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

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**

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	-	Hong Kong Government Gazette
Housing Authority	-	Hong Kong Government Gazette
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

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

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**

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

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 | - | <i>Laws, royal regulations, ministerial regulations, ministerial circulars - le Moniteur Belge</i> |
| | - | <i>Jurisprudence - Pasicrisie</i> |
| Denmark | - | <i>Laws and regulations - Lovtidende</i> |
| | - | <i>Judicial decisions - Ugeskrift for Retsvaesen</i> |
| | - | <i>Administrative rulings and procedures - Ministerialtidende</i> |
| | - | <i>Rulings by the Appeal Board for Public Procurement - Konkurrence raaded Dokumentation</i> |
| Germany, Federal Republic of | - | <i>Legislation and regulations - Bundesanzeiger</i> |
| | - | <i>Herausgeber : der Bundesminister der Justiz</i> |
| | | Verlag : Bundesanzeiger |
| | | Bundesanzeiger |
| | | Postfach 108006 |
| | | 5000 Köln |

European Communities (cont'd)

- *Judicial Decisions* : Entscheidungsammlungen des
 - Bundesverfassungsgerichts
 - Bundesgerichtshofs
 - Bundesverwaltungsgerichts
 - Bundesfinanzhofs sowie der Oberlandesgerichte
- Spain - *Legislation* - Boletín 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* - *επίσημη εφημερίδα ευρωπαϊκών κοινοτήτων*
- Ireland - *Legislation and regulations* - Iris Oifigiúil (Official Gazette of the Irish Government)
- Italy - *Legislation* - Gazzetta Ufficiale
- *Jurisprudence* - no official publication
- Luxembourg - *Legislation* - Memorial
- *Jurisprudence* - Pasirisie
- 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 Jurisprudencia Das Relações
- United Kingdom - *Legislation* - HM Stationery Office
- *Jurisprudence* - Law Reports
- "Public Bodies" - HM Stationery Office

FINLAND

Suomen Sääädöskokoelma - 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

Hospital Authority	-	Hong Kong Government Gazette
Housing Authority	-	Hong Kong Government Gazette
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
and/or
Hōreizensho

Annex 2

Kenpō
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

INTERNATIONAL DAIRY AGREEMENT

The *Parties* to this Agreement,

Recognizing the importance of milk and dairy products to the economy of many countries¹ in terms of production, trade and consumption;

Recognizing the need, in the mutual interests of producers and consumers, and of exporters and importers, to avoid surpluses and shortages, and to maintain prices at an equitable level;

Noting the diversity and interdependence of dairy products;

Noting the situation in the dairy products market, which is characterized by very wide fluctuations and the proliferation of export and import measures;

Considering that improved cooperation in the dairy products sector contributes to the attainment of the objectives of expansion and liberalization of world trade, and the implementation of the principles and objectives concerning developing countries agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973;

Determined to respect the principles and objectives of the General Agreement on Tariffs and Trade 1994² and, in carrying out the aims of this Agreement, effectively to implement the principles and objectives agreed upon in the said Tokyo Declaration;

Hereby agree as follows:

Article I

Objectives

The objectives of this Agreement shall be, in accordance with the principles and objectives agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973,

- to achieve the expansion and ever greater liberalization of world trade in dairy products under market conditions as stable as possible, on the basis of mutual benefit to exporting and importing countries;
- to further the economic and social development of developing countries.

¹In this Agreement and in the Annex thereto, the term "country" is deemed to include the European Communities as well as any separate customs territory Member of the World Trade Organization.

²This provision shall apply only among Parties that are Members of the World Trade Organization.

Article II

Product Coverage

1. This Agreement applies to the dairy products sector. For the purpose of this Agreement, the term "dairy products" is deemed to include the following products, as defined in the Harmonized Commodity Description and Coding System ("Harmonized System") established by the Customs Co-operation Council³:

HS Code	
04.01.10-30	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
04.02.10-99	Milk and cream, concentrated or containing added sugar or other sweetening matter
04.03.10-90	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa
04.04.10-90	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included
04.05.00	Butter and other fats and oils derived from milk
04.06.10-90	Cheese and curd
35.01.10	Casein

2. The International Dairy Council, established under paragraph 1(a) of Article VII (hereinafter referred to as "the Council"), may decide that the Agreement is to apply to other products in which dairy products referred to in paragraph 1 have been incorporated, if it deems their inclusion necessary for the implementation of the objectives and provisions of this Agreement.

³For those Parties which have not yet implemented the Harmonized System, the following Customs Co-operation Council Nomenclature applies with respect to Article II of this Agreement and Article 1 of the Annex:

	CCCN
Milk and cream, fresh, not concentrated or sweetened	04.01
Milk and cream, preserved, concentrated or sweetened	04.02
Butter	04.03
Cheese and curd	04.04
Casein	ex 35.01

Article III

Information and Market Monitoring

1. Each Party shall provide regularly and promptly to the Council the information required to permit the Council to monitor and assess the overall situation of the world market for dairy products and the world market situation for each individual dairy product.
2. Developing country Parties shall furnish the information available to them. In order that these Parties may improve their data collection mechanisms, developed Parties, and any developing Parties able to do so, shall consider sympathetically any request to them for technical assistance.
3. The information that the Parties undertake to provide pursuant to paragraph 1, according to the modalities that the Council shall establish, shall include data on past performance, current situation and outlook regarding production, consumption, prices, stocks and trade, including transactions other than normal commercial transactions, in respect of the products referred to in Article II, and any other information deemed necessary by the Council. Parties shall also provide information on their domestic policies and trade measures, and on their bilateral, plurilateral or multilateral commitments, in the dairy sector and shall make known, as early as possible, any changes in such policies and measures that are likely to affect international trade in dairy products. The provisions of this paragraph shall not require any Party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.
4. The Secretariat of the World Trade Organization (hereinafter referred to as "the Secretariat"), shall draw up, and keep up to date, an inventory of all measures affecting trade in dairy products, including commitments resulting from bilateral, plurilateral and multilateral negotiations.

Article IV

Functions of the International Dairy Council and Cooperation between the Parties

1. The Council shall meet in order to:
 - (a) make an evaluation of the situation in and outlook for the world market for dairy products, on the basis of a status report prepared by the Secretariat with the documentation furnished by Parties in accordance with Article III, information arising from the operation of the Annex to this Agreement on Certain Milk Products (hereinafter referred to as "the Annex") and any other information available to the Secretariat;
 - (b) review the functioning of this Agreement.
2. If after an evaluation of the world market situation and outlook, referred to in paragraph 1(a), the Council finds that a serious market disequilibrium, or threat of such a disequilibrium, which affects or may affect international trade, is developing for dairy products in general or for one or more products, the Council will proceed to identify, taking particular account of the situation of developing countries, possible solutions for consideration by governments.

3. Depending on whether the Council considers that the situation defined in paragraph 2 is temporary or more durable, the measures referred to in paragraph 2 could include short-, medium- or long-term measures to contribute to improve the overall situation of the world market.

4. When considering measures that could be taken pursuant to paragraphs 2 and 3, due account shall be taken of the special and more favourable treatment to be provided for developing countries, where this is feasible and appropriate.

5. Any Party may raise before the Council any matter⁴ affecting this Agreement, *inter alia*, for the same purposes provided for in paragraph 2. Each Party shall promptly afford adequate opportunity for consultation regarding such matter affecting this Agreement.

6. If the matter affects the application of the specific provisions of the Annex, any Party which considers that its trade interests are being seriously threatened and which is unable to reach a mutually satisfactory solution with the other Party or Parties concerned may request the Chairman of the Committee established under paragraph 2(a) of Article VII, to convene a special meeting of the Committee on an urgent basis so as to determine as rapidly as possible, and within four working days if requested, any measures which may be required to meet the situation. If a satisfactory solution cannot be reached, the Council shall, at the request of the Chairman of the Committee, meet within a period of not more than fifteen days to consider the matter with a view to facilitating a satisfactory solution.

Article V

Food Aid and Transactions other than Normal Commercial Transactions

1. The Parties agree:

- (a) In cooperation with FAO and other interested organizations, to foster recognition of the value of dairy products in improving nutritional levels and of ways and means through which they may be made available for the benefit of developing countries.
- (b) In accordance with the objectives of this Agreement, to furnish, within the limits of their possibilities, dairy products by way of food aid. Parties should notify the Council in advance each year, as far as practicable, of the scale, quantities and destinations of their proposed contributions of such food aid. Parties should also give, if possible, prior notification to the Council of any proposed amendments to the notified food-aid contributions. It is understood that contributions could be made bilaterally or through joint projects or through multilateral programmes, particularly the World Food Programme.
- (c) Recognizing the desirability of harmonizing their efforts in this field, as well as the need to avoid harmful interference with normal patterns of production, consumption and international trade, to exchange views in the Council on their arrangements for the supply and requirements of dairy products as food aid or on concessional terms.

⁴It is confirmed that the term "matter" in this paragraph includes any matter which is covered by Multilateral Trade Agreements annexed to the Agreement Establishing the World Trade Organization, in particular those bearing on export and import measures.

2. Donated exports, exports destined for relief purposes or welfare purposes, and other transactions which are not normal commercial transactions shall be effected in accordance with Article 10 of the Agreement on Agriculture. The Council shall cooperate closely with the FAO Consultative Sub-Committee on Surplus Disposal.

3. The Council shall, in accordance with conditions and modalities that it will establish, upon request, discuss and consult on all transactions other than normal commercial transactions and other than those covered by the Agreement on Subsidies and Countervailing Measures.

Article VI

Annex

Without prejudice to the provisions of Articles I to V, the products listed below shall be subject to the provisions of the Annex:

Milk powder and cream powder, excluding whey powder

Milk fat

Certain cheeses

Article VII

Administration

1. *International Dairy Council*

(a) An International Dairy Council shall be established within the framework of the World Trade Organization (hereinafter referred to as the "WTO"). The Council shall comprise representatives of all Parties to the Agreement and shall carry out all the functions which are necessary to implement the provisions of the Agreement. The Council shall be serviced by the Secretariat. The Council shall establish its own rules of procedure. The Council may, as appropriate, establish subsidiary working groups or other bodies.

(b) *Regular and special meetings*

The Council shall normally meet as appropriate, but not less than twice each year. The Chairman may call a special meeting of the Council either on his own initiative, at the request of the Committee established under paragraph 2(a), or at the request of a Party to this Agreement.

(c) *Decisions*

The Council shall reach its decisions by consensus. The Council shall be deemed to have decided on a matter submitted for its consideration if no member of the Council formally objects to the acceptance of a proposal.

(d) *Cooperation with other organizations*

The Council shall make whatever arrangements are appropriate for consultation or cooperation with intergovernmental and non-governmental organizations.

- (e) *Admission of observers*
 - (i) The Council may invite any non-Party government to be represented at any meeting as an observer and may determine rules on the rights and obligations of observers, in particular with respect to the provision of information.
 - (ii) The Council may also invite any of the organizations referred to in paragraph 1(d) to attend any meeting as an observer.

2. *Committee on Certain Milk Products*

- (a) The Council shall establish a Committee on Certain Milk Products (hereinafter referred to as "the Committee") to carry out all the functions which are necessary to implement the provisions of the Annex. This Committee shall comprise representatives of all Parties. The Committee shall be serviced by the Secretariat. It shall report to the Council on the exercise of its functions.

- (b) *Examination of the market situation*

The Council shall make the necessary arrangements, determining the modalities for the information to be furnished under Article III, so that the Committee may keep under constant review the situation in and the evolution of the international market for the products covered by the Annex, and the conditions under which the provisions of the Annex are applied by Parties, taking into account the evolution of prices in international trade in each of the other dairy products having implications for the trade in products covered by the Annex.

- (c) *Regular and special meetings*

The Committee shall normally meet once each quarter. However, the Chairman of the Committee may call a special meeting of the Committee on his own initiative or at the request of any Party.

- (d) *Decisions*

The Committee shall reach its decisions by consensus. The Committee shall be deemed to have decided on a matter submitted for its consideration if no member of the Committee formally objects to the acceptance of a proposal.

Article VIII

Final Provisions

1. *Acceptance*

- (a) This Agreement is open for acceptance, by signature or otherwise, by any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in the Agreement Establishing the WTO (hereinafter referred to as the "WTO Agreement"), and by the European Communities.

- (b) Any government⁵ accepting this Agreement may at the time of its acceptance make a reservation with regard to the application of the Annex with respect to any product(s) specified therein. Reservations may not be entered in respect of any of the provisions of the Annex without the consent of the other Parties.
- (c) Acceptance of this Agreement shall carry denunciation of the International Dairy Arrangement done at Geneva on 12 April 1979, which entered into force on 1 January 1980, for Parties having accepted that Arrangement. Such denunciation shall take effect on the date of entry into force of this Agreement for that Party.

2. *Entry into force*

- (a) This Agreement shall enter into force, for those Parties having accepted it, on the date of entry into force of the WTO Agreement. For Parties accepting this Agreement after that date, it shall be effective from the date of their acceptance.
- (b) The validity of contracts entered into before the date of entry into force of this Agreement shall not be affected by this Agreement.

3. *Validity*

This Agreement shall remain in force for three years. The duration of this Agreement shall be extended for further periods of three years at a time, unless the Council, at least eighty days prior to each date of expiry, decides otherwise.

4. *Amendment*

Except where provision for modification is made elsewhere in this Agreement, the Council may recommend an amendment to the provisions of this Agreement. The proposed amendment shall enter into force upon acceptance by all Parties.

5. *Relationship between the Agreement and the Annex and Attachments*

The following shall be deemed to be an integral part of this Agreement, subject to the provisions of paragraph 1(b):

- the Annex mentioned in Article VI;
- the lists of reference points mentioned in Article 2 of the Annex and contained in Attachment A;
- the schedules of price differentials according to milk fat content mentioned in paragraph 4 of Article 3 of the Annex and contained in Attachment B;
- the register of processes and control measures referred to in paragraph 5 of Article 3 of the Annex and contained in Attachment C.

⁵For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Communities.

6. *Relationship between the Agreement and Other Agreements*

Nothing in this Agreement shall affect the rights and obligations of Parties under the General Agreement on Tariffs and Trade and the WTO Agreement.⁶

7. *Withdrawal*

- (a) Any Party may withdraw from this Agreement. Such 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.
- (b) Subject to such conditions as may be agreed upon by the Parties, any Party may withdraw its acceptance of the application of the provisions of the Annex with respect to any product(s) specified therein. Such 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.

8. *Deposit*

Until the entry into force of the WTO Agreement, the text of this Agreement shall be deposited with the Director-General to the CONTRACTING PARTIES to GATT who shall promptly furnish a certified copy thereof and a notification of each acceptance thereof to each Party. The texts of this Agreement in the English, French and Spanish languages shall all be equally authentic. This Agreement, and any amendments thereto, shall, upon the entry into force of the WTO Agreement, be deposited with the Director-General of the WTO.

9. *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 nineteen hundred and ninety-four.

⁶This provision shall apply only among Parties that are Members of the WTO or GATT.

ANNEX ON CERTAIN MILK PRODUCTS

Article 1

Product Coverage

1. This Annex applies to:
 - (a) milk powder and cream powder falling under HS heading Nos. 04.02.10-99 and 04.03.10-90;
 - (b) milk fat falling under HS heading No. 04.05.00, having a milk fat content equal to or greater than 50 per cent by weight; and
 - (c) cheeses falling under HS heading No. 04.06.10-90, having a fat content in dry matter, by weight, equal to or more than 45 per cent and a dry matter content, by weight, equal to or more than 50 per cent.

Field of application

2. For each Party, this Annex is applicable to exports of the products specified in paragraph 1 manufactured or repacked inside its own customs territory.

Article 2

Pilot Products

The minimum export prices established under Article 3 shall be established with respect to the pilot products of the following specifications:

- (a) Designation: *Skimmed milk powder*
Milk fat content: less than or equal to 1.5 per cent by weight
Water content: less than or equal to 5 per cent by weight
- (b) Designation: *Whole milk powder*
Milk fat content: 26 per cent by weight
Water content: less than or equal to 5 per cent by weight
- (c) Designation: *Buttermilk powder*¹
Milk fat content: less than or equal to 11 per cent by weight
Water content: less than or equal to 5 per cent by weight
- (d) Designation: *Anhydrous milk fat*
Milk fat content: 99.5 per cent by weight
- (e) Designation: *Butter*
Milk fat content: 80 per cent by weight
- (f) Designation: *Cheese*

¹Derived from the manufacture of butter and anhydrous milk fat.

Packaging:

In packages normally used in the trade, of a net content by weight of not less than 25 kgs. or 50 lbs., except for cheese, of 20 kgs. or 40 lbs., respectively, as appropriate.

Terms of sale:

F.o.b. from the exporting Party or free-at-frontier exporting Party.

By derogation from this provision, reference points for the Parties listed in Attachment A may be as provided therein.

Prompt payment against documents.

Article 3

Minimum Prices

Level and observance of minimum prices

1. Each Party shall take the steps necessary to ensure that the export prices of the products defined in Article 2 shall not be less than the minimum prices applicable under this Annex. If the products are exported in the form of goods in which they have been incorporated, Parties shall take the steps necessary to avoid circumvention of the price provisions of this Annex.
2.
 - (a) The minimum price levels set out in this Article take account, in particular, of the current market situation, dairy prices in producing Parties, the need to ensure an appropriate relationship between the minimum prices established in the Annex, the need to ensure equitable prices to consumers, and the desirability of maintaining a minimum return to the most efficient producers in order to ensure stability of supply over the longer term.
 - (b) The minimum prices provided for in paragraph 1 applicable at the date of entry into force of this Agreement are fixed at:
 - (i) US\$1,200 per metric ton for the skimmed milk powder defined in Article 2(a);
 - (ii) US\$1,250 per metric ton for the whole milk powder defined in Article 2(b);
 - (iii) US\$1,200 per metric ton for the buttermilk powder defined in Article 2(c);
 - (iv) US\$1,625 per metric ton for the anhydrous milk fat defined in Article 2(d);
 - (v) US\$1,350 per metric ton for the butter defined in Article 2(e);
 - (vi) US\$1,500 per metric ton for the cheese defined in Article 2(f).
3.
 - (a) The levels of the minimum prices specified in this Article may be modified by the Committee, taking into account, on the one hand, the results of the operation of the Annex and, on the other hand, the evolution of the situation of the international market.
 - (b) The levels of the minimum prices specified in this Article shall be subject to review at least once a year by the Committee. In undertaking this review the Committee shall

take account in particular, to the extent relevant and necessary, of costs faced by producers, other relevant economic factors of the world market, the need to maintain a long-term minimum return to the most economic producers, the need to maintain stability of supply and to ensure acceptable prices to consumers, and the current market situation and shall have regard to the desirability of improving the relationship between the levels of the minimum prices set out in paragraph 2(b) and the dairy support levels in the major producing Parties.

Adjustment of minimum prices

4. If the products actually exported differ from the pilot products in respect of the fat content, packaging or terms of sale, the minimum prices shall be adjusted so as to protect the minimum prices established in this Annex for the products specified in Article 2 of this Annex, according to the following provisions:

Milk fat content:

Milk powders. If the milk fat content of the milk powders falling under Article 1(a), excluding buttermilk powder², differs from the milk fat content of the pilot products as specified in Article 2(a) and Article 2(b), then for each full percentage point of milk fat as from 2 per cent, the minimum price shall be adjusted in proportion to the difference between the minimum prices in force for the pilot products as specified in Article 2(a) and Article 2(b).³

Milk fats. If the milk fat content of the milk fat falling under Article 1(b) differs from the milk fat content of the pilot products as specified in Article 2(d) or Article 2(e) then, if the milk fat content is equal to or greater than 82 per cent or less than 80 per cent, the minimum price of this product shall be, for each full percentage point by which the milk fat content is more than or less than 80 per cent, increased or reduced in proportion to the difference between the minimum prices in force for the pilot products as specified in Article 2(d) or Article 2(e), respectively.

Packaging:

If the products are offered otherwise than in packages normally used in the trade, of a net content by weight of not less than 25 kgs. or 50 lbs., or for cheese, of not less than 20 kgs. or 40 lbs., respectively, as appropriate, the minimum prices shall be adjusted so as to reflect the difference in the cost of packaging relative to the cost of the type of package specified above.

Terms of sale:

If sold on terms other than f.o.b. from the exporting Party or free-at-frontier exporting Party⁴, the minimum prices shall be calculated on the basis of the minimum f.o.b. prices specified in paragraph 2(b), plus the real and justified costs of the services provided; if the terms of the sale include credit, this shall be charged for at the prevailing commercial rates in the exporting Party concerned.

²As defined in Article 2(c) of this Annex.

³See Attachment B , "Schedule of Price Differentials According to Milk Fat Content".

⁴See Article 2 of this Annex.

Exports and imports of skimmed milk powder and buttermilk powder for purposes of animal feed

5. By derogation from the provisions of paragraphs 1 to 4, a Party may, under the conditions defined below, export or import, as the case may be, skimmed milk powder and buttermilk powder for purposes of animal feed at prices below the minimum prices provided for in this Annex for these products. A Party may make use of this possibility only to the extent that it ensures that the products exported or imported are subjected to the processes and control measures which will be applied in the country of export or destination so as to ensure that the skimmed milk powder and buttermilk powder thus exported or imported are used exclusively for animal feed. These processes and control measures shall have been approved by the Committee and recorded in a register established by it.⁵ A Party wishing to make use of the provisions of this paragraph shall give advance notification of its intention to do so to the Committee which shall meet, at the request of any Party, to examine the market situation. The Parties shall furnish the necessary information concerning their transactions in respect of skimmed milk powder and buttermilk powder for purposes of animal feed, so that the Committee may follow developments in this sector and periodically make forecasts concerning the evolution of this trade.

Special conditions of sales

6. Parties undertake, within the limit of their institutional possibilities, to ensure that practices such as those referred to in Article 4 do not have the effect of directly or indirectly bringing the export prices of the products subject to the minimum price provisions below the agreed minimum prices.

Transactions other than normal commercial transactions

7. The provisions of paragraphs 1 to 6 shall not be regarded as applying to donated exports or to exports destined for relief purposes or food-related development purposes or welfare purposes, provided these have been notified to the Council as provided for in Article V of the Agreement.

Article 4

Provision of Information

In cases where prices in international trade of the products covered by Article 1 are approaching the minimum prices mentioned in paragraph 2(b) of Article 3, and without prejudice to the provisions of Article III of the Agreement, Parties shall notify to the Committee all the relevant elements for evaluating their own market situation and, in particular, credit or loan practices, twinning with other products, barter or three-sided transactions, refunds or rebates, exclusivity contracts, packaging costs and details of the packaging, so that the Committee can make a verification.

Article 5

Obligations of Exporting Parties

Exporting Parties agree to use their best endeavours, in accordance with their institutional possibilities, to supply on a priority basis the normal commercial requirements of developing importing Parties, especially those used for food-related development purposes and welfare purposes.

⁵See Attachment C, "Register of Processes and Control Measures". It is understood that exporters would be permitted to ship skimmed milk powder and buttermilk powder for animal feed purposes in an unaltered state to importers which have had their processes and control measures inserted in the Register. In this case, exporters shall so inform the Committee.

Article 6

Cooperation of Importing Parties

1. Parties which import products covered by Article 1 undertake in particular:
 - (a) to cooperate in implementing the minimum price objective of this Annex and to ensure, as far as possible, that the products covered by Article 1 are not imported at less than the appropriate customs valuation equivalent to the prescribed minimum prices;
 - (b) without prejudice to the provisions of Article III of the Agreement and Article 4 of this Annex, to supply information concerning imports of products covered by Article 1 from non-Parties;
 - (c) to consider sympathetically proposals for appropriate remedial action if imports at prices inconsistent with the minimum prices threaten the operation of this Annex.
2. Paragraph 1 shall not apply to imports of skimmed milk powder and buttermilk powder for purposes of animal feed, provided that such imports are subject to the measures and procedures provided for in paragraph 5 of Article 3.

Article 7

Derogations

1. Upon request by a Party, the Committee shall have the authority to grant derogations from the provisions of paragraphs 1 to 5 of Article 3 in order to remedy difficulties which observance of minimum prices could cause certain Parties. The Committee shall take a decision on such a request within three months from the date of the request.
2. The provisions of paragraphs 1 to 4 of Article 3 shall not apply to exports, in exceptional circumstances, of small quantities of natural unprocessed cheese which would be below normal export quality as a result of deterioration or production faults. Parties exporting such cheese shall notify the Secretariat in advance of their intention to do so. Parties shall also notify the Committee quarterly of all sales of cheese effected under this provision, specifying in respect of each transaction the quantities, prices and destinations involved.

Article 8

Emergency Action

Any Party which considers that its interests are seriously endangered by a country not bound by this Annex can request the Chairman of the Committee to convene an emergency meeting of the Committee within two working days to determine and decide whether measures would be required to meet the situation. If such a meeting cannot be arranged within the two working days and the commercial interests of the Party concerned are likely to be materially prejudiced, that Party may take unilateral action to safeguard its position, on the condition that any other Parties likely to be affected are immediately notified. The Chairman of the Committee shall also be formally advised immediately of the full circumstances of the case and shall call a special meeting of the Committee at the earliest possible moment.

ATTACHMENT A

List of Reference Points

In accordance with the provisions of Article 2 of this Annex, the following reference points are designated for the countries listed below. The Committee established in paragraph 2(a) of Article VII of this Agreement may modify the contents of this Attachment as appropriate.

Finland: Antwerp, Hamburg, Rotterdam
 Basle: for butter exports to Switzerland

Norway: Antwerp, Hamburg, Rotterdam

Sweden: Antwerp, Hamburg, Rotterdam
 Basle: for butter exports to Switzerland

Poland: Antwerp, Hamburg, Rotterdam

ATTACHMENT B

Schedule of Price Differentials According to Milk Fat Content

<i>Milk Fat Content</i> (per cent)				<i>Minimum Price</i> <i>US\$ per metric ton</i>
Less than 2				1,200 Skimmed milk powder
Equal to or more than 2, less than 3				1,202
"	"	3	" 4	1,204
"	"	4	" 5	1,206
"	"	5	" 6	1,208
"	"	6	" 7	1,210
"	"	7	" 8	1,212
"	"	8	" 9	1,214
"	"	9	" 10	1,216
"	"	10	" 11	1,218
"	"	11	" 12	1,220
"	"	12	" 13	1,222
"	"	13	" 14	1,224
"	"	14	" 15	1,226
"	"	15	" 16	1,228
"	"	16	" 17	1,230
"	"	17	" 18	1,232
"	"	18	" 19	1,234
"	"	19	" 20	1,236
"	"	20	" 21	1,238
"	"	21	" 22	1,240
"	"	22	" 23	1,242
"	"	23	" 24	1,244
"	"	24	" 25	1,246
"	"	25	" 26	1,248
"	"	26	" 27	1,250 Whole milk powder
"	"	27	" 28	1,252

ATTACHMENT B (cont'd)

Schedule of Price Differentials According to Milk Fat Content

<i>Milk Fat Content</i> (per cent)				<i>Minimum Price</i> US\$ per metric ton
Equal to or more than,	less than	...	
"	"	79	" 80	1,336.25
"	"	80	" 82	1,350.00 Butter
"	"	82	" 83	1,377.50
"	"	83	" 84	1,391.25
"	"	84	" 85	1,405.00
"	"	85	" 86	1,418.75
"	"	86	" 87	1,432.50
"	"	87	" 88	1,446.25
"	"	88	" 89	1,460.00
"	"	89	" 90	1,473.75
"	"	90	" 91	1,487.50
"	"	91	" 92	1,501.25
"	"	92	" 93	1,515.00
"	"	93	" 94	1,528.75
"	"	94	" 95	1,542.50
"	"	95	" 96	1,556.25
"	"	96	" 97	1,570.00
"	"	97	" 98	1,583.75
"	"	98	" 99	1,597.50
"	"	99	" 99.5	1,611.25
"	"	99.5		1,625.00 Anhydrous milk fat

ATTACHMENT C

Register of Processes and Control Measures - Milk Powders

In accordance with the provisions of paragraph 5 Article 3 of this Annex, the following processes and control measures are approved for the Parties listed below. The Committee established in paragraph 2(a) of Article VII of the Agreement may modify the contents of this Attachment as appropriate.

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AUSTRALIA

Skimmed milk powder¹ may be exported from the customs territory of Australia to third countries:

A. Either, after the competent Australian authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:

1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131).
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);

¹These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

	<i>English Standard Index Nos.</i>
Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with	
(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

CANADA

1. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
2. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per 100 of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard) with phenolphthalein in the proportion of 1:20,000.
3. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131).
4. By the addition of, for each 100 kgs. of skimmed milk powder a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 3 and 4 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 3, 4 and 5, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 3, 4 and 5, have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

6. By the addition of dye to liquid skimmed milk before drying at the rate of 2 to 3 ounces per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre).

Dye to be one of the following colours:

English Standard Index Nos.

Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140

combined with:

(i)	Brilliant blue F.C.F.	42.090
	or	
(ii)	Green B.S.	44.090

Cochineal	77.289
Brilliant blue/F.C.F.	42.090

7. By the addition of meat and bone meal in a proportion of 2:4 parts of skimmed milk powder.
8. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

9. Incorporation of skimmed milk powder in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

EUROPEAN COMMUNITIES

Skimmed milk powder¹ for use as animal feed may be exported to third countries:

- (a) either after being denatured in the customs territory of the Community in accordance with Article 2:1 of Regulation (EEC) No. 1725/79², as last amended by Regulation (EEC) No. 3411/93³:

"Skimmed milk powder shall be denatured by the addition, per 100 kgs. of skimmed milk powder, of either:

method A:

- (i) 9 kgs. of lucerne meal or grass meal containing at least 50 per cent (m/m) of particles not exceeding 300 microns; and
- (ii) 2 kgs. of starch or puffed starch,
uniformly distributed in the mixture;

or:

method B:

- (i) 5 kgs. of lucerne meal or grass meal containing at least 50 per cent (m/m) of particles not exceeding 300 microns; and
- (ii) 12 kgs. of fish meal, non-deodorized or with a strong smell, containing at least 30 per cent (m/m) of particles not exceeding 300 microns; and
- (iii) 2 kgs. of starch or puffed starch,
uniformly distributed in the mixture;

- (b) or after being incorporated in "preparations of a kind used for animal feeding", falling within sub-heading ex 23.09.10 and ex 23.09.90 of the common customs tariff, containing skimmed milk powder;

- (c) or after being dyed by the following dyeing process:

The dyeing is to be by means of the colouring matters identified by the Colour Index numbers - most recent edition - and the designations indicated hereunder.

These colouring matters:

¹These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed. (See Regulation (EEC) No. 804/68, Article 10:1.)

²OJ No. L 199 of 7 August 1979, page 1.

³OJ No. L 310 of 14 December 1993, page 28.

- are to be used alone or in combination, in the form of very fine impalpable powder
- and
- are to be uniformly distributed in the skimmed milk powder
- in minimum quantities of 200 grs./100 kgs.

Designation of colouring matters:

<i>C.I. No.</i>	<i>Designation</i>
19140	Tartrazine ⁴
42090	Brilliant blue F.C.F.
42095	Lissamine green
44090 E 142	Green B.S., Lissamine green
74260	Pigment green 7
77289	Cochineal

⁴This colouring matter to be used only in combination with one or more of the others included in the above list.

FINLAND

Skimmed milk powder¹ may be exported from the customs territory of Finland to third countries:

- A. Either, after the competent Finnish authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:
1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
 2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
 3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
 4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and:
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131).
 5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
 6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);

¹These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

English Standard Index Nos.

Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140

Combined with:

- | | | |
|-----|-----------------------|--------|
| (a) | Brilliant blue F.C.F. | 42.090 |
| | or | |
| (b) | Green B.S. | 44.090 |

Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

HUNGARY

Directive No. 14/1981/KkE 14/KKM of the Minister of Foreign Trade

On the implementation of Decree No. 36/1980./3.IX./MT on the promulgation of the International Dairy Arrangement, done at Geneva on 12 April 1979.

By virtue of powers conferred by the provisions of Section 3 of Decree No. 36/1980./3.IX./MT on the promulgation of the International Dairy Arrangement (hereinafter: the Arrangement) - the following are decreed:

Section 1

When importing or exporting products enumerated in Annexes I-III of the Arrangement, the provisions for minimum prices contained in the Annexes should be applied by the company authorized to carry on foreign trade activity, in determining the contents of the foreign trade contract.

Section 2

The company authorized to carry on foreign trade activity will be directly informed of modifications effected in the minimum prices according to paragraph 3(a) of Article 3 of Annex I of the Arrangement.

Section 3

Skimmed milk powder and buttermilk powder, denatured or otherwise made unfit for human consumption, for purposes of animal feed, may be imported also at prices below the minimum price.

Section 4

1. Skimmed milk powder and buttermilk powder, not denatured or otherwise made unfit for human consumption, can be imported at prices below the minimum price for purposes of animal feed only. Skimmed milk powder imported at prices below the minimum price must be denatured or otherwise made unfit for human consumption after customs clearance, before consumption.
2. Denaturing or otherwise making unfit for human consumption can be effected by adding meat, bone, blood, fish, lucerne (alfalfa), soya or other fodder meals, or fats of animal and vegetable origin, or any other procedure which results in the forage falling under Tariff No. 23.09 of the Trade Customs Tariff.
3. Customs clearance for home use of the dutiable goods specified in paragraph 1 above can be initiated only at the customs office regionally competent according to the premises of the company which carries out denaturing, mixing, or preparation for purposes of animal feed. The person presenting the customs declaration should indicate that the purchase was effected below the minimum price, and should declare that the dutiable goods will be used for purposes of animal feed only.

4. In the case of a declaration according to paragraph 3 above, the dutiable goods will be classified by the customs office in heading No. 04.02-03 of the Trade Customs Tariff ("Powdered milk and cream, unfit for human consumption, whether or not denatured, not containing added sugar"); and in a clause inserted on the declaration form, the customs office stipulates that in accordance with the provisions of the present Directive, it is prohibited to use the goods before carrying out denaturing or otherwise making the goods unfit for human consumption.

5. Denaturing or otherwise making the dairy products specified in paragraph 1 unfit for human consumption must be reported to the regionally competent customs office not later than 10 days before starting the procedure, indicating at the same time the proportion of materials to be used, the way, place and time of the procedure. On the basis of this notification, denaturing is checked by the customs office on the premises of the company.

6. If milk powder cleared at the customs with the obligation of denaturing or otherwise making it unfit for human consumption is used without fulfilling this obligation, the person concerned will be held responsible under the law on minor offences, or the criminal law, according to the specific case.

Section 5

This Directive comes into force on the day of its promulgation.

Appendix to the Hungarian Notification

In Hungary, skimmed milk powder used for animal feeding is denatured or made unfit for human consumption not in two, but only in one step because of practical reasons. The denaturing takes place right when mixing or preparing the animal feedstuff, according to the standards and methods here attached.

In Hungary the following methods should be applied to prepare animal feedstuff with the use of skimmed milk powder.

Methods to prepare feedstuff for pigs with skimmed milk powder:

1. No. 21 - I - 101 - 24

Maize	21%
Barley	15%
Wheat	10%
Soya (48%)	20%
Fish meal	5.3%
Wheat bud	4%
Skimmed milk powder	12.2%
Mixture with 50% of industrial fat content	8%
MCP ¹	1.1%
CaCO ₃	1.3%
Salt	0.4%
Fermin-6	1.2%
Premix	0.5%

2. No. 21 - II - 106 - 24

Maize	21%
Barley	15%
Wheat	10%
Soya (40%)	20%
Fish meal (70%)	5.3%
Wheat bud	4%
Skimmed milk powder	12.2%
Mixture with 50% of industrial fat content	8%
MCP	1.1%
CaCO ₃	1.3%
Salt	0.4%
Fermin-6	1.2%
Premix	0.5%

¹MCP = mixture with calcium and phosphate content.

3. No. 28 - I - 105 - 24

Maize	28%
Barley	15%
Wheat	10%
Linseed	2%
Soya (40%)	20.3%
Fish meal (70%)	5%
Wheat bud	2%
Skimmed milk powder	6.7%
Mixture with 50% of industrial fat content	8%
MCP	0.9%
CaCO ₃	1.2%
Salt	0.4%
Premix	0.5%

4. No. 28 - II - 107 - 24

Maize	28%
Barley	15%
Wheat	10%
Linseed	2%
Soya (40%)	20.3%
Fish meal (70%)	5%
Wheat bud	2%
Skimmed milk powder	6.7%
Mixture with 50% of industrial fat content	8%
MCP	0.9%
CaCO ₃	1.2%
Salt	0.4%
Premix	0.5%

5. No. 21 - I - 103 - 26

Maize	29%
Wheat	15%
Barley	25%
Linseed	4.7%
Soya (48%)	18%
Meat-meal (54%)	2.4%
Skimmed milk powder	3%
MCP	1%
CaCO ₃	1.1%
Salt	0.3%
Premix	0.5%

6. No. 21 - II - 109 - 26

Maize	29%
Wheat	15%
Barley	25%
Linseed	4.7%

Soya	18%
Meat-meal (54%)	2.4%
Skimmed milk powder	3%
MCP	1%
CaCO ₃	1.1%
Salt	0.3%
Premix	0.5%

7. No. I - 102 - 22

Soya (47%)	60.4%
Meat-meal (62%)	18%
Skimmed milk powder	16%
MCP	1%
CaCO ₃	0.6%
Salt	1.6%
Premix	1.6%
Premixture with methonian content	0.8%

8. No. II - 104 - 22

Soya (47%)	60.4%
Meat-meal (62%)	18%
Skimmed milk powder	16%
MCP	1%
CaCO ₃	0.6%
Salt	1.6%
Premix	1.6%
Premixture with methonian content	0.8%

Methods to prepare feedstuff for calves with skimmed milk powder:

9. No. 11 - 102 - 22

Maize	57%
Soya (48%)	14.5%
Sunflower-groats	5%
Alfalfa-meal	6%
Skimmed milk powder	7%
Yeast	2%
Linseed	4.4%
MCP	1.2%
CaCO ₃	1.3%
Salt	0.5%
Premix	0.5%

10. No. 11 - 502 - 22

Soya (48%)	33.7%
Linseed	10.7%
Skimmed milk powder	12.5%
Alfalfa-meal	15.3%
MCP	2.8%

CaCO ₃	3%
Salt	1.2%
Premix	1.2%

Methods to prepare feedstuff for sheep with skimmed milk powder:

11. No. 102 - 22

Maize	20%
Barley	20%
Wheat	32%
Soya (47%)	9%
Alfalfa-meal	9.9%
Skimmed milk powder	3.5%
Linseed	3%
MCP	0.8%
CaCO ₃	0.8%
Salt	0.5%
Premix	0.5%

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Soya (47%)	32.1%
Linseed	10.7%
Skimmed milk powder	12.5%
Alfalfa-meal	35.3%
MCP	2.9%
CaCO ₃	2.9%
Salt	1.8%
Premix	1.8%

JAPAN

Based on the provisions of Article 13 of the Customs Tariff Law, he who wants to import, with customs duty exempted, skimmed milk powder so as to produce animal feed through mixing the powder concerned with other materials shall take the following steps so that the powder concerned will not be diverted to uses other than animal feed:

1. He shall in advance make an application to the Director of Customs Office so that his factory be authorized to produce mixed feed with the duty-exempted skimmed milk powder.
2. When he (himself or through his agent) imports skimmed milk powder for purposes of animal feed, he shall go through necessary importation formalities and customs officers at a port of entry shall keep a record on the quantity of the skimmed milk powder thus imported.
3. He shall deliver the skimmed milk powder to his factory authorized under paragraph 1 above and mix it with fish meal, chrysalis meal or fish soluble.
4. After producing mixed feed, he shall submit, for inspection by the Customs Office, a report which contains, among others, information on the quantities of the skimmed milk powder used in the production and of other materials mixed therewith. The customs officers shall check how much of the quantity recorded at the time of entry has been used in the production and inspect the product concerned before its delivery from the factory.

In cases where he violates the control measures mentioned above, the authorization under paragraph 1 above shall be cancelled and the exempted customs duty shall be collected according to the provisions of the Customs Tariff Law. In addition to the above, he shall be fined or imprisoned, as the case may be, on the ground of the evasion of customs duty as provided for by the Customs Law.

NEW ZEALAND¹

1. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
2. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per 100 of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
3. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131);
 - (e) or 20 grs. of edicol lime.
4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 3 and 4 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 3, 4 and 5, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 3, 4 and 5, have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

¹These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

6. By the addition of dye to liquid skimmed milk before drying at the rate of 2 to 3 ounces per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre).

Dye to be one of the following colours:

	<i>English Standard Index Nos.</i>
Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with:	
(i) Brilliant blue F.C.F.	42.090
or	
(ii) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

7. By the addition of meat and bone meal in a proportion of 2:4 parts of skimmed milk powder.

8. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed only".

9. Incorporation of skimmed milk powder in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

NORWAY

Skimmed milk powder¹ may be exported from the customs territory of Norway to third countries:

- A. Either, after the competent Norwegian authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:
1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
 2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
 3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
 4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and:
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131).
 5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
 6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);

¹These processes and control measures apply to buttermilk powder as well as to skimmed milk powder intended for animal feed.

- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

English Standard Index Nos.

Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140

Combined with:

(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

POLAND

Skimmed milk powder may be exported from the customs territory of Poland to third countries:

- A. Either, after the competent Polish authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:
1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
 2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
 3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
 4. By the production of feed milk surrogate MS-93:

INFORMATION ON THE PRODUCTION OF FEED MILK SURROGATE MS-93

(a) Product description:

Feed milk surrogate MS-93 is produced from skimmed milk and whey in the proportion 1+1, buttermilk powder, animal fat or fat used for feed milk surrogates, rape-seed or soybean lecithin, vitamins, mineral salts and antibiotics in the form of Polfamix 1C. Skimmed milk can be substituted by buttermilk up to 20 per cent.

(b) Quantity composition of ready product:

- dry fatless matter	- 82.0 %
- water not more than	- 5.0 %
- fat not less than	- 12.0 %
- Polfamix 1C	- 1.0 %
- rape-seed or soybean lecithin	- ca 0.5 %

(c) Quality composition of ready product:

- acidity not more than 9° SH
- Coli group bacteria absent in 0.01 gr.
- total number of microorganisms in 1 gr. not more than 250,000

(d) Technological operations:

Production of "MS-93" preparation includes following operations:

- consolidation of skimmed milk, whey and buttermilk up to 45-48 per cent of dry matter,
- dissolution of lecithin and Polfamix at the temperature of ca 40° C,
- binding of the mixture with fat components and Polfamix at the temperature of 70-75° C by intensive mixing in flow,
- drying and packaging.

B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

SWITZERLAND

Skimmed milk powder may be exported from the customs territory of Switzerland to third countries:

- A. Either, after the competent Swiss authorities have ensured that the skimmed milk powder has been denatured according to any one of the following processes:
1. By the addition, per 100 kgs. of skimmed milk powder, of 2.5 kgs. of lucerne meal or grass meal, containing not less than 70 per cent of particles not exceeding 300 microns, uniformly distributed throughout the mixture.
 2. By the addition of finely milled alfalfa flour (98 per cent to pass mesh 60, equivalent to 50 United States standard), in a proportion of 2 to 4 parts per 100 and of phenolphthalein in a proportion of 1:20,000 (1 gr. per 20 kgs. of milk).
 3. By the addition, in the proportion of 20 per 100 by weight of the product treated (80 per 100 by weight of milk powder and 20 per cent of the denaturing agent) of a mixture composed of 80 per cent bran and 20 per cent potato flour, rice flour or other common starch (at least 10 per cent to pass mesh 60, equivalent to 50 United States standard), with phenolphthalein in the proportion of 1:20,000.
 4. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 35 kgs. of undeodorized fish meal and 200 grs. of carbonate of iron or sulphate of iron and:
 - (a) 1.5 kgs. of activated carbon;
 - (b) or 100 grs. of mixture composed of four fifths of yellow tartrazine (E 102) and one fifth of patent blue V (E 131);
 - (c) or 20 grs. of cochineal red A (E 124);
 - (d) or 40 grs. of patent blue V (E 131).
 5. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 40 kgs. of undeodorized fish meal and 300 grs. of carbonate of iron or sulphate of iron.
 6. By the addition of, for each 100 kgs. of skimmed milk powder, a minimum of 4.5 kgs. of fish oil or fish liver oil and 300 grs. of carbonate of iron or sulphate of iron.

The fish meal noted in processes 4 and 5 must contain at least 25 per cent of particles with dimension below 80 microns. In processes 4, 5 and 6, the iron salts have to contain at least 30 per cent of particles of a size lower than 80 microns. The colouring matters have to contain the following percentages of the pure product:

- at least 30 per cent for cochineal red A (E 124);
- at least 25 per cent for the other colouring matters: colouring matters have to contain at least 30 per cent of particles having a size lower than 80 microns; the acidity of fish oil calculated in oleic acid has to be equal to at least 10 per cent.

The products added to skimmed milk powder, according to processes 4, 5 and 6 have to be uniformly distributed as regards in particular the activated carbon, the iron salts and the colouring matters; two samples of 50 grs. each, taken at random in a lot of 25 kgs., must give by chemical determination the same results within the limits of errors admitted by the analysis method used.

7. Dye to be added to liquid skimmed milk before drying at the rate of 2 to 3 ozs. per 100 gallons of milk (12.5 to 18.7 grs. per hectolitre). The dye to be one of the following colours:

	<i>English Standard Index Nos.</i>
Lissamine green	44.090, 42.095, 44.025
Tartrazine	19.140
Combined with	
(a) Brilliant blue F.C.F.	42.090
or	
(b) Green B.S.	44.090
Cochineal	77.289
Brilliant blue/F.C.F.	42.090

8. By the addition of meat and bone meal in a proportion of 2 to 4 parts of skimmed milk powder.

The bags or containers in which the denatured powder is packed will be labelled "For Animal Feed Only".

- B. Or, after its incorporation in compound or mixed stockfoods of a kind falling within item 23.09 of the Harmonized System.

APPENDIX

Interpretative Statements

Japan undertakes to implement the provisions of this Agreement fully within the limit of its institutional possibilities.

Japan has accepted paragraph 5 of Article 3 of the Annex on the understanding that advance notification of its intention to make use of the provisions of that paragraph may be made globally for a given period and not separately for each transaction.

The Nordic countries have accepted paragraph 3 of Article V of the Agreement with the understanding that it does not in any way prejudice their position with regard to the definition of (other than) normal commercial transactions.

Switzerland has indicated that it is reserving the right to request at a later date the designation of two or three European ports as reference points under Article 2 of the Annex in the event that its exports made this necessary.

New Zealand has indicated that the annual quantities of its exports under paragraph 2 of Article 7 of the Annex should normally be of the order of 1 thousand metric tons and could, in exceptional circumstances, amount to some 2 thousand metric tons.

INTERNATIONAL BOVINE MEAT AGREEMENT

The *Parties* to this Agreement,

Convinced that increased international cooperation should be carried out in such a way as to contribute to the achievement of greater liberalization, stability and expansion in international trade in meat and live animals;

Taking into account the need to avoid serious disturbances in international trade in bovine meat and live animals;

Recognizing the importance of production and trade in bovine meat and live animals for the economies of many countries, especially for certain developed and developing countries;

Mindful of their obligations to the principles and objectives of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as "GATT 1994");¹

Determined, in carrying out the aims of this Agreement to implement the principles and objectives agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973, in particular as concerns special and more favourable treatment for developing countries;

Hereby *agree* as follows:

Article I

Objectives

The objectives of this Agreement shall be:

1. to promote the expansion, ever greater liberalization and stability of the international meat and livestock market by facilitating the progressive dismantling of obstacles and restrictions to world trade in bovine meat and live animals, including those which compartmentalize this trade, and by improving the international framework of world trade to the benefit of both consumer and producer, importer and exporter;
2. to encourage greater international cooperation in all aspects affecting the trade in bovine meat and live animals with a view in particular to greater rationalization and more efficient distribution of resources in the international meat economy;
3. to secure additional benefits for the international trade of developing countries in bovine meat and live animals through an improvement in the possibilities for these countries to participate in the expansion of world trade in these products by means of *inter alia*:

¹This provision shall apply only among Parties that are Members of the World Trade Organization.

- (a) promoting long-term stability of prices in the context of an expanding world market for bovine meat and live animals; and
- (b) promoting the maintenance and improvement of the earnings of developing countries that are exporters of bovine meat and live animals;

the above with a view thus to deriving additional earnings, by means of securing long-term stability of markets for bovine meat and live animals;

- 4. to further expand trade on a competitive basis taking into account the traditional position of efficient producers.

Article II

Product Coverage

This Agreement applies to the products listed in the Annex and to any other product that may be added by the International Meat Council (hereinafter also referred to as "the Council"), as established under the terms of Article V, in order to accomplish the objectives and provisions of this Agreement.

Article III

Information and Market Monitoring

- 1. Each Party shall provide regularly and promptly to the Council the information which will permit the Council to monitor and assess the overall situation of the world market for meat and the situation of the world market for each specific meat.
- 2. Developing country Parties shall furnish the information available to them. In order that these Parties may improve their data collection mechanism, developed country² Parties, and any developing country Parties able to do so, shall consider sympathetically any request to them for technical assistance.
- 3. The information that the Parties undertake to provide pursuant to paragraph 1, according to the modalities that the Council shall establish, shall include data on past performance and current situation and an assessment of the outlook regarding production (including the evolution of the composition of herds), consumption, prices, stocks of and trade in the products referred to in Article II, and any other information deemed necessary by the Council, in particular on competing products. Parties shall also provide information on their domestic policies and trade measures including bilateral and plurilateral commitments in the bovine sector, and shall notify as early as possible any changes in such policies and measures that are likely to affect international trade in bovine meat and live animals. The provisions of this paragraph shall not require any Party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

²In this Agreement the term "country" is deemed to include the European Communities as well as any separate customs territory Member of the World Trade Organization.

4. The Secretariat of the World Trade Organization (hereinafter referred to as "Secretariat") shall monitor variations in market data, in particular herd sizes, stocks, slaughtering and domestic and international prices, so as to permit early detection of the symptoms of any serious imbalance in the supply and demand situation. The Secretariat shall keep the Council apprized of significant developments on world markets, as well as prospects for production, consumption, exports and imports. The Secretariat shall draw up and keep up to date an inventory of all measures affecting trade in bovine meat and live animals, including commitments resulting from bilateral, plurilateral and multilateral negotiations.

Article IV

Functions of the International Meat Council and Cooperation between the Parties

1. The Council shall meet in order to:
 - (a) evaluate the world supply and demand situation and outlook on the basis of an interpretative analysis of the present situation and of probable developments drawn up by the Secretariat, on the basis of documentation provided in conformity with Article III, including that relating to the operation of domestic and trade policies and of any other information available to the Secretariat;
 - (b) proceed to a comprehensive examination of the functioning of this Agreement;
 - (c) provide an opportunity for regular consultation on all matters affecting international trade in bovine meat.
2. If after evaluation of the world supply and demand situation referred to in paragraph 1 (a), or after examination of all relevant information pursuant to paragraph 3 of Article III, the Council finds evidence of a serious imbalance or a threat thereof in the international meat market, the Council will proceed by consensus, taking particular account of the situation in developing countries, to identify for consideration by governments³ possible solutions to remedy the situation consistent with the principles and rules of GATT 1994.
3. Depending on whether the Council considers that the situation defined in paragraph 2 is temporary or more durable, the measures referred to in paragraph 2 could include short-, medium-, or long-term measures taken by importers as well as exporters to contribute to improve the overall situation of the world market consistent with the objectives and aims of this Agreement, in particular the expansion, ever greater liberalization, and stability of the international meat and livestock markets.
4. When considering the suggested measures pursuant to paragraphs 2 and 3, due consideration shall be given to special and more favourable treatment to developing countries, where this is feasible and appropriate.
5. The Parties undertake to contribute to the fullest possible extent to the implementation of the objectives of this Agreement set forth in Article I. To this end, and consistent with the principles and rules of the GATT 1994, Parties shall, on a regular basis, enter into the discussions provided in

³For the purpose of this Agreement, the term "government" is deemed to include the competent authorities of the European Communities.

paragraph 1 (c) with a view to exploring the possibilities of achieving the objectives of this Agreement, in particular the further dismantling of obstacles to world trade in bovine meat and live animals. Such discussions should prepare the way for subsequent consideration of possible solutions of trade problems consistent with the rules and principles of the GATT 1994, which could be jointly accepted by all the Parties concerned, in a balanced context of mutual advantages.

6. Any Party may raise before the Council any matter⁴ affecting this Agreement, *inter alia*, for the same purposes provided for in paragraph 2. The Council shall, at the request of a Party, meet within a period of not more than fifteen days to consider any matter affecting this Agreement.

Article V

Administration

1. *International Meat Council*

An International Meat Council shall be established within the framework of the World Trade Organization (hereinafter referred to as "the WTO"). The Council shall comprise representatives of all Parties to the Agreement and shall carry out all the functions which are necessary to implement the provisions of the Agreement. The Council shall be serviced by the Secretariat. The Council shall establish its own rules of procedure. The Council may, as appropriate, establish subsidiary working groups or other bodies.

2. *Regular and special meetings*

The Council shall normally meet as appropriate, but not less than twice each year. The Chairman may call a special meeting of the Council either on his own initiative or at the request of a Party to this Agreement.

3. *Decisions*

The Council shall reach its decisions by consensus. The Council shall be deemed to have decided on a matter submitted for its consideration if no member of the Council formally objects to the acceptance of a proposal.

4. *Cooperation with other organizations*

The Council shall make arrangements as appropriate for consultation or cooperation with intergovernmental and non-governmental organizations.

5. *Admission of observers*

- (a) The Council may invite any non-Party government to be represented at any of its meetings as an observer and may determine rules on the rights and obligations of observers, in particular with respect to the provision of information.

⁴It is confirmed that the term "matter" in this paragraph includes any matter which is covered by Multilateral Trade Agreements annexed to the Agreement Establishing the WTO, in particular those bearing on export and import measures.

- (b) The Council may also invite any of the organizations referred to in paragraph 4 to attend any meeting as an observer.

Article VI

Final provisions

1. *Acceptance*

- (a) This Agreement is open for acceptance, by signature or otherwise, by any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in the Agreement Establishing the WTO (hereinafter referred to as "WTO Agreement"), and by the European Communities.
- (b) Reservations may not be entered without the consent of the other Parties.
- (c) Acceptance of this Agreement shall carry denunciation of the Arrangement Regarding Bovine Meat, done at Geneva on 12 April 1979, which entered into force on 1 January 1980, for Parties having accepted that Arrangement. Such denunciation shall take effect on the date of entry into force of this Agreement for that Party.

2. *Entry into force*

This Agreement shall enter into force for those Parties having accepted it, on the date of entry into force of the WTO Agreement. For Parties accepting this Agreement after that date, it shall be effective from the date of their acceptance.

3. *Validity*

This Agreement shall remain in force for three years. The duration of this Agreement shall be extended for further periods of three years at a time, unless the Council, at least eighty days prior to each date of expiry, decides otherwise.

4. *Amendment*

Except where provision for modification is made elsewhere in this Agreement, the Council may recommend an amendment to the provisions of this Agreement. The proposed amendment shall enter into force upon acceptance by all Parties.

5. *Relationship between the Agreement and other Agreements*

Nothing in this Agreement shall affect the rights and obligations of Parties under the General Agreement on Tariffs and Trade or the WTO Agreement.⁵

⁵This provision shall apply only among Parties that are Members of the WTO or the GATT.

6. *Withdrawal*

Any Party may withdraw from this Agreement. Such withdrawal shall take effect upon the expiration of sixty days from the date on which written notice of withdrawal is received by the Director-General of the WTO.

7. *Deposit*

Until the entry into force of the WTO Agreement, the text of this Agreement shall be deposited with the Director-General to the CONTRACTING Parties to GATT who shall promptly furnish a certified copy thereof and a notification of each acceptance thereof to each Party. The texts of this Agreement in the English, French and Spanish languages shall all be equally authentic. This Agreement, and any amendments thereto, shall, upon the entry into force of the WTO Agreement, be deposited with the Director-General of the WTO.

8. *Registration*

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

Done at Marrakesh on this fifteenth day of April nineteen hundred and ninety four.



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