

LEXNET

EUROPEAN INFORMATION - SIA

PUBLIC PROCUREMENT

WTO LEGISLATION 2006

Skolas iela 4-11
LV-1010 Riga, Latvia
VAT LV 40003655379

Phone: +371-7039-355
Fax: +371-7039-240
Mobile: +45-2622-0055

E-Mail: pgj@lexnet.dk
Website: www.lexnet.dk
Member: www.eurolex.com

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:

- (a) any conditions for participation in tendering procedures shall be published in adequate

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.

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

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.

the very short term. This provision is intended to cover unusual disposals by firms which are not normally suppliers, or disposal of assets of businesses in liquidation or receivership. It is not intended to cover routine purchases from regular suppliers;

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

2. Entities shall prepare a report in writing on each contract awarded under the provisions of paragraph 1. Each report shall contain the name of the procuring entity, value and kind of goods or services procured, country of origin, and a statement of the conditions in this Article which prevailed. This report shall remain with the entities concerned at the disposal of the government authorities responsible for the entity in order that it may be used if required under the procedures of Articles XVIII, XIX, XX and XXII.

Article XVI

Offsets

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

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

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

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.

situated in countries Parties to this Agreement;

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

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

Article XVIII

Information and Review as Regards Obligations of Entities

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

- (a) the nature and quantity of products or services in the contract award;
- (b) the name and address of the entity awarding the contract;
- (c) the date of award;
- (d) the name and address of winning tenderer;
- (e) the value of the winning award or the highest and lowest offer taken into account in the award of the contract;
- (f) where appropriate, means of identifying the notice issued under paragraph 1 of Article IX or justification according to Article XV for the use of such procedure; and
- (g) the type of procedure used.

2. Each entity shall, on request from a supplier of a Party, promptly provide:

- (a) an explanation of its procurement practices and procedures;
- (b) pertinent information concerning the reasons why the supplier's application to qualify was rejected, why its existing qualification was brought to an end and why it was not selected; and
- (c) to an unsuccessful tenderer, pertinent information concerning the reasons why its tender was not selected and on the characteristics and relative advantages of the tender selected as well as the name of the winning tenderer.

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

4. However, entities may decide that certain information on the contract award, contained in paragraphs 1 and 2(c), be withheld where release of such information would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interest of particular enterprises, public or private, or might prejudice fair competition between suppliers.

Article XIX

Information and Review as Regards Obligations of Parties

1. Each Party shall promptly publish any law, regulation, judicial decision, administrative ruling of general application, and any procedure (including standard contract clauses) regarding government procurement covered by this Agreement, in the appropriate publications listed in Appendix IV and in such a manner as to enable other Parties and suppliers to become acquainted with them. Each Party shall be prepared, upon request, to explain to any other Party its government procurement procedures.
2. The government of an unsuccessful tenderer which is a Party to this Agreement may seek, without prejudice to the provisions under Article XXII, such additional information on the contract award as may be necessary to ensure that the procurement was made fairly and impartially. To this end, the procuring government shall provide information on both the characteristics and relative advantages of the winning tender and the contract price. Normally this latter information may be disclosed by the government of the unsuccessful tenderer provided it exercises this right with discretion. In cases where release of this information would prejudice competition in future tenders, this information shall not be disclosed except after consultation with and agreement of the Party which gave the information to the government of the unsuccessful tenderer.
3. Available information concerning procurement by covered entities and their individual contract awards shall be provided, upon request, to any other Party.
4. Confidential information provided to any Party which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interest of particular enterprises, public or private, or might prejudice fair competition between suppliers shall not be revealed without formal authorization from the party providing the information.
5. Each Party shall collect and provide to the Committee on an annual basis statistics on its procurements covered by this Agreement. Such reports shall contain the following information with respect to contracts awarded by all procurement entities covered under this Agreement:
 - (a) for entities in Annex 1, statistics on the estimated value of contracts awarded, both above and below the threshold value, on a global basis and broken down by entities; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value on a global basis and broken down by categories of entities;
 - (b) for entities in Annex 1, statistics on the number and total value of contracts awarded above the threshold value, broken down by entities and categories of products and services according to uniform classification systems; for entities in Annexes 2 and 3, statistics on the estimated value of contracts awarded above the threshold value broken down by categories of entities and categories of products and services;
 - (c) for entities in Annex 1, statistics, broken down by entity and by categories of products and services, on the number and total value of contracts awarded under each of the cases of Article XV; for categories of entities in Annexes 2 and 3, statistics on the total value of contracts awarded above the threshold value under each of the cases of Article XV; and
 - (d) for entities in Annex 1, statistics, broken down by entities, on the number and total value of contracts awarded under derogations to the Agreement contained in the relevant Annexes; for categories of entities in Annexes 2 and 3, statistics on the total value of contracts awarded under derogations to the Agreement contained in the

relevant Annexes.

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

Article XX

Challenge Procedures

Consultations

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

Challenge

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

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

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

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

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

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

- (g) documents are disclosed to the review body.
7. Challenge procedures shall provide for:
- (a) rapid interim measures to correct breaches of the Agreement and to preserve commercial opportunities. Such action may result in suspension of the procurement process. However, procedures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account in deciding whether such measures should be applied. In such circumstances, just cause for not acting shall be provided in writing;
 - (b) an assessment and a possibility for a decision on the justification of the challenge;
 - (c) correction of the breach of the Agreement or compensation for the loss or damages suffered, which may be limited to costs for tender preparation or protest.
8. With a view to the preservation of the commercial and other interests involved, the challenge procedure shall normally be completed in a timely fashion.

Article XXI

Institutions

1. A Committee on Government Procurement composed of representatives from each of the Parties shall be established. This Committee shall elect its own Chairman and Vice-Chairman and shall meet as necessary but not less than once a year for the purpose of affording Parties the opportunity to consult on any matters relating to the operation of this Agreement or the furtherance of its objectives, and to carry out such other responsibilities as may be assigned to it by the Parties.
2. The Committee may establish working parties or other subsidiary bodies which shall carry out such functions as may be given to them by the Committee.

Article XXII

Consultations and Dispute Settlement

1. The provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes under the WTO Agreement (hereinafter referred to as the "Dispute Settlement Understanding") shall be applicable except as otherwise specifically provided below.
2. If any Party considers that any benefit accruing to it, directly or indirectly, under this Agreement is being nullified or impaired, or that the attainment of any objective of this Agreement is being impeded as the result of the failure of another Party or Parties to carry out its obligations under this Agreement, or the application by another Party or Parties of any measure, whether or not it conflicts with the provisions of this Agreement, it may with a view to reaching a mutually satisfactory resolution of the matter, make written representations or proposals to the other Party or Parties which it considers to be concerned. Such action shall be promptly notified to the Dispute Settlement Body established under the Dispute Settlement Understanding (hereinafter referred to as "DSB"), as specified below. Any Party thus approached shall give sympathetic consideration to the representations or proposals made to it.
3. The DSB shall have the authority to establish panels, adopt panel and Appellate Body reports,

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

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

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

In the case of a dispute in which provisions both of this Agreement and of one or more other Agreements listed in Appendix 1 of the Dispute Settlement Understanding are invoked by one of the parties to the dispute, paragraph 3 shall apply only to those parts of the panel report concerning the interpretation and application of this Agreement.

5. Panels established by the DSB to examine disputes under this Agreement shall include persons qualified in the area of government procurement.

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

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

Article XXIII

Exceptions to the Agreement

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

2. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent any Party from imposing or enforcing measures: necessary to protect public morals,

order or safety, human, animal or plant life or health or intellectual property; or relating to the products or services of handicapped persons, of philanthropic institutions or of prison labour.

Article XXIV

Final Provisions

1. *Acceptance and Entry into Force*

This Agreement shall enter into force on 1 January 1996 for those 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

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.

provisions shall be applied under the auspices of the Committee under this Agreement.

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

4. *Reservations*

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

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.

ON THIS PAGE: [Legal texts](#) [Work in the WTO](#) [Related disputes](#)

[home](#) > [trade topics](#) > [government procurement](#) > [plurilateral agreement](#)



Government procurement: the plurilateral agreement

The Government Procurement Committee oversees the work of the Agreement on Government Procurement (GPA). The GPA is a plurilateral agreement – only some countries (members of the WTO) are parties to this agreement.

See also:

> [Transparency in government procurement](#)
> [Government procurement in services](#)

> [The starting point: How government procurement is exempt from the usual rules](#)

What is the Government Procurement Agreement?

[Brief introduction](#) (in “Understanding the WTO”, the guide to the WTO)

[What the Government Procurement Agreement says](#) – a more detailed and technical overview

[Members and observers](#)

Legal texts [back to top](#)

Browse or download the text of the Agreement on Government Procurement (1994) from the [legal texts gateway](#)

Find decisions of WTO bodies concerning the Agreement on Government Procurement in the [Analytical Index](#) – Guide to WTO Law and Practice

[Appendices to the agreement](#)

The Committee on Government Procurement [back to top](#)

Search Documents Online

Documents of the Committee on Government Procurement use the code GPA/* (where * takes additional values).

These links open a new window: allow a moment for the results to appear.

> [help](#) with downloading these documents

- **Annual reports of the committee to the General Council**
(Document code GPA/* and keyword “report”) > [search](#)
- **Minutes of regular meetings of the Committee on Government Procurement** (Document code GPA/M/*) > [search](#)
- **Working documents on Government Procurement** (Document code GPA/W/*)

Select a year... > [search](#)

- **Thresholds in Appendix I of the Agreement:**
 - as expressed in SDR (Special Drawing Rights)
> [Summary table](#)
 - as expressed in national currencies (Document code GPA/W/* and keyword "Threshold") > [search](#)
- **Applications for accession to the Agreement on Government Procurement** (Document code GPA/* and not (SPEC or W) and keyword "accession") > [search](#)
- **Communications from countries negotiating accession to the Agreement – Notifications of national implementing legislation** (Document GPA/* and keyword "varies") > [search](#)
- **Certifications of modifications to the GPA** (Document code WT/LET/* and keyword "varies") > [search](#)
- **Certification of replacement pages of the Loose-Leaf System for Appendices to the Agreement** (Document code WT/LET/* and keyword "varies") > [search](#)
- **Rules and procedures of the Agreement on Government Procurement (1994)** (Document code GPA/* and keyword "Rules and Procedures or procedural") > [search](#)

You can perform more sophisticated searches from the [Documents Online search facility](#) (opens in new window) by defining multiple search criteria such as document symbol (i.e. code number), full text search or document date.

[Implementing Legislation of GPA Parties](#)

[Decisions of the committee](#)

[Statistical information](#)

Related disputes [back to top](#)

[Dispute Settlement](#) cases related to government procurement

> [Back to the full listing of government procurement material](#)

contact us : World Trade Organization, rue de Lausanne 154, CH-1211 Geneva 21, Switzerland



GOVERNMENT PROCUREMENT: THE PLURILATERAL AGREEMENT

Thresholds in Annexes 1, 2 and 3 of Appendix 1 of the Government Procurement Agreement (expressed in SDR)

SEE ALSO: > [Thresholds in Appendix I of the Agreement as expressed in national currencies](#)

SDR (Special Drawing Rights)

COUNTRY	ANNEX 1		ANNEX 2		ANNEX 3				
	Goods	Services except construction services	Construction services	Goods	Services except construction services	Construction services			
Canada	130,000	130,000	5,000,000	355,000	5,000,000	355,000	5,000,000	355,000	5,000,000
European Communities (and its 15 member States)	130,000	130,000	5,000,000	200,000	5,000,000	400,000	400,000	400,000	5,000,000
Hong Kong, China	130,000	130,000	5,000,000	200,000	5,000,000	400,000	400,000	400,000	5,000,000
Iceland	130,000	130,000	5,000,000	200,000	5,000,000	400,000	400,000	400,000	5,000,000
Israel	130,000	130,000	8,500,000	250,000	8,500,000	355,000	355,000	355,000	8,500,000
Japan	130,000	130,000	4,500,000	200,000	15,000,000	130,000	130,000	130,000	15,000,000
			Architectural services: 450,000		Architectural services: 1,500,000				Architectural services: 450,000
Korea	130,000	130,000	5,000,000	200,000	15,000,000	450,000	450,000	450,000	15,000,000
Liechtenstein	130,000	130,000	5,000,000	200,000	5,000,000	400,000	400,000	400,000	5,000,000
Netherlands- Aruba	130,000	130,000	5,000,000	n.a.	n.a.	400,000	400,000	400,000	5,000,000
Norway	130,000	130,000	5,000,000	200,000	5,000,000	400,000	400,000	400,000	5,000,000
Singapore	130,000	130,000	5,000,000	200,000	5,000,000	400,000	400,000	400,000	5,000,000
Switzerland	130,000	130,000	5,000,000	200,000	5,000,000	400,000	400,000	400,000	5,000,000
United States	130,000	130,000	5,000,000	355,000	5,000,000	250,000 or 400,000	250,000 or 400,000	250,000 or 400,000	5,000,000

Annex 1: Central government entities

Annex 2: Sub-central government entities

Annex 3: All other entities which procure in accordance with the Agreement, in general public enterprises or public authorities such as utilities.

contact us : World Trade Organization, rue de Lausanne 154, CH-1211 Geneva 21, Switzerland

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 150

1 - 102

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
06-0018 	U	GPA/W/295/Add.3 Catalogue record	Committee on Government Procurement - The thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - Canada - Addendum Preview (HTML)	04/01/2006 New (F)	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	--
05-5939 	U	GPA/W/295/Add.2 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - United States - Addendum Preview (HTML)	14/12/2005	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
05-5833 	U	GPA/W/295/Add.1 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - Singapore - Addendum Preview (HTML)	08/12/2005	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
05-5771 	U	GPA/W/295 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - Hong Kong, China Preview (HTML)	05/12/2005	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
04-2954	U	GPA/W/285/Add.9 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National	08/07/2004	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>

				Currencies for 2004 - 2005 - Israel - Addendum Preview (HTML)	2 p. 49KB	1 p. 48KB	2 p. 46KB	
04-2624	U	GPA/W/168/Add.8 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002 - 2003 - Netherlands with R[...]/spect to ARUBA Addendum Preview (HTML)	17/06/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 47KB	1 p. 44KB	1 p. 44KB
04-2628	U	GPA/W/285/Add.8 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Netherlands With R[...]/th Respect to Aruba - Addendum Preview (HTML)	17/06/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 46KB	1 p. 45KB	1 p. 44KB
04-1439	U	GPA/W/285/Add.7 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Switzerland - Addendum Preview (HTML)	30/03/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						2 p. 50KB	2 p. 50KB	2 p. 50KB
04-1132	U	GPA/W/285/Add.6 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Norway - Addendum Preview (HTML)	15/03/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 47KB	1 p. 47KB	1 p. 46KB
04-0403	U	GPA/W/285/Add.5 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2006 - Japan - Addendum Preview (HTML)	04/02/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						2 p. 52KB	2 p. 47KB	2 p. 47KB
04-0316	U	GPA/W/285/Add.4 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - European Communities - Addendum Preview (HTML)	29/01/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 44KB	1 p. 41KB	1 p. 42KB
04-0063	U	GPA/W/285/Add.3 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - United States - Addendum Preview (HTML)	08/01/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						2 p. 35KB	2 p. 47KB	2 p. 52KB
03-6531	U	GPA/W/285/Add.2 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Canada - Addendum Preview (HTML)	10/12/2003	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 30KB	1 p. 26KB	1 p. 38KB
03-6333	U	GPA/W/285/Add.1 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Hong Kong, China - Addendum Preview (HTML)	28/11/2003	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						2 p. 37KB	2 p. 39KB	2 p. 36KB
03-6166	U	GPA/W/285 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Singapore Preview (HTML)	18/11/2003	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						2 p.	2 p.	2 p.

	03-1008	U	GPA/W/251 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2003 - 2004 - Republic of Korea Preview (HTML)	18/02/2003	35KB E <input checked="" type="checkbox"/>	34KB E <input type="checkbox"/>	32KB S <input type="checkbox"/>
	02-7012	U	GPA/W/168/Add.7 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002 - 2003 - Norway - Addendum Preview (HTML)	19/12/2002	1 p. 32KB E <input checked="" type="checkbox"/>	1 p. 28KB E <input type="checkbox"/>	1 p. 29KB S <input type="checkbox"/>
	02-4295	U	GPA/W/168/Add.6 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002 - 2003 - United States - Addendum Preview (HTML)	05/08/2002	1 p. 33KB E <input checked="" type="checkbox"/>	1 p. 32KB E <input type="checkbox"/>	1 p. 28KB S <input type="checkbox"/>
	02-3299	U	GPA/W/168/Add.5 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002/03 - European Community - Addendum Preview (HTML)	13/06/2002	1 p. 33KB E <input checked="" type="checkbox"/>	1 p. 28KB E <input type="checkbox"/>	1 p. 28KB S <input type="checkbox"/>
	01-2251	D	GPA/W/101/Add.9 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000/2001 - Netherlands with Res[...] Respect to Aruba - Addendum Preview (HTML)	02/05/2001	1 p. 32KB E <input checked="" type="checkbox"/>	1 p. 32KB E <input type="checkbox"/>	1 p. 29KB S <input type="checkbox"/>
	01-1334	D	GPA/W/130/Corr.1 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2001 - 2002 - Korea - Corrigendum Preview (HTML)	19/03/2001	1 p. 28KB E <input checked="" type="checkbox"/>	--	--
	01-1279	D	GPA/W/130 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2001 - 2002 - Korea Preview (HTML)	15/03/2001	1 p. 31KB E <input checked="" type="checkbox"/>	1 p. 27KB E <input type="checkbox"/>	1 p. 28KB S <input type="checkbox"/>
	01-0344	D	GPA/W/101/Add.8 Catalogue record	Committee on Government Procurement - The Thresholds in Appendices I and II of the Agreement as Expressed in National Currencies for 2001 - Switzerland - Addendum Preview (HTML)	23/01/2001	1 p. 32KB E <input checked="" type="checkbox"/>	1 p. 33KB E <input type="checkbox"/>	1 p. 29KB S <input type="checkbox"/>
	00-5539	D	GPA/W/101/Add.7 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - 2001 - Liechtenstein - Addendum Preview (HTML)	19/12/2000	1 p. 32KB E <input checked="" type="checkbox"/>	1 p. 34KB E <input type="checkbox"/>	1 p. 30KB S <input type="checkbox"/>
	00-5401	D	GPA/W/101/Add.6 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000-2001- Israel - Addendum Preview (HTML)	13/12/2000	1 p. 31KB E <input checked="" type="checkbox"/>	2 p. 31KB E <input type="checkbox"/>	1 p. 30KB S <input type="checkbox"/>
	00-4847	D	GPA/W/101/Add.5	Committee on Government Procurement - Thresholds in	15/11/2000	E	E	S

		Catalogue record	Appendix I of the GPA as Expressed in National Currencies for the Period 2000 - 2001 - United States - Addendum Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 33KB	1 p. 31KB	1 p. 29KB
00-3782	D	GPA/W/101/Add.4 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - Norway - Addendum Preview (HTML)	21/09/2000	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2 p. 32KB	2 p. 32KB	2 p. 30KB
00-0902	D	GPA/W/101/Add.3 Catalogue record	Committee on Government Procurement - The Thresholds in Appendices I and II of the Agreement as Expressed in National Currencies for 2000 - Switzerland - Addendum Preview (HTML)	09/03/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 32KB	1 p. 33KB	1 p. 31KB
00-0788	D	GPA/W/101/Add.2 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - 2002 - Japan - Addendum Preview (HTML)	02/03/2000	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2 p. 33KB	2 p. 34KB	2 p. 29KB
00-0486	D	GPA/W/101/Add.1 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - 2001 - Canada - Addendum Preview (HTML)	09/02/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 30KB	1 p. 29KB	1 p. 28KB
00-0027	D	GPA/W/101 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000-2001 - Hong Kong, China Preview (HTML)	05/01/2000	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2 p. 39KB	2 p. 39KB	2 p. 35KB
99-0554	D	GPA/W/12/Add.7/Rev.2 Catalogue record	Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1997/1998 - Republic of Korea - Revision Preview (HTML)	11/02/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 37KB	2 p. 37KB	2 p. 34KB
99-0536	D	GPA/W/81 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1999/2000 - Korea Preview (HTML)	11/02/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 35KB	2 p. 36KB	2 p. 36KB
99-0119	D	GPA/W/12/Add.7/Rev.1 Catalogue record	Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1997/1998 - Republic of Korea - Revision Preview (HTML)	18/01/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 37KB	2 p. 39KB	2 p. 33KB
98-3288	D	GPA/W/66/Add.7 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Israel Preview (HTML)	21/08/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 31KB	2 p. 31KB	1 p. 29KB

Pages: [previous](#) [next](#)

Query= ((@meta_Symbol GPA/W/*) and (@meta_Title Threshold*))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Displaying: 1 - 102

Number of hits per page

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 150

103 - 150

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
98-2790 	D	GPA/W/66/Add.5 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - United States Preview (HTML)	15/07/1998	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
98-2800 	D	GPA/W/66/Add.6 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Norway Preview (HTML)	15/07/1998	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
98-2455 	D	GPA/W/66/Add.4 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Singapore Preview (HTML)	17/06/1998	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
98-1622 	D	GPA/W/66/Add.3 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Canada Preview (HTML)	22/04/1998	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
98-1180	D	GPA/W/66/Add.2 Catalogue record	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National	25/03/1998	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>

				Currencies for 1998/1999 - Addendum - Japan Preview (HTML)	2 p. 25KB	2 p. 26KB	2 p. 29KB
98-0557	D	GPA/W/66/Add.1 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - European Community Preview (HTML)	17/02/1998 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
98-0053	D	GPA/W/66 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Hong Kong, China Preview (HTML)	09/01/1998 E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
97-3241	D	GPA/W/12/Add.8 Catalogue record		Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 - Hong Kong, China Preview (HTML)	30/07/1997 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
97-0328	D	GPA/W/12/Add.7 Catalogue record		Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 - Republic of Korea Preview (HTML)	30/01/1997 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
96-3854	D	GPA/W/12/Add.6 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 Preview (HTML)	26/09/1996 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
96-3805	D	GPA/W/12/Add.4 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 Preview (HTML)	25/09/1996 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
96-3806	D	GPA/W/12/Add.5 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 Preview (HTML)	25/09/1996 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
96-2362	D	GPA/W/12/Add.3 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 Preview (HTML)	21/06/1996 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
96-2093	D	GPA/W/12/Add.2 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996 / 1997 Preview (HTML)	04/06/1996 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
96-2038	D	GPA/W/12/Add.1 Catalogue record		Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 Preview (HTML)	30/05/1996 E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>

96-1388


D

GPA/W/12
[Catalogue record](#)

Committee on Government Procurement - The Thresholds 17/04/1996
in Appendix I of the Agreement as Expressed in National
Currencies for 1996/1997
[Preview \(HTML\)](#)

E	E	S
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1 p. 24KB	1 p. 25KB	1 p. 24KB

Pages: [previous](#) [next](#)

Query= ((@meta_Symbol GPA/W/*) and (@meta_Title Threshold*))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Displaying: 103 - 150

Number of hits per page

Search results							
Submitted: 09/01/2006 9:19:14 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 4 KB	06-0018	GPA/W/295/Add.3	Committee on Government Procurement - The thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - Canada - Addendum	04/01/2006	1	U	T/PLURI/GPA/W295A3.doc
2 4 KB	05-5939	GPA/W/295/Add.2	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - United States - Addendum	14/12/2005	1	U	T/PLURI/GPA/W295A2.doc
3 5 KB	05-5833	GPA/W/295/Add.1	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - Singapore - Addendum	08/12/2005	2	U	T/PLURI/GPA/W295A1.doc
4 6 KB	05-5771	GPA/W/295	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2006-2007 - Hong Kong, China	05/12/2005	2	U	T/PLURI/GPA/W295.doc
5 4 KB	04-2954	GPA/W/285/Add.9	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Israel - Addendum	08/07/2004	2	U	T/PLURI/GPA/W285A9.doc
6 4 KB	04-2624	GPA/W/168/Add.8	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002 - 2003 - Netherlands with respect to Aruba - Addendum netherlands With Re/.../spect to ARUBA Addendum	17/06/2004	1	U	T/PLURI/GPA/W168A8.doc
7 4 KB	04-2628	GPA/W/285/Add.8	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Netherlands With Respect to Aruba - Addendum	17/06/2004	1	U	T/PLURI/GPA/W285A8.doc
8 4 KB	04-1439	GPA/W/285/Add.7	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - Switzerland - Addendum	30/03/2004	2	U	T/PLURI/GPA/W285A7.doc
9 4 KB	04-1132	GPA/W/285/Add.6	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Norway - Addendum	15/03/2004	1	U	T/PLURI/GPA/W285A6.doc

10 4 KB	04-0403	GPA/W/285/Add.5	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2006 - Japan - Addendum	04/02/2004	2	U	T/PLURI/GPA/W285A5.doc
11 4 KB	04-0316	GPA/W/285/Add.4	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - European Communities - Addendum	29/01/2004	1	U	T/PLURI/GPA/W285A4.doc
12 5 KB	04-0063	GPA/W/285/Add.3	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - United States - Addendum	08/01/2004	2	U	T/PLURI/GPA/W285A3.doc
13 4 KB	03-6531	GPA/W/285/Add.2	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Canada - Addendum	10/12/2003	1	U	T/PLURI/GPA/W285A2.doc
14 6 KB	03-6333	GPA/W/285/Add.1	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Hong Kong, China - Addendum	28/11/2003	2	U	T/PLURI/GPA/W285A1.doc
15 5 KB	03-6166	GPA/W/285	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2004 - 2005 - Singapore	18/11/2003	2	U	T/PLURI/GPA/W285.doc
16 4 KB	03-1008	GPA/W/251	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2003 - 2004 - Republic of Korea	18/02/2003	1	U	T/PLURI/GPA/W251.doc
17 4 KB	02-7012	GPA/W/168/Add.7	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002 - 2003 - Norway - Addendum	19/12/2002	1	U	T/PLURI/GPA/W168A7.doc
18 4 KB	02-4295	GPA/W/168/Add.6	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002 - 2003 - United States - Addendum	05/08/2002	1	U	T/PLURI/GPA/W168A6.doc
19 4 KB	02-3299	GPA/W/168/Add.5	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2002/03 - European Community - Addendum	13/06/2002	1	U	T/PLURI/GPA/W168A5.doc
20 4 KB	01-2251	GPA/W/101/Add.9	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National	02/05/2001	1	D	T/PLURI/GPA/W101A9.doc

			Currencies for 2000/2001 - Netherlands with Respect to Aruba - Addendum				
21 3 KB	01-1334	GPA/W/130/Corr.1	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2001 - 2002 - Korea - Corrigendum	19/03/2001	1	D	T/PLURI/GPA/W130C1.doc
22 4 KB	01-1279	GPA/W/130	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2001 - 2002 - Korea	15/03/2001	1	D	T/PLURI/GPA/W130.doc
23 4 KB	01-0344	GPA/W/101/Add.8	Committee on Government Procurement - The Thresholds in Appendices I and II of the Agreement as Expressed in National Currencies for 2001 - Switzerland - Addendum	23/01/2001	1	D	T/PLURI/GPA/W101A8.doc
24 4 KB	00-5539	GPA/W/101/Add.7	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - 2001 - Liechtenstein - Addendum	19/12/2000	1	D	T/PLURI/GPA/W101A7.doc
25 4 KB	00-5401	GPA/W/101/Add.6	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000-2001- Israel - Addendum	13/12/2000	1	D	T/PLURI/GPA/W101A6.doc
26 4 KB	00-4847	GPA/W/101/Add.5	Committee on Government Procurement - Thresholds in Appendix I of the GPA as Expressed in National Currencies for the Period 2000 - 2001 - United States - Addendum	15/11/2000	1	D	T/PLURI/GPA/W101A5.doc
27 4 KB	00-3782	GPA/W/101/Add.4	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - Norway - Addendum	21/09/2000	2	D	T/PLURI/GPA/W101A4.doc
28 4 KB	00-0902	GPA/W/101/Add.3	Committee on Government Procurement - The Thresholds in Appendices I and II of the Agreement as Expressed in National Currencies for 2000 - Switzerland - Addendum	09/03/2000	1	D	T/PLURI/GPA/W101A3.DOC
29 4 KB	00-0788	GPA/W/101/Add.2	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - 2002 - Japan - Addendum	02/03/2000	2	D	T/PLURI/GPA/W101A2.doc
30 4 KB	00-0486	GPA/W/101/Add.1	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 2000 - 2001 - Canada - Addendum	09/02/2000	1	D	T/PLURI/GPA/W101A1.DOC
31 6 KB	00-0027	GPA/W/101	Committee on Government Procurement - The Thresholds in Appendix I of the	05/01/2000	2	D	T/PLURI/GPA/W101.DOC

			Agreement as Expressed in National Currencies for 2000-2001 - Hong Kong, China				
32 6 KB	99-0554	GPA/W/12/Add.7/Rev.2	Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1997/1998 - Republic of Korea - Revision	11/02/1999	2	D	T/PLURI/GPA/W12A7R2.DOC
33 5 KB	99-0536	GPA/W/81	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1999/2000 - Korea	11/02/1999	2	D	T/PLURI/GPA/W81.DOC
34 6 KB	99-0119	GPA/W/12/Add.7/Rev.1	Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1997/1998 - Republic of Korea - Revision	18/01/1999	2	D	T/PLURI/GPA/W12A7R1.DOC
35 4 KB	98-3288	GPA/W/66/Add.7	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Israel	21/08/1998	1	D	T/PLURI/GPA/W66A7.DOC
((@meta_Symbol GPA/W/*) and (@meta_Title Threshold*)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part [A], meta_serial_num							
Result of the search: 150 (for 35 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

Search results							
Submitted: 09/01/2006 9:21:49 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 4 KB	98-2790	GPA/W/66/Add.5	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - United States	15/07/1998	1	D	T/PLURI/GPA/W66A5.DOC
2 4 KB	98-2800	GPA/W/66/Add.6	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Norway	15/07/1998	1	D	T/PLURI/GPA/W66A6.DOC
3 5 KB	98-2455	GPA/W/66/Add.4	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Singapore	17/06/1998	2	D	T/PLURI/GPA/W66A4.DOC
4 4 KB	98-1622	GPA/W/66/Add.3	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Canada	22/04/1998	1	D	T/PLURI/GPA/W66A3.WPF
5 4 KB	98-1180	GPA/W/66/Add.2	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - Japan	25/03/1998	2	D	T/PLURI/GPA/W66A2.WPF
6 5 KB	98-0557	GPA/W/66/Add.1	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Addendum - European Community	17/02/1998	2	D	T/PLURI/GPA/W66A1.WPF
7 6 KB	98-0053	GPA/W/66	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1998/1999 - Hong Kong, China	09/01/1998	3	D	T/PLURI/GPA/W66.WPF
8 5 KB	97-3241	GPA/W/12/Add.8	Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 - Hong Kong, China	30/07/1997	2	D	T/PLURI/GPA/W12A8.WPF
9 6 KB	97-0328	GPA/W/12/Add.7	Committee on Government Procurement - The Threshold in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997 - Republic of Korea	30/01/1997	2	D	T/PLURI/GPA/W12A7.WPF
10 6 KB	96-3854	GPA/W/12/Add.6	Committee on Government Procurement - The Thresholds in Appendix I of the	26/09/1996	2	D	T/PLURI/GPA/W12A6.WPF

			Agreement as Expressed in National Currencies for 1996/1997				
11 4 KB	96-3805	GPA/W/12/Add.4	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997	25/09/1996	2	D	T/PLURI/GPA/W12A4.WPF
12 3 KB	96-3806	GPA/W/12/Add.5	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997	25/09/1996	2	D	T/PLURI/GPA/W12A5.WPF
13 3 KB	96-2362	GPA/W/12/Add.3	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997	21/06/1996	1	D	T/PLURI/GPA/W12A3.WPF
14 5 KB	96-2093	GPA/W/12/Add.2	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996 / 1997	04/06/1996	2	D	T/PLURI/GPA/W12A2.WPF
15 4 KB	96-2038	GPA/W/12/Add.1	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997	30/05/1996	2	D	T/PLURI/GPA/W12A1.WPF
16 3 KB	96-1388	GPA/W/12	Committee on Government Procurement - The Thresholds in Appendix I of the Agreement as Expressed in National Currencies for 1996/1997	17/04/1996	1	D	T/PLURI/GPA/W12.WPF
((@meta_Symbol GPA/W/*) and (@meta_Title Threshold*)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num							
Result of the search: 150 (for 16 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

WORLD TRADE ORGANIZATION

GPA/W/295/Add.3

4 January 2006

(06-0018)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2006-2007

CANADA

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2006-2007.

The information notified by Canada is reproduced below.

Pursuant to the agreed procedures (GPA/1, Annex 3), Canada submits its notification of threshold figures in the national currency for the period 1 January 2006 to 31 December 2007 for Annex 1 of Appendix I of the Agreement on Government Procurement. This information was also published on 16 December 2005 in Contracting Policy Notice 2005-3 on the Treasury Board Canada Secretariat website at <http://www.tbs-sct.gc.ca/>.

Annex 1 Entities	Threshold Value (SDR)	Threshold Value in Canadian Dollars
Goods	130,000	245,000
Services	130,000	245,000
Construction	5,000,000	9,400,000

WORLD TRADE ORGANIZATION

GPA/W/295/Add.2
14 December 2005

(05-5939)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2006-2007

UNITED STATES

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), the United States notifies the Committee on Government Procurement of the U.S. thresholds for the period 2006-2007. These thresholds are effective via a Federal Register notice published December 12, 2005 (70 Fed. Reg. 73510).

ANNEX 1

	Threshold Value (SDR)	Threshold Value in U.S. Dollars
1. Goods and services	130,000	193,000
2. Construction services	5,000,000	7,407,000

ANNEX 2

	Threshold Value (SDR)	Threshold Value in U.S. Dollars
1. Goods and services	355,000	526,000
2. Construction services	5,000,000	7,407,000

ANNEX 3

	Threshold Value (SDR)	Threshold Value in U.S. Dollars
1. Goods and services (except entities identified in Annex 3 to which the threshold of US\$250,000 applies)	400,000	593,000
2. Construction services	5,000,000	7,407,000

**THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED
IN NATIONAL CURRENCIES FOR 2006-2007**

SINGAPORE

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2006-2007.

The information notified by Singapore is reproduced below.

1. Calculation of threshold figures in national currency

Annex 1 Entities	Threshold Value (SDR)	Threshold Value in Singapore Dollars (rounded)
1. Goods and services other than construction services	130,000	323,800
2. Construction services	5,000,000	12,454,000

Annex 3 Entities	Threshold Value (SDR)	Threshold Value in Singapore Dollars (rounded)
1. Goods and services other than construction services	400,000	996,300
2. Construction services	5,000,000	12,454,000

2. Method of calculation

The calculation of national threshold is based on the monthly average exchange rate of SDR to Singapore Dollars over 24 months from October 2003 to September 2005.

Month	Exchange Rate of Singapore Dollars to 1 SDR	Month	Exchange Rate of Singapore Dollars to 1 SDR
October 2003	2.4863	October 2004	2.4911
November 2003	2.5006	November 2004	2.5215
December 2003	2.5273	December 2004	2.5373
January 2004	2.5212	January 2005	2.4932
February 2004	2.5209	February 2005	2.4919
March 2004	2.4858	March 2005	2.4926
April 2004	2.4736	April 2005	2.4987
May 2004	2.4958	May 2005	2.4540
June 2004	2.5165	June 2005	2.4518
July 2004	2.5136	July 2005	2.4131
August 2004	2.5022	August 2005	2.4585
September 2004	2.4838	September 2005	2.4483

Source: International Financial Statistics, IMF

The average exchange rate of SDR to Singapore Dollars is:

Singapore Dollar 59.7796 / 24 months = Singapore Dollar 2.4908

WORLD TRADE ORGANIZATION

GPA/W/295
5 December 2005

(05-5771)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2006-2007

HONG KONG, CHINA

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2006-2007.

The information notified by Hong Kong, China is reproduced below.

1. Calculation of threshold figures in Hong Kong Dollars (HKD)

Annex 1 Entities	Threshold Value in SDR	Threshold Value in HKD
1. Goods and services other than construction services	130,000	1,499,000
2. Construction services	5,000,000	57,636,000

Annex 3 Entities	Threshold Value in SDR	Threshold Value in HKD
1. Goods and services other than construction services	400,000	4,611,000
2. Construction services	5,000,000	57,636,000

2. Method of calculation

The calculation of threshold figures in HKD is based on the monthly average exchange rate of SDR to HKD over 24 months from November 2003 to October 2005.

Period (Month/Year)	Average HKD Equivalent of SDR	No. of Days	HKD Equivalent
November 2003	11.13168	30	333.95040
December 2003	11.39197	31	353.15107
January 2004	11.57831	31	358.92761
February 2004	11.63364	29	337.37556
March 2004	11.47777	31	355.81087

./.

Period (Month/Year)	Average HKD Equivalent of SDR	No. of Days	HKD Equivalent
April 2004	11.38941	30	341.68230
May 2004	11.31363	31	350.72253
June 2004	11.42621	30	342.78630
July 2004	11.48745	31	356.11095
August 2004	11.42530	31	354.18430
September 2004	11.42164	30	342.64920
October 2004	11.52297	31	357.21207
November 2004	11.76995	30	353.09850
December 2004	11.97792	31	371.31552
January 2005	11.88122	31	368.31782
February 2005	11.83529	28	331.38812
March 2005	11.89597	31	368.77507
April 2005	11.77841	30	353.35230
May 2005	11.66428	31	361.59268
June 2005	11.41035	30	342.31050
July 2005	11.27142	31	349.41402
August 2005	11.39944	31	353.38264
September 2005	11.37956	30	341.38680
October 2005	11.21052	31	347.52612
TOTAL		731	8,426.42325

HKD equivalent of SDR for the 24-month period preceding November 2005:

$$8,426.42325 \div 731 = 11.5272548$$

$$\text{that is, 1 SDR} = \text{HKD } 11.5272548$$

WORLD TRADE ORGANIZATION

GPA/W/285/Add.9

8 July 2004

(04-2954)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2004-2005

ISRAEL

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds.

The information notified by Israel for 2004-2005 is reproduced below.

1. Calculation of threshold figures in US\$

ANNEX 1

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	130,000	175,000
Services	130,000	175,000
Construction	8,500,000	11,450,000

ANNEX 2

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	250,000	337,000
Services	250,000	337,000
Construction	8,500,000	11,450,000

ANNEX 3

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	355,000	478,000
Services	355,000	478,000
Construction	8,500,000	11,450,000

2. Method of calculation

The calculation of the thresholds of the WTO Agreement, expressed in US\$ has been based on the average monthly SDR to US\$ exchange rate over 24 months from 1 January 2002 to 1 January 2004 (1 SDR = 1.347 US\$).

WORLD TRADE ORGANIZATION

GPA/W/168/Add.8

17 June 2004

(04-2624)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2002-2003

NETHERLANDS WITH RESPECT TO ARUBA

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds.

The information notified by the Netherlands with respect to Aruba for 2002-2003 is reproduced below.

ANNEX 1

	SDRs	US\$	AWG ¹
Supplies	130,000	169,000	304,200
Services	130,000	169,000	304,200
Works	5,000,000	6,481,000	11,665,800

ANNEX 3

	SDRs	US\$	AWG ¹
Supplies	400,000	518,000	932,400
Services	400,000	518,000	932,400
Works	5,000,000	6,481,000	11,665,800

¹ AWG = Aruban Guilders.

WORLD TRADE ORGANIZATION

GPA/W/285/Add.8

17 June 2004

(04-2628)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2004-2005

NETHERLANDS WITH RESPECT TO ARUBA

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds.

The information notified by the Netherlands with respect to Aruba for 2004-2005 is reproduced below.

ANNEX 1

	SDRs	US\$	AWG ¹
Supplies	130,000	175,000	315,000
Services	130,000	175,000	315,000
Works	5,000,000	6,725,000	12,105,000

ANNEX 3

	SDRs	US\$	AWG ¹
Supplies	400,000	538,000	968,400
Services	400,000	538,000	968,400
Works	5,000,000	6,725,000	12,105,000

¹ AWG = Aruban Guilders.

WORLD TRADE ORGANIZATION

GPA/W/285/Add.7
30 March 2004

(04-1439)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2004

SWITZERLAND

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds.

The information notified by Switzerland for 2004 is reproduced below.

THRESHOLD VALUES FOR THE YEAR 2004¹

Annex 1 Entities

	SDRs	Converted to Sw F
Goods	130,000	248,950
Services	130,000	248,950
Construction	5,000,000	9,575,000

Annex 2 Entities

	SDRs	Converted to Sw F
Goods	200,000	383,000
Services	200,000	383,000
Construction	5,000,000	9,575,000

¹ SDR 1.0 = Sw F (Swiss Francs) 1.987. The average monthly value of the SDR in Swiss Francs from September 2001 through August 2003 (24 months) was Sw F 1.987. This calculation is based on data published by the Swiss National Bank. The monthly average is 3.7% higher than the basis (from Sw F 1.915, average Oct. 1993-Sept. 1995). Despite having the factual basis to modify the value in Swiss francs (increase in this case), Switzerland follows a policy aimed at maintaining the Swiss franc value: (a) to facilitate the implementation of the Agreement by the thousands of purchasing entities; and (b) to avoid regular modifications linked with the fluctuations of the Swiss franc/SDR value which have tended over the past few years to offset each other. The value of the thresholds in Sw F has been expressed without the value-added tax (VAT) because Switzerland excludes VAT when calculating the value of contracts.

Annex 3 Entities

	SDRs	Converted to Sw F
Goods	400,000	766,000
Services	400,000	766,000
Construction	5,000,000	9,575,000

WORLD TRADE ORGANIZATION

GPA/W/285/Add.6

15 March 2004

(04-1132)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2004-2005

NORWAY

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds.

The information notified by Norway for the period 2004-2005 is reproduced below.

The calculation of the threshold values of the Agreement on Government Procurement in Nkr has been based on the average daily exchange rates of SDR to Nkr and EURO to Nkr over 24 months from September 2001 through August 2003.

The thresholds are effective from 9 February 2004.

Annex 1

	Threshold in GPA in SDR	Threshold in GPA in Nkr
1. Goods and services	130,000	1,187,448
2. Construction services	5,000,000	45,671,141

Annex 2

	Threshold in GPA in SDR	Threshold in GPA in Nkr
1. Goods and services	200,000	1,826,846
2. Construction services	5,000,000	45,671,141

Annex 3

	Threshold in GPA in SDR	Threshold in GPA in Nkr
1. Goods and services	400,000	3,653,692
2. Construction services	5,000,000	45,671,141

WORLD TRADE ORGANIZATION

GPA/W/285/Add.5
4 February 2004

(04-0403)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2004-2006

JAPAN

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds.

The information notified by Japan for the period 2004-2006 is reproduced below.

The thresholds listed below will be effective for the period from 1 April 2004 (the beginning of FY 2004) until 31 March 2006 (the end of FY 2005).

Annex 1 (Central Government Entities)

	SDRs	YEN
1. Products	130,000	21,000,000
2. Services other than 3 and 4	130,000	21,000,000
3. Architectural, Engineering and Other Technical Services related to 4	450,000	73,000,000
4. Construction Services	4,500,000	730,000,000

Annex 2 (Sub-Central Government Entities)

	SDRs	YEN
1. Products	200,000	32,000,000
2. Services other than 3 and 4	200,000	32,000,000
3. Architectural, Engineering and Other Technical Services related to 4	1,500,000	240,000,000
4. Construction Services	15,000,000	2,430,000,000

Annex 3 (All Other Entities)

	SDRs	YEN
1. Products	130,000	21,000,000
2. Services other than 3 and 4	130,000	21,000,000
3. Architectural, Engineering and Other Technical Services related to 4	450,000	73,000,000
4. Construction Services for Entities in Group A except Japan Post	15,000,000	2,430,000,000
5. Construction Services for Japan Post and Entities in Group B	4,500,000	730,000,000

WORLD TRADE ORGANIZATION

GPA/W/285/Add.4
29 January 2004

(04-0316)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2004-2005

EUROPEAN COMMUNITIES

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2004-2005.

The information notified by the European Communities is reproduced below.

THRESHOLDS FOR THE PERIOD 2004-2005¹

SDR	130,000	200,000	400,000	5,000,000
EUR	154,014	236,945	473,890	5,923,624
Dansk krone	1,144,617	1,760,949	3,521,898	44,023,723
Svensk krona	1,421,076	2,186,270	4,372,541	54,656,757
Pound sterling	99,695	153,376	306,753	3,834,411

¹ The calculation of the thresholds of the Agreement on Government Procurement, expressed in EUR and in national currencies, has been based on the average monthly SDR to EUR exchange rate over 24 months from September 2001 through August 2003 (1 EUR = 0,746972 SDR).

The value of the thresholds in EUR and in national currencies has been expressed without the value-added tax (VAT) because the Community excludes VAT when calculating the value of contracts.

WORLD TRADE ORGANIZATION

GPA/W/285/Add.3
8 January 2004

(04-0063)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2004-2005

UNITED STATES

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2004-2005.

The information notified by the United States is reproduced below.

In pursuance of the agreed procedures (GPA/1, Annex 3), the United States notifies the Committee on Government Procurement of the US thresholds for the period 2004-2005. These thresholds are effective via a Federal Register notice published 19 December 2003 (68 Fed. Reg. 70861).

ANNEX 1

	Threshold Value (SDR)	Threshold Value in US Dollars
1. Goods and services	130,000	175,000
2. Construction services	5,000,000	6,725,000

ANNEX 2

	Threshold Value (SDR)	Threshold Value in US Dollars
1. Goods and services	355,000	477,000
2. Construction services	5,000,000	6,725,000

ANNEX 3

	Threshold Value (SDR)	Threshold Value in US Dollars
1. Goods and services (except entities identified in Annex 3 to which the threshold of US\$250,000 applies)	400,000	538,000
2. Construction services	5,000,000	6,725,000

**THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED
IN NATIONAL CURRENCIES FOR 2004-2005**

CANADA

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2004-2005.

The information notified by Canada is reproduced below.

Pursuant to the agreed procedures (GPA/1, Annex 3), Canada submits its notification of threshold figures in the national currency for the period 1 January 2004 to 31 December 2005 for Annex 1 of Appendix I of the Agreement on Government Procurement. This information was also published on 3 December 2003 in Contracting Policy Notice 2003-6 on the Treasury Board Canada Secretariat website at <http://www.tbs-sct.gc.ca/>.

Annex 1 Entities	Threshold Value (SDR)	Threshold Value in Canadian Dollars
Goods	130,000	261,300
Services	130,000	261,300
Construction	5,000,000	10,000,000

**THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED
IN NATIONAL CURRENCIES FOR 2004-2005**

HONG KONG, CHINA

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2004-2005.

The information notified by Hong Kong, China is reproduced below.

1. Calculation of threshold figures in national currency

Annex 1 Entities	Threshold Value (SDR)	Threshold Value in Hong Kong Dollars
1. Goods and services other than construction services	130,000	1,351,000
2. Construction services	5,000,000	51,951,000

Annex 3 Entities	Threshold Value (SDR)	Threshold Value in Hong Kong Dollars
1. Goods and services other than construction services	400,000	4,156,000
2. Construction services	5,000,000	51,951,000

2. Method of calculation

The calculation of national threshold is based on the monthly average exchange rate of SDR to Hong Kong Dollars (HKD) over 24 months from November 2001 to October 2003.

Period (Month/Year)	Average HKD Equivalent of SDR	No. of Days	HKD Equivalent
November 2001	9.89266	30	296.77980
December 2001	9.84739	31	305.26909
January 2002	9.76918	31	302.84458
February 2002	9.70819	28	271.82932
March 2002	9.74945	31	302.23295
April 2002	9.80108	30	294.03240
May 2002	9.96041	31	308.77271
June 2002	10.14424	30	304.32720
July 2002	10.37548	31	321.63988
August 2002	10.30638	31	319.49778
September 2002	10.30778	30	309.23340
October 2002	10.27635	31	318.56685
November 2002	10.38125	30	311.43750
December 2002	10.44987	31	323.94597
January 2003	10.64860	31	330.10660
February 2003	10.68814	28	299.26792
March 2003	10.68388	31	331.20028
April 2003	10.67753	30	320.32590
May 2003	10.96336	31	339.86416
June 2003	11.03284	30	330.98520
July 2003	10.90418	31	338.02958
August 2003	10.80000	31	334.80000
September 2003	10.87090	30	326.12700
October 2003	11.08790	31	343.72490
TOTAL		730	7,584.84097

HKD equivalent of SDR for the 24-month period preceding November 2003:

$$7,584.84097 \div 730 = 10.39019311$$

$$\text{that is, 1 SDR} = \text{HKD } 10.39019$$

**THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED
IN NATIONAL CURRENCIES FOR 2004-2005**

SINGAPORE

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2004-2005.

The information notified by Singapore is reproduced below. Other submissions will be compiled in addenda to this document.

1. Calculation of threshold figures in national currency

Annex 1 Entities	Threshold Value (SDR)	Threshold Value in Singapore Dollars (rounded)
1. Goods and services other than construction services	130,000	307,200
2. Construction services	5,000,000	11,817,000

Annex 3 Entities	Threshold Value (SDR)	Threshold Value in Singapore Dollars (rounded)
1. Goods and services other than construction services	400,000	945,300
2. Construction services	5,000,000	11,817,000

2. Method of calculation

The calculation of national threshold is based on the monthly average exchange rate of SDR to Singapore Dollars over 24 months from October 2001 to September 2003.

Month	Exchange Rate of Singapore Dollars to 1 SDR	Month	Exchange Rate of Singapore Dollars to 1 SDR
October 2001	2.3305	October 2002	2.3337
November 2001	2.3179	November 2002	2.3402
December 2001	2.3262	December 2002	2.3608
January 2002	2.2754	January 2003	2.3920
February 2002	2.2777	February 2003	2.3821
March 2002	2.2972	March 2003	2.4255
April 2002	2.2936	April 2003	2.4552
May 2002	2.3044	May 2003	2.4563
June 2002	2.3476	June 2003	2.4608
July 2002	2.3324	July 2003	2.4495
August 2002	2.3211	August 2003	2.4202
September 2002	2.3504	September 2003	2.4714

Source: International Financial Statistics, IMF

The average exchange rate of SDR to Singapore Dollars is:

Singapore Dollar 56.7221 / 24 months = Singapore Dollar 2.3634

**THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED
IN NATIONAL CURRENCIES FOR 2003-2004**

REPUBLIC OF KOREA

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2003-2004.

The information notified by the Republic of Korea is reproduced below. Other submissions will be compiled in addenda to this document.

1. Calculation of threshold figures in national currency

Classification		Threshold Value (SDR)	Threshold Value in National Currency (Won)
Annex 1 Entities	Supplies and services	130,000	210,000,000
	Construction services	5,000,000	8,100,000,000
Annex 2 Entities	Supplies and services	200,000	320,000,000
	Construction services	15,000,000	24,400,000,000
Annex 3 Entities	Supplies	450,000	730,000,000
	Construction services	15,000,000	24,400,000,000

2. Method of calculation

It is the average of monthly rate of the national currency in terms of the SDR over the two-year period from November 2000 to October 2002. The conversion rates published by the IMF in its monthly "International Fiscal Statistics" was used for this calculation.

WORLD TRADE ORGANIZATION

GPA/W/168/Add.7
19 December 2002

(02-7012)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2002-2003

NORWAY

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2002-2003.

The information notified by Norway is reproduced below.

THRESHOLD CALCULATIONS – FOR 2002-2003

The calculation of the threshold values of the WTO Agreement in Nkr has been based on the average daily exchange rates of SDR to Nkr and EURO to Nkr over 24 months from September 1999 through August 2001.

Threshold values:

	Annex 1 Entities	Annex 2 Entities	Annex 3 Entities	Works all entities
Threshold in GPA in SDR	130,000	200,000	400,000	5,000,000
Threshold in GPA in Nkr	1,317,462	2,026,860	4,053,720	50,671,534
Threshold in EEA in EURO	200,000	200,000	400,000	5,000,000
Threshold in EEA in Nkr	1,623,560	1,623,560	3,247,120	40,589,000
Threshold in Norway in Nkr	1,300,000	1,600,000	3,200,000	40,500,000

WORLD TRADE ORGANIZATION

GPA/W/168/Add.6
5 August 2002

(02-4295)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2002-2003

UNITED STATES

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), the United States notifies the Government Procurement Committee of the U.S. national thresholds for the period 2002-2003. These thresholds are effective via a Federal Register notice published March 27, 2002.

Threshold calculations for the period 2002-2003 of the United States

ANNEX 1

	SDRs	US\$
1. Supplies and services	130,000	169,000
2. Construction	5,000,000	6,481,000

ANNEX 2

	SDRs	US\$
1. Supplies and services	355,000	460,000
2. Construction	5,000,000	6,481,000

ANNEX 3

	SDRs	US\$
1. Supplies and services (except entities identified in Annex 3 to which threshold of US\$250,000 applies)	400,000	518,000
2. Construction	5,000,000	6,481,000

WORLD TRADE ORGANIZATION

GPA/W/168/Add.5
13 June 2002

(02-3299)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2002/03

EUROPEAN COMMUNITY

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2002 - 2003.

The information notified in response by the European Community is attached.

Threshold¹ calculations - for period 2002 - 2003

SDR	130,000	200,000	400,000	5,000,000
EUR	162,293	249,681	499,362	6,242,028
Dansk krone	1,209,390	1,860,600	3,721,201	46,515,012
Svensk krona	1,413,053	2,173,927	4,347,855	54,348,187
Pound sterling	100,410	154,477	308,955	3,861,932

¹The calculation of the thresholds of the WTO Agreement, expressed in EUR and in national currencies, has been based on the average monthly SDR to EUR exchange rate over 24 months from September 1999 through August 2001 (1 EUR = 0.708869 SDR).

The value of the thresholds in EUR and in national currencies has been expressed without the value-added tax (VAT) because the Community excludes VAT when calculating the value of contracts.

The value of thresholds in national currencies will not change during the reference period.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.9

2 May 2001

(01-2251)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000/2001

NETHERLANDS WITH RESPECT TO ARUBA

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2000/2001.

The information notified by the Netherlands with respect to Aruba is reproduced below.

THRESHOLD CALCULATIONS

Annex 1

	SDRs	US\$	AWG ¹
Supplies	130,000	177,000	318,600
Services	130,000	177,000	318,600
Works	5,000,000	6,806,000	12,256,800

Annex 3

	SDRs	US\$	AWG ¹
Supplies	400,000	545,000	981,000
Services	400,000	545,000	981,000
Works	5,000,000	6,806,000	12,256,800

¹ AWG = Aruban Guilders.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/130/Corr.1*
19 March 2001

(01-1334)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2001-2002

KOREA

Corrigendum

Due to a clerical error in the table on page 1 of document GPA/W/130, please note that the amount for both supplies and services under Annex 1 in the Korean currency should be 200,000,000 WON.

* In English only

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/130
15 March 2001

(01-1279)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2001-2002

KOREA

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2001-2002.

The information notified by the Republic of Korea is reproduced below. Other submissions will be compiled in addenda to this document.

KOREA'S THRESHOLD CALCULATIONS IN ITS NATIONAL CURRENCY – FOR THE PERIOD 1 JANUARY 2001 TO 31 DECEMBER 2002

	Annex 1	Annex 2	Annex 3
Supplies	130,000 SDR 2000,000,000 WON	200,000 SDR 310,000,000 WON	450,000 SDR 700,000,000 WON
Services	130,000 SDR 2000,000,000 WON	200,000 SDR 310,000,000 WON	
Construction Services	5,000,000 SDR 7,800,000,000 WON	15,000,000 SDR 23,500,000,000 WON	15,000,000 SDR 23,500,000,000 WON

Method of calculation

It is the average of the monthly rate of the national currency in terms of the SDR over the two-year period from November 1998 to October 2000. The conversion rates published by the IMF in its monthly "International Fiscal Statistics" were used for this calculation.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.8

23 January 2001

(01-0344)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDICES I AND II OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2001

SWITZERLAND

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the year 2001.

The information notified by Switzerland is reproduced below.

THRESHOLD¹ CALCULATIONS – FOR THE YEAR 2001

Annex 1

	SDRs	Converted to Sw F
Goods	130,000	248,950
Services	130,000	248,950
Construction	5,000,000	9,575,000

Annex 2

	SDRs	Converted to Sw F
Goods	200,000	383,000
Services	200,000	383,000
Construction	5,000,000	9,575,000

Annex 3

	SDRs	Converted to Sw F
Goods	400,000	766,000
Services	400,000	766,000
Construction	5,000,000	9,575,000

¹ SDR 1.0 = Sw F (Swiss francs) 2.097. The average monthly SDR to Sw F for 24 months from October 1998 through September 2000 was Sw F 2.097. This calculation is based on data published by the Swiss National Bank. The result is an increase of about 9.5 per cent (from Sw F 1.915 in 1993/94). Despite having the factual basis to do so, Switzerland considers not to increase its thresholds in Sw F for the time being. The value of the thresholds in Sw F has been expressed without value-added tax (VAT) because Switzerland excludes VAT when calculating the value of contracts.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.7

19 December 2000

(00-5539)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000-2001

LIECHTENSTEIN

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2000-2001.

The information notified by Liechtenstein is reproduced below.

1. Threshold Calculations¹

ANNEX 1

	SDRs	Converted to Sw F
Supplies	130,000	248,950
Services	130,000	248,950
Construction	5,000,000	9,575,000

ANNEX 2

	SDRs	Converted to Sw F
Supplies	200,000	383,000
Services	200,000	383,000
Construction	5,000,000	9,575,000

ANNEX 3

	SDRs	Converted to Sw F
Supplies	400,000	766,000
Services	400,000	766,000
Construction	5,000,000	9,575,000

¹ SDR 1.0 = Sw F (Swiss francs) 1.992. This calculation is based on data published by the Swiss National Bank.

These thresholds have been published in the Liechtenstein Law Gazette, LGBl. 2000 No. 196 of 30 October 2000. The threshold values in Swiss francs are reviewed and published every two years.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.6

13 December 2000

(00-5401)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000-2001

ISRAEL

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2000-2001.

The information notified by Israel is reproduced below.

1. Calculation of threshold figures in US\$

ANNEX 1

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	130,000	177,000
Services	130,000	177,000
Construction	8,500,000	11,560,000

ANNEX 2

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	250,000	340,000
Services	250,000	340,000
Construction	8,500,000	11,560,000

ANNEX 3

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	355,000	483,000
Services	355,000	483,000
Construction	8,500,000	11,560,000

2. Method of calculation

The calculation of the thresholds of the WTO Agreement, expressed in US\$ has been based on the average monthly SDR to US\$ exchange rate over 24 months from September 1997 through August 1999 (1 SDR = 1.36 US\$).

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.5

15 November 2000

(00-4847)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000-2001

UNITED STATES

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2000-2001.

The information notified by the United States is reproduced below.

THRESHOLD CALCULATIONS FOR THE PERIOD 2000-2001 OF THE UNITED STATES

ANNEX 1

	SDRs	US\$
1. Supplies and services	130,000	177,000
2. Construction	5,000,000	6,806,000

ANNEX 2

	SDRs	US\$
1. Supplies and services	355,000	483,000
2. Construction	5,000,000	6,806,000

ANNEX 3

	SDRs	US\$
1. Supplies and services (except entities identified in Annex 3 to which threshold of US\$250,000 applies)	400,000	545,000
2. Construction	5,000,000	6,806,000

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.4

21 September 2000

(00-3782)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000

NORWAY

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the year 2000.

The information notified by Norway is reproduced below.

THRESHOLD CALCULATIONS – FOR THE YEAR 2000

The calculation of the threshold values of the WTO Agreement in Nkr has been based on the average daily exchange rates for SDR to Nkr and EURO to Nkr over 24 months from September 1998 through August 2000. The average exchange rates are:

1 SDR = Nkr 10,9067

1 ECU = Nkr 8,3335

These exchange rates give the following threshold values:

	Annex 1 Entities	Annex 2 Entities	Annex 3 Entities	Works all entities
Threshold in GPA in SDR	130,000	200,000	400,000	5,000,000
Threshold in GPA in Nkr	1,417,871	2,181,340	4,362,680	54,533,500
Threshold in EEA in EURO	200,000	200,000	400,000	5,000,000
Threshold in EEA in Nkr	1,666,700	1,666,700	3,333,400	41,667,500
Threshold in Norway in Nkr	1,400,000	1,600,000	3,300,000	41,000,000

./.

The value of SDR in Nkr has on average been higher than the value of EURO in Nkr in the 24 months on which the calculation is based. This gives a higher GPA threshold compared to the EEA/EU thresholds, except for Annex 1 entities. In order to comply with both the WTO Agreement on Government Procurement and the EEA Agreement with a single set of threshold values, Norway has determined to set a rounded threshold based on the lowest threshold values for Annex 2 and Annex 3 entities and for works contracts.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.3

9 March 2000

(00-0902)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDICES I AND II OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000

SWITZERLAND

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the year 2000.

The information notified by Switzerland is reproduced below.

THRESHOLD¹ CALCULATIONS – FOR THE YEAR 2000

Annex 1

	SDRs	Converted to Sw F
Goods	130,000	248,950
Services	130,000	248,950
Construction	5,000,000	9,575,000

Annex 2

	SDRs	Converted to Sw F
Goods	200,000	383,000
Services	200,000	383,000
Construction	5,000,000	9,575,000

Annex 3

	SDRs	Converted to Sw F
Goods	400,000	766,000
Services	400,000	766,000
Construction	5,000,000	9,575,000

¹ SDR 1.0 = Sw F (Swiss francs) 1.992. The average monthly SDR to Sw F for 24 months from November 1997 through October 1999 was Sw F 1.992. This calculation is based on data published by the Swiss National Bank. The result is an increase of about 4 per cent (from Sw F 1.915 in 1993/94). Despite having the factual basis to do so, Switzerland considers not to increase its thresholds in Sw F for the time being. The value of the thresholds in Sw F has been expressed without value-added tax (VAT) because Switzerland excludes VAT when calculating the value of contracts.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.2

2 March 2000

(00-0788)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000-2002

JAPAN

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2000-2002.

The information notified by Japan is reproduced below.

The thresholds listed below will be effective for the period from 1 April 2000 (the beginning of FY 2000) until 31 March 2002 (the end of FY 2001).

Annex 1 (Central Government Entities)

	SDRs	YEN
1. Products	130,000	21,000,000
2. Services other than 3. and 4.	130,000	21,000,000
3. Architectural, Engineering & Other Technical Services related to 4.	450,000	75,000,000
4. Construction Services	4,500,000	750,000,000

Annex 2 (Sub-Central Government Entities)

	SDRs	YEN
1. Products	200,000	33,000,000
2. Services other than 3. and 4.	200,000	33,000,000
3. Architectural, Engineering & Other Technical Services related to 4.	1,500,000	250,000,000
4. Construction Services	15,000,000	2,500,000,000

Annex 3 (All Other Entities)

	SDRs	YEN
1. Products	130,000	21,000,000
2. Services other than 3. and 4.	130,000	21,000,000
3. Architectural, Engineering & Other Technical Services related to 4.	450,000	75,000,000
4. Construction Services	15,000,000	2,500,000,000

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101/Add.1

9 February 2000

(00-0486)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000-2001

CANADA

Addendum

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2000-2001.

The information notified by Canada is reproduced below.

Pursuant to the agreed procedures (GPA/1, Annex 3) Canada submits its notification of threshold figures in the national currency for the period 1 January 2000 to 31 December 2001. This information was also published on 23 December 1999 in Contracting Policy Notice 1999-9 on the Treasury Board Canada Secretariat website at <http://tbs-sct.gc.ca/>.

Annex 1 Entities	Threshold Value (SDR)	Threshold Value in Canadian Dollars
Goods	130,000	261,200
Services	130,000	261,200
Construction	5,000,000	10,000,000

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/101
5 January 2000

(00-0027)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 2000-2001

HONG KONG, CHINA

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 2000-2001.

The information notified by Hong Kong, China is reproduced below. Other submissions will be compiled in addenda to this document.

1. Calculation of threshold figures in national currency

Annex 1 Entities		Threshold Value (SDR)	Threshold Value in HK Dollar
1.	Goods and services other than construction services	130,000	1,371,000
2.	Construction services	5,000,000	52,741,000

Annex 2 Entities		Threshold Value (SDR)	Threshold Value in HK Dollar
1.	Goods and services other than construction services	200,000	2,110,000
2.	Construction services	5,000,000	52,741,000

Annex 3 Entities		Threshold Value (SDR)	Threshold Value in HK Dollar
1.	Goods and services other than construction services	400,000	4,219,000
2.	Construction services	5,000,000	52,741,000

2. Method of calculation

The calculation of national threshold is based on the monthly average exchange rate of SDR to Hong Kong Dollar over 24 months from November 1997 to October 1999.

Period (Month/Year)	Average HKD Equivalent of SDR	No. of Days	HKD Equivalent
November 1997	10.62612	30	318.78360
December 1997	10.48685	31	325.09235
January 1998	10.39844	31	322.35164
February 1998	10.44993	28	292.59804
March 1998	10.41233	31	322.78223
April 1998	10.40799	30	312.23970
May 1998	10.41318	31	322.80858
June 1998	10.33101	30	309.93030
July 1998	10.30931	31	319.58861
August 1998	10.27787	31	318.61397
September 1998	10.57182	30	317.15460
October 1998	10.89110	31	337.62410
November 1998	10.77702	30	323.31060
December 1998	10.85957	31	336.64667
January 1999	10.88182	31	337.33642
February 1999	10.69828	28	299.55184
March 1999	10.55789	31	327.29459
April 1999	10.49738	30	314.92140
May 1999	10.45641	31	324.14871
June 1999	10.39209	30	311.76270
July 1999	10.39370	31	322.20470
August 1999	10.58861	31	328.24691
September 1999	10.68684	30	320.60520
October 1999	10.79178	31	334.54518
TOTAL		730	7700.14264

HKD equivalent of SDR for the 24-month period preceding November 1999:

$$7700.14264 \div 730 = 10.54814060$$

that is, 1 SDR = HKD 10.54814

**THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED
IN NATIONAL CURRENCIES FOR 1997/1998**

REPUBLIC OF KOREA

Revision

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective thresholds expressed in national currencies and fixed for two years.

The information notified in response by the Republic of Korea is reproduced below.

1. Calculation of threshold figures in national currency

Annex 1 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	130,000	151,000,000
2. Construction services	5,000,000	5,830,000,000

Annex 2 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	200,000	233,000,000
2. Construction services	15,000,000	17,490,000,000

Annex 3 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies	450,000	524,000,000
2. Construction services	15,000,000	17,490,000,000

2. Method of calculation

It is the average of monthly rate of the national currency in terms of the SDR over the two-year period from November 1994 to October 1996. The conversion rates published by the IMF in its monthly "International Fiscal Statistics" was used for this calculation. The example of this calculation is attached.

3. Example of calculation

Period	Exchange rate (Unit: won/SDR)	Period	Exchange rate (Unit: won/SDR)
November 1994	1,157.1	November 1995	1,143.1
December 1994	1,151.4	December 1995	1,151.6
January 1995	1,161.7	January 1996	1,138.6
February 1995	1,174.6	February 1996	1,146.6
March 1995	1,203.9	March 1996	1,143.7
April 1995	1,198.3	April 1996	1,129.2
May 1995	1,197.8	May 1996	1,136.3
June 1995	1,189.3	June 1996	1,170.0
July 1995	1,179.8	July 1996	1,191.9
August 1995	1,150.9	August 1996	1,194.4
September 1995	1,157.5	September 1996	1,182.0
October 1995	1,144.1	October 1996	1,200.4

- The exchange rates are quoted from the IFS. It is the rate at the end of each month.
 - Example of calculation:
 - The average exchange rate of won in terms of SDR

$$27,994.2 \text{ won}/24 \text{ months} = 1,166.425 \text{ won}$$

$$130,000 \text{ (SDR)} * 1,166.425 \text{ won} = 151,635,250 \text{ won}$$
 - The final conversion rate: 151,000,000 won
- (*The figures under million won are deleted for simplicity of implementation.)

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/81

11 February 1999

(99-0536)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 1999/2000

KOREA

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1999-2000.

The information notified by Korea is reproduced below. Other submissions will be compiled in addenda to this document.

THRESHOLD FIGURE IN NATIONAL CURRENCY (WON)

1. Result of classification

Classification		Threshold Value (SDR)	Threshold Value in National Currency (WON)
Entities in Annex 1	Supplies and services	130,000	200,000,000
	Construction services	5,000,000	7,800,000,000
Entities in Annex 2	Supplies and services	200,000	310,000,000
	Construction services	15,000,000	23,400,000,000
Entities in Annex 3	Supplies	450,000	700,000,000
	Construction services	15,000,000	23,400,000,000

2. Method of calculation

It is the average of the monthly rate of the national currency in terms of the SDR over the two-year period from November 1996 to October 1998. The conversion rates published by the IMF in its monthly "International Fiscal Statistics" were used for this calculation. An example of this calculation is to be found below.

3. Example of calculation

Time	Exchange rate (Unit: WON/SDR)	Time	Exchange rate (Unit: WON/SDR)
November 1996	1,197.16	November 1997	1,584.91
December 1996	1,213.93	December 1997	2,286.98
January 1997	1,201.22	January 1998	2,051.67
February 1997	1,196.45	February 1998	2,204.93
March 1997	1,244.18	March 1998	1,847.54
April 1997	1,218.19	April 1998	1,799.14
May 1997	1,241.20	May 1998	1,878.85
June 1997	1,232.81	June 1998	1,828.20
July 1997	1,211.89	July 1998	1,635.27
August 1997	1,229.95	August 1998	1,812.00
September 1997	1,248.89	September 1998	1,883.65
October 1997	1,335.33	October 1998	1,857.61

- The exchange rates are quoted from the IFS. It is the rate at the end of each month.
 - Example of calculation:
 - The average exchange rate of won in terms of SDR
$$37,441.95 \text{ won}/24 \text{ months} = 1,560.08 \text{ won}$$
$$130,000 \text{ (SDR)} * 1,560.08 \text{ won} = 202,810,400 \text{ won}$$
 - The final conversion rate: 200,000,000 won
- (*The figures under one million won are deleted for simplicity of implementation.)

**THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED
IN NATIONAL CURRENCIES FOR 1997/1998**

REPUBLIC OF KOREA

Revision

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective thresholds expressed in national currencies and fixed for two years.

The information notified in response by the Republic of Korea is reproduced below.

1. Calculation of threshold figures in national currency

Annex 1 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	130,000	151,000,000
2. Construction services	5,000,000	5,830,000,000

Annex 2 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	200,000	233,000,000
2. Construction services	15,000,000	17,490,000,000

Annex 3 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	450,000	524,000,000
2. Construction services	15,000,000	17,490,000,000

2. Method of calculation

It is the average of monthly rate of the national currency in terms of the SDR over the two-year period from November 1994 to October 1996. The conversion rates published by the IMF in its monthly "International Fiscal Statistics" was used for this calculation. The example of this calculation is attached.

3. Example of calculation

Period	Exchange rate (Unit: won/SDR)	Period	Exchange rate (Unit: won/SDR)
November 1994	1,157.1	November 1995	1,143.1
December 1994	1,151.4	December 1995	1,151.6
January 1995	1,161.7	January 1996	1,138.6
February 1995	1,174.6	February 1996	1,146.6
March 1995	1,203.9	March 1996	1,143.7
April 1995	1,198.3	April 1996	1,129.2
May 1995	1,197.8	May 1996	1,136.3
June 1995	1,189.3	June 1996	1,170.0
July 1995	1,179.8	July 1996	1,191.9
August 1995	1,150.9	August 1996	1,194.4
September 1995	1,157.5	September 1996	1,182.0
October 1995	1,144.1	October 1996	1,200.4

- The exchange rates are quoted from the IFS. It is the rate at the end of each month.
 - Example of calculation:
 - The average exchange rate of won in terms of SDR

$$27,994.2 \text{ won}/24 \text{ months} = 1,166.425 \text{ won}$$

$$130,000 \text{ (SDR)} * 1,166.425 \text{ won} = 151,635,250 \text{ won}$$
 - The final conversion rate: 151,000,000 won
- (*The figures under million won are deleted for simplicity of implementation.)

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/66/Add.7

21 August 1998

(98-3288)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 1998/1999

Addendum

ISRAEL

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified by Israel is reproduced below.

1. Calculation of threshold figures in US\$

ANNEX 1

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	130,000	186,000
Services	130,000	186,000
Construction	8,500,000	12,189,000

ANNEX 2

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	250,000	358,000
Services	250,000	358,000
Construction	8,500,000	12,189,000

ANNEX 3

	Threshold Value (SDR)	Threshold Value in US\$
Supplies	355,000	509,000
Services	355,000	509,000
Construction	8,500,000	12,189,000

2. Method of calculation

The calculation of the thresholds of the WTO Agreement, expressed in US\$ has been based on the average monthly SDR to US\$ exchange rate over 24 months from September 1995 through August 1997 (1 SDR = 1.434 US\$).

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/66/Add.5

15 July 1998

(98-2790)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 1998/1999

Addendum

UNITED STATES

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified by the United States is reproduced below.

United States

Threshold calculations for the period 1998-1999.

ANNEX 1

	SDRs	US\$
1. Supplies and services	130,000	186,000
2. Construction	5,000,000	7,143,000

ANNEX 2

	SDRs	US\$
1. Supplies and services	355,000	507,000
2. Construction	5,000,000	7,143,000

ANNEX 3

	SDRs	US\$
1. Supplies and services (except entities identified in Annex 3 to which threshold of US\$250,000 applies)	400,000	571,000
2. Construction	5,000,000	7,143,000

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/66/Add.6

15 July 1998

(98-2800)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 1998/1999

Addendum

NORWAY

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified by Norway is reproduced below.

The calculation of the threshold values of the WTO Agreement in NOK has been based on the average daily exchange rates for SDR to ECU and ECU to NOK over 24 months from September 1995 through August 1997. The average exchange rates are:

1 SDR = 1.03011 ECU
1 ECU = 8.14790 NOK
thus, 1 SDR = 8.39322 NOK

These exchange rates give the following threshold values:

	Supplies and Services Annex 1 entities	Supplies and services Annex 2 entities	Supplies and services Annex 3 entities	Works All entities
Threshold in GPA in SDR	130,000	200,000	400,000	5,000,000
Threshold in GPA in NOK	1,091,118	1,678,643	3,357,286	41,966,072
Threshold in EEA in ECU	200,000	200,000	400,000	5,000,000
Threshold in EEA in NOK	1,629,580	1,629,580	3,259,160	40,739,500
Threshold in Norway in NOK	1,000,000	1,600,000	3,200,000	40,000,000

The value of SDR in NOK has on average been higher than the value of ECU in NOK in the 24 months on which the calculation is based, making the GPA threshold higher than the thresholds for the EEA/EU; except for Annex 1 entities, which have a comparably lower threshold by the GPA than by EEA. In order to comply with both the WTO-GPA and the EEA Agreement with a single set of threshold values, Norway has determined to set rounded thresholds based on the lowest threshold values for Annex 2 and Annex 3 entities and for works contracts.

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/66/Add.4

17 June 1998

(98-2455)

Committee on Government Procurement

Original: English

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 1998/1999

Addendum

Singapore

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified by Singapore is reproduced below.

1. Calculation of Threshold Figures in National Currency

Annex 1 Entities	Threshold Value (SDR)	Threshold Value in Singapore Dollars (rounded up)
1. Goods and services other than construction services	130,000	264,900
2. Construction services	5,000,000	10,188,500

Annex 3 Entities	Threshold Value (SDR)	Threshold Value in Singapore Dollars (rounded up)
1. Goods and services other than construction services	400,000	815,100
2. Construction services	5,000,000	10,188,500

2. Method of Calculation

The calculation of national threshold is based on the monthly average exchange rate of SDR to Singapore Dollars over 24 months from October 1995 to September 1997.

Month	Exchange Rate of Singapore Dollars to 1 SDR	Month	Exchange Rate of Singapore Dollars to 1 SDR
October 1995	2.1163	October 1996	2.0382
November 1995	2.0990	November 1996	2.0261
December 1995	2.1023	December 1996	2.0129
January 1996	2.0610	January 1997	1.9644
February 1996	2.0738	February 1997	1.9733
March 1996	2.0574	March 1997	2.0042
April 1996	2.0395	April 1997	1.9725
May 1996	2.0331	May 1997	1.9903
June 1996	2.0350	June 1997	1.9850
July 1996	2.0717	July 1997	1.9989
August 1996	2.0514	August 1997	2.0842
September 1996	2.0266	September 1997	2.0881

Source: International Financial Statistics, December 1996, IMF
International Financial Statistics, November 1997, IMF

The average exchange rate of SDR to Singapore Dollars is:

Singapore Dollars 48.9052/24 months = Singapore Dollars 2.0377

WORLD TRADE
ORGANIZATION

RESTRICTED

GPA/W/66/Add.3

22 April 1998

(98-1622)

Original: English

Committee on Government ProcurementTHE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSEDIN NATIONAL CURRENCIES FOR 1998/1999AddendumCanada

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified by Canada is reproduced below.

Pursuant to the agreed procedures (GPA/1, Annex 3), Canada submits its notification of threshold figures in the national currency for the period 1 January 1998 through 31 December 1999. This information was also published on 29 December 1997 in Contracting Policy Notice 1997-1999 on the Treasury Board of Canada Secretariat website at <http://www.tbs-sct.gc.ca>.

Calculation of Threshold Figures in National Currency

<u>Annex 1 Entities</u>	<u>Threshold Value (SDR)</u>	<u>Threshold Value in Canadian Dollars</u>
Goods	130,000	254,100
Services	130,000	254,100
Construction	5,000,000	9,700,000

WORLD TRADE
ORGANIZATION

RESTRICTED**GPA/W/66/Add.2**

25 March 1998

(98-1180)

Original: English

Committee on Government ProcurementTHE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSEDIN NATIONAL CURRENCIES FOR 1998/1999AddendumJapan

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified by Japan is reproduced below.

The thresholds listed below will be effective for the period from 1 April 1998 (the beginning of FY 1998) until 31 March 2000 (the end of FY 1999).

Annex 1

	SDRs	YEN
Supplies and services (Note 1)	130,000	21,000,000
Technical services (Note 2)	450,000	72,000,000
Construction services	4,500,000	720,000,000

Annex 2

	SDRs	YEN

Supplies and services (Note 1)	200,000	32,000,000
Technical services (Note 2)	1,500,000	240,000,000
Construction services	15,000,000	2,430,000,000

Annex 3

	SDRs	YEN
Supplies and services (Note 1)	130,000	21,000,000
Technical services (Note 2)	450,000	72,000,000
Construction services	15,000,000	2,430,000,000

Note 1:•Services• refer to the services specified in Japan's Annex 4 except for •technical services• and •construction services•.

Note 2:•Technical services• refer to the architectural, engineering and other technical services related to construction services specified in Japan's Annex 4.

WORLD TRADE
ORGANIZATION

RESTRICTED

GPA/W/66/Add.1

17 February 1998

(98-0557)

Original: English

Committee on Government Procurement

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS
EXPRESSED

IN NATIONAL CURRENCIES FOR 1998/1999

Addendum

European Community

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified in response by the European Community is attached.

Threshold¹ calculations - for period 1998-1999

SDR	130,000	200,000	400,000	5,000,000
ECU	133,914	206,022	412,044	5,150,548
Franc belge/ Franc luxembourgeois	5,299,053	8,152,389	16,304,778	203,809,721
Dansk krone	988,777	1,521,195	3,042,389	38,029,866
Deutsche Mark	257,285	395,823	791,646	9,895,573
Drachmi	41,121,407	63,263,704	126,527,407	1,581,592,592
Peseta	21,752,164	33,464,867	66,929,735	836,621,683
Franc français	874,914	1,346,021	2,692,042	33,650,525
Irish pound	104,545	160,839	321,678	4,020,974
Lira italiana	264,123,457	406,343,780	812,687,561	10,158,594,510
Nederlandse gulden	288,643	444,067	888,133	11,101,666
Oester. schilling	1,810,303	2,785,082	5,570,164	69,627,055
Escudo	26,310,387	40,477,518	80,955,036	1,011,937,953
Markka	777,622	1,196,342	2,392,684	29,908,547
Svensk krona	1,157,410	1,780,631	3,561,262	44,515,771
Pound sterling	104,435	160,670	321,340	4.016.744

¹The calculation of the thresholds of the WTO Agreement, expressed in ECU and in national currencies, has been based on the average monthly SDR to ECU exchange rate over 24 months from September 1995 through August 1997 (1 ECU • 0.859089 SDR).

The value of the thresholds in ECU and in national currencies has been expressed without the value-added tax (VAT) because the Community excludes VAT when calculating the value of contracts.

As regards the impact of the changeover to the Euro on Community policies, it shall be specified that:

- as from 1 January 1999, thresholds expressed in ECU will be expressed in Euros;
- the value of thresholds in national currencies will not change during the reference period.

RESTRICTED

GPA/W/66
9 January 1998

WORLD TRADE
ORGANIZATION

(98-0053)

Original: English

Committee on Government Procurement

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS
EXPRESSED

IN NATIONAL CURRENCIES FOR 1998/1999

Hong Kong, China

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1998-1999.

The information notified by Hong Kong, China is reproduced below. Other submissions will be compiled in addenda to this document.

1) Calculation of Threshold Figures in National Currency

Annex 1 Entities	Threshold value (SDR)	Threshold value in HK Dollar
1. Goods and services other than construction services	130,000	1,433,000
2. Construction services	5,000,000	55,109,000

Annex 2 Entities	Threshold value (SDR)	Threshold value in HK Dollar
1. Goods and services other than construction	200,000	2,204,000

services		
2. Construction services	5,000,000	55,109,000

Annex 3 Entities	Threshold value (SDR)	Threshold value in HK Dollar
1. Goods and services other than construction services	400,000	4,409,000
2. Construction services	5,000,000	55,109,000

2) Method of Calculation

The calculation of national threshold is based on the monthly average exchange rate of SDR to Hong Kong Dollar over 24 months from November 1995 to October 1997.

Period (Month/Year)	Average HKD Equivalent of SDR	No. of Days	HKD Equivalent
November 1995	11.55831	30	346.7493
December 1995	11.48895	31	356.15745
January 1996	11.33689	31	351.44359
February 1996	11.33411	29	328.68919
March 1996	11.30279	31	350.38649
April 1996	11.22103	30	336.6309
May 1996	11.17581	31	346.45011
June 1996	11.16668	30	335.0004
July 1996	11.22289	31	347.90959
August 1996	11.27849	31	349.63319
September 1996	11.19506	30	335.8518
October 1996	11.13161	31	345.07991
November 1996	11.24094	30	337.2282
December 1996	11.12592	31	344.90352
January 1997	10.95726	31	339.67506
February 1997	10.72673	28	300.34844
March 1997	10.67492	31	330.92252
April 1997	10.62654	30	318.7962
May 1997	10.72189	31	332.37859
June 1997	10.76533	30	322.9599

Period (Month/Year)	Average HKD Equivalent of SDR	No. of Days	HKD Equivalent
July 1997	10.66086	31	330.48666
August 1997	10.48379	31	324.99749
September 1997	10.52769	30	315.8307
October 1997	10.59618	31	328.48158
TOTAL		731	8056.99078

HKD Equivalent of SDR for the 24 months period preceding November 1997:

$$8056.99078/731 \cdot 11.02187521$$

that is,

$$1 \text{ SDR} \cdot \text{HKD } 11.02188$$

WORLD TRADE
ORGANIZATION

RESTRICTED

GPA/W/12/Add.8

30 July 1997

(97-3241)

Original: English

Committee on Government ProcurementTHE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSEDIN NATIONAL CURRENCIES FOR 1996/1997Hong Kong, China

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The information notified by Hong Kong, China is reproduced below.

1) Calculation of Threshold Figures in National Currency

Annex 1 Entities	Threshold value (SDR)	Threshold value in HK Dollar
1. Goods and services other than construction services	130,000	1,474,000
2. Construction services	5,000,000	56,678,000

Annex 2 Entities	Threshold value (SDR)	Threshold value in HK Dollar
1. Goods and services other than construction	200,000	2,267,000

services		
2. Construction services	5,000,000	56,678,000

Annex 3 Entities	Threshold value (SDR)	Threshold value in HK Dollars
1. Goods and services other than construction services	400,000	4,534,000
2. Construction services	5,000,000	56,678,000

2) Method of Calculation

The calculation of national threshold is based on the monthly average exchange rate of SDR to Hong Kong Dollar over 24 months from November 1993 to October 1995.

Month	Exchange rate of HKD to SDR	Month	Exchange rate of HKD to SDR
November 1993	10.73370	November 1994	11.37700
December 1993	10.69354	December 1994	11.23536
January 1994	10.60903	January 1995	11.35223
February 1994	10.72622	February 1995	11.42914
March 1994	10.83267	March 1995	11.87715
April 1994	10.84973	April 1995	12.18996
May 1994	10.93143	May 1995	12.04796
June 1994	11.03316	June 1995	12.09522
July 1994	11.25841	July 1995	12.05310
August 1994	11.23786	August 1995	11.69739
September 1994	11.31104	September 1995	11.48186
October 1994	11.41540	October 1995	11.58648

The average exchange rate of HKD to SDR is: HK\$272.05504/24 months • HK\$11.33563.

WORLD TRADE
ORGANIZATION

RESTRICTED

GPA/W/12/Add.7

30 January 1997

(97-0328)

Original: English

Committee on Government ProcurementTHE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSEDIN NATIONAL CURRENCIES FOR 1996/1997Republic of Korea

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The information notified in response by the Republic of Korea is reproduced below.

1) Calculation of Threshold Figures in National Currency

Annex 1 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	130,000	151,000,000
2. Construction services	5,000,000	5,830,000,000

Annex 2 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	200,000	233,000,000
2. Construction services	15,000,000	17,490,000,000

Annex 3 Entities	Threshold value (SDR)	Threshold value in national currency (won)
1. Supplies and services	450,000	524,000,000
2. Construction services	15,000,000	17,490,000,000

2) Method of Calculation

It is the average of monthly rate of the national currency in terms of the SDR over the two-year period from November 1994 to October 1996. The conversion rates published by the IMF in its monthly •International Fiscal Statistics• was used for this calculation. The example of this calculation is attached.

3) Example of Calculation

Period	Exchange rate (Unit: won/SDR)	Period	Exchange rate (Unit: won/SDR)
November 1994	1,157.1	November 1995	1,143.1
December 1994	1,151.4	December 1995	1,151.6
January 1995	1,161.7	January 1996	1,138.6
February 1995	1,174.6	February 1996	1,146.6
March 1995	1,203.9	March 1996	1,143.7
April 1995	1,198.3	April 1996	1,129.2
May 1995	1,197.8	May 1996	1,136.3
June 1995	1,189.3	June 1996	1,170.0
July 1995	1,179.8	July 1996	1,191.9
August 1995	1,150.9	August 1996	1,194.4
September 1995	1,157.5	September 1996	1,182.0
October 1995	1,144.1	October 1996	1,200.4

-The exchange rates are quoted from the IFS. It is the rate at the end of each month.

-Example of calculation:

-The average exchange rate of won in terms of SDR

27,994.2 won/24 months • 1,166.425 won

130,000 (SDR) * 1,166.425 won • 151,635,250 won

-The final conversion rate: 151,000,000 won

(*The figures under million won are deleted for simplicity of implementation.)

RESTRICTED

GPA/W/12/Add.6
26 September 1996

WORLD TRADE ORGANIZATION

(96-3854)

Original: English

Committee on Government Procurement

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 1996/1997

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The information notified in response by Norway is reproduced below.

NORWAY

Threshold calculations - for period 1996-1997.

The calculation of the thresholds of the WTO Agreement in Norwegian crowns (NOK) has been based on the average daily SDR to ECU and ECU to NOK exchange rates over 24 months from September 1993 through August 1995.

The Norwegian GPA threshold values are calculated in the following way; the SDR threshold values are multiplied with the exchange rate between ECU and SDR in the two-year period (1.2013) and then multiplied with 0.87 (1-13 per cent VAT) again multiplied with the exchange rate between Norwegian crowns and ECU (8.3075) in the same time period. The value of the thresholds is expressed net of value-added tax (VAT) because the threshold values are expressed net of VAT in Norway.

ANNEX 1

	SDR	NOK	Rounded Thresholds NOK
1. Supplies and services	130,000	1,128,715	1,100,000
2. Construction	5,000,000	43,412,129	41,500,000

ANNEX 2

	SDR	NOK	Rounded Thresholds NOK
1. Supplies and services	200,000	1,736,485	1,650,000
2. Construction	5,000,000	43,412,129	41,500,000

ANNEX 3

	SDR	NOK	Rounded Thresholds NOK
1. Supplies and services	400,000	3,472,970	3,300,000
2. Construction	5,000,000	43,412,129	41,500,000

Norway is bound, under the terms of the Agreement on the European Economic Area (EEA), by the thresholds for public procurement in this Agreement, which are expressed in ECU. The thresholds under the EEA Agreement are ECU 200,000, ECU 400,000 and ECU 5,000,000. The thresholds according to the EEA Agreement for the period 1996 and 1997 are as follows:

$$\text{ECU } 200,000 * 8.3075 = \text{NOK } 1,661,500$$

$$\text{ECU } 400,000 * 8.3075 = \text{NOK } 3,323,000$$

$$\text{ECU } 5,000,000 * 8.3075 = \text{NOK } 41,537,500$$

The value of the SDR has been higher than the value of the ECU in the 24-month calculation period, making the SDR thresholds higher than the ECU-based thresholds. In order to comply with both the WTO Government Procurement Agreement and the EEA Agreement, Norway has determined to set rounded thresholds based on the lowest values for Annex 2 and 3 entities and for the construction threshold. Hence the Norwegian threshold values for the period 1996 and 1997 are the following:

SDR	130,000	200,000	400,000	5,000,000
NOK	1,100,000	1,650,000	3,300,000	41,500,000

WORLD TRADE ORGANIZATION

RESTRICTED**GPA/W/12/Add.4**

25 September 1996

(96-3805)

Original: English

Committee on Government Procurement

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS
EXPRESSED
IN NATIONAL CURRENCIES FOR 1996/1997

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The delegation of Switzerland has submitted its figures.

SWITZERLAND

Threshold calculations - for the period 1996-1997.

Thresholds for government procurement according to Appendix I of the
Agreement

Annex 1

	SDR	Converted to SFr. ¹
Goods	130,000	248,950
Services	130,000	248,950
Construction	5,000,000	9,575,000

Annex 2

¹SDR 1.0 • SFr. (Swiss Francs) 1.9150. The average monthly SDR to Swiss Francs for 24 months from October 1993 through September 1995 was SFr. 1.9150. This calculation is based on data published by the Swiss National Bank.

	SDR	Converted to SFr.
Goods	200,000	383,000
Services	200,000	383,000
Construction	5,000,000	9,575,000

./.

Annex 3

	SDR	Converted to SFr.
Goods	400,000	766,000
Services	400,000	766,000
Construction	5,000,000	9,575,000

WORLD TRADE ORGANIZATION

RESTRICTED**GPA/W/12/Add.5**

25 September 1996

(96-3806)

Original: English

Committee on Government Procurement

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS
EXPRESSED
IN NATIONAL CURRENCIES FOR 1996/1997

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The delegation of Israel has submitted its figures.

ISRAEL

Threshold calculations - for the period 1996-1997.

Thresholds for government procurement according to Appendix I of the
Agreement

Annex 1

	SDR	Converted to US\$
Supplies	130,000	190,000
Services	130,000	190,000
Construction	8,500,000	12,430,000

Annex 2

	SDR	Converted to US\$
Supplies	250,000	366,000
Services	250,000	366,000

Construction	8,500,000	12,430,000
---------------------	-----------	------------

./.

Annex 3

	SDR	Converted to US\$
Supplies	355,000	519,000
Services	355,000	519,000
Construction	8,500,000	12,430,000

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/12/Add.3

21 June 1996

(96-2362)

Original: English

Committee on Government ProcurementTHE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSEDIN NATIONAL CURRENCIES FOR 1996/1997

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The information notified in response by the United States is reproduced below. Other submissions will be compiled in further addenda to this document.

UNITED STATES

Threshold calculations - for period 1996-1997.

ANNEX 1

	SDRs	US \$
1. Supplies and services	130,000	190,000
2. Construction	5,000,000	7,311,000

ANNEX 2

	SDRs	US \$
1. Supplies and services	355,000	519,000
2. Construction	5,000,000	7,311,000

ANNEX 3

	SDRs	US \$
1. Supplies and services (except entities identified in Annex 3 to which threshold of \$250,000 applies)	400,000	585,000
2. Construction	5,000,000	7,311,000

WORLD TRADE ORGANIZATION

RESTRICTED**GPA/W/12/Add.2**

4 June 1996

(96-2093)

Original: English

Committee on Government ProcurementTHE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS
EXPRESSEDIN NATIONAL CURRENCIES FOR 1996/1997

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The information notified in response by the European Community is reproduced below. Other submissions will be compiled in further addenda to this document.

EUROPEAN COMMUNITY

Threshold¹ calculations - for period 1996-1997.

SDR	130.000	200.000	400.000	5.000.000
ECU	137.537	211.595	423.191	5.289.883
Franc Belge/				
Franc Luxembourgeois	5.431.710	8.356.477	16.712.955	208.911.935
Dansk Krone	1.031.998	1.587.689	3.175.378	39.692.229
Deutsche Mark	262.118	403.259	806.518	10.081.479

¹ The calculation of the thresholds of the WTO Agreement, expressed in ecus and in national currencies, has been based on the average monthly SDR to ECU exchange rate over 24 months from September 1993 through August 1995 (1 ECU - 0.836461 SDR).

The value of the thresholds in ecus and in national currencies has been expressed without the value-added tax (VAT) because the Community excludes VAT when calculating the value of contracts.

Drachmi	39.896.348	61.378.996	122.757.993	1.534.474.906
Franc Français	905.295	1.392.762	2.785.524	34.819.045
Markka	841.359	1.294.398	2.588.796	32.359.951
Nederlandse gulden	293.888	452.135	904.271	11.303.384
Irish Pound	110.418	169.873	339.746	4.246.831
Lira Italiana	273.070.685	420.108.747	840.217.493	10.502.718.666
Öster. Schilling	1.843.988	2.836.904	5.673.809	70.922.606
Pound Sterling	108.667	167.180	334.359	4.179.490
Peseta	22.001.042	33.847.757	67.695.513	846.193.915
Escudo	27.024.493	41.576.143	83.152.287	1.039.403.582
Svensk Krona	1.282.640	1.973.292	3.946.584	49.332.297

WORLD TRADE ORGANIZATION

RESTRICTED**GPA/W/12/Add.2**

4 June 1996

(96-2093)

Original: English

Committee on Government ProcurementTHE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS
EXPRESSEDIN NATIONAL CURRENCIES FOR 1996/1997

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The information notified in response by the European Community is reproduced below. Other submissions will be compiled in further addenda to this document.

EUROPEAN COMMUNITY

Threshold¹ calculations - for period 1996-1997.

SDR	130.000	200.000	400.000	5.000.000
ECU	137.537	211.595	423.191	5.289.883
Franc Belge/				
Franc Luxembourgeois	5.431.710	8.356.477	16.712.955	208.911.935
Dansk Krone	1.031.998	1.587.689	3.175.378	39.692.229
Deutsche Mark	262.118	403.259	806.518	10.081.479

¹ The calculation of the thresholds of the WTO Agreement, expressed in ecus and in national currencies, has been based on the average monthly SDR to ECU exchange rate over 24 months from September 1993 through August 1995 (1 ECU - 0.836461 SDR).

The value of the thresholds in ecus and in national currencies has been expressed without the value-added tax (VAT) because the Community excludes VAT when calculating the value of contracts.

Drachmi	39.896.348	61.378.996	122.757.993	1.534.474.906
Franc Français	905.295	1.392.762	2.785.524	34.819.045
Markka	841.359	1.294.398	2.588.796	32.359.951
Nederlandse gulden	293.888	452.135	904.271	11.303.384
Irish Pound	110.418	169.873	339.746	4.246.831
Lira Italiana	273.070.685	420.108.747	840.217.493	10.502.718.666
Öster. Schilling	1.843.988	2.836.904	5.673.809	70.922.606
Pound Sterling	108.667	167.180	334.359	4.179.490
Peseta	22.001.042	33.847.757	67.695.513	846.193.915
Escudo	27.024.493	41.576.143	83.152.287	1.039.403.582
Svensk Krona	1.282.640	1.973.292	3.946.584	49.332.297

RESTRICTED

GPA/W/12
17 April 1996

WORLD TRADE ORGANIZATION

(96-1388)

Original: English

Committee on Government Procurement

THE THRESHOLDS IN APPENDIX I OF THE AGREEMENT AS EXPRESSED IN NATIONAL CURRENCIES FOR 1996/1997

In pursuance of the agreed procedures (GPA/1, Annex 3), delegations have been invited to notify their respective national thresholds for the period 1996-1997.

The delegation of Canada has submitted its figures. Other submissions will be compiled in addenda to this document.

CANADA

Threshold calculations - for period 1 January 1996 through 31 December 1997.

Annex 1 (Entities)

	SDR	Converted to \$CAN¹	Rounded \$CAN²
Goods	130,000	259,594	259,500
Services	130,000	259,594	259,500
Construction	5,000,000	9,984,369	9,900,000

¹SDR 1.0 • \$CAN 1.99687375. The average monthly SDR to Canadian dollars for 24 months from October 1993 through September 1995 was \$CAN 1.99687375. This calculation is based on data published by the Bank of Canada.

²Rounded down in all cases to ensure inclusion of all covered contracts.

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 63

1 - 63

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
04-1381 	U	GPA/41/Rev.1 Catalogue record	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement of Estonia - Revision Preview (HTML)	26/03/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
04-1384 	U	GPA/56/Rev.1 Catalogue record	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Slovenia - Revision Preview (HTML)	26/03/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
04-1383 	U	GPA/66/Rev.1 Catalogue record	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Lithuania - Revision Preview (HTML)	26/03/2004	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
02-5640 	U	GPA/71 Catalogue record	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Georgia Preview (HTML)	17/10/2002	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
02-2120	U	GPA/65/Add.1 Catalogue record	Committee on Government Procurement - Application for Accession of Albania to the Agreement on Government	17/04/2002	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>

				Procurement - Addendum Preview (HTML)		25 p. 117KB	26 p. 118KB	26 p. 129KB
02-1292	U	GPA/65 Catalogue record		Committee on Government Procurement - Application for Accession of Albania to the Agreement on Government Procurement Preview (HTML)	13/03/2002	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						23 p. 100KB	1 p. 27KB	23 p. 99KB
02-1193	U	GPA/66 Catalogue record		Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Lithuania Preview (HTML)	08/03/2002	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 25KB	1 p. 26KB	1 p. 26KB
02-0087	U	GPA/63 Catalogue record		Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Moldova Preview (HTML)	08/01/2002	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 26KB	1 p. 29KB	1 p. 25KB
01-4689	U	GPA/57 Catalogue record		Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Albania Preview (HTML)	02/10/2001	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 25KB	1 p. 26KB	1 p. 25KB
01-4560	U	GPA/56 Catalogue record		Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Slovenia Preview (HTML)	25/09/2001	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 26KB	1 p. 26KB	1 p. 27KB
01-2167	U	GPA/48 Catalogue record		Committee on Government Procurement - Accession of Iceland Preview (HTML)	27/04/2001	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 27KB	1 p. 27KB	1 p. 27KB
00-4115	U	GPA/43 Catalogue record		Committee on Government Procurement - Accession of Iceland - Decision of the Committee of 29 September 2000 Preview (HTML)	09/10/2000	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						14 p. 51KB	14 p. 62KB	14 p. 68KB
00-3909	U	GPA/42 Catalogue record		Committee on Government Procurement - Application for Accession of Bulgaria to the Agreement on Government Procurement Preview (HTML)	27/09/2000	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 28KB	1 p. 29KB	1 p. 28KB
00-3508	U	GPA/41 Catalogue record		Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement of Estonia Preview (HTML)	11/09/2000	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 30KB	1 p. 30KB	1 p. 28KB
00-2974	U	GPA/38 Catalogue record		Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Jordan Preview (HTML)	19/07/2000	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
						1 p. 28KB	1 p. 28KB	1 p. 27KB

00-2516 	U	GPA/35 Catalogue record	Committee on Government Procurement - Checklist of Issues for Provision of Information Relating to Accession to the Agreement on Government Procurement Preview (HTML)	21/06/2000	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	5 p. 43KB	5 p. 46KB	5 p. 42KB
96-5155 	U	GPA/9 Catalogue record	Committee on Government Procurement - Accession of Hong Kong - Decision Preview (HTML)	09/12/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	13 p. 81KB	14 p. 100KB	14 p. 62KB
96-4404 	U	GPA/7 Catalogue record	Committee on Government Procurement - Accession of the Kingdom of the Netherlands with Respect to Aruba Preview (HTML)	22/10/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	1 p. 27KB	1 p. 22KB	1 p. 22KB
96-3791 	U	GPA/6 Catalogue record	Committee on Government Procurement - Accession of Singapore - Decision of the Committee of 20 September 1996 Preview (HTML)	09/10/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	10 p. 40KB	10 p. 88KB	10 p. 48KB
96-0796 	U	GPA/3 Catalogue record	Committee on Government Procurement - Accession of Liechtenstein - Decision Preview (HTML)	06/03/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	12 p. 59KB	12 p. 97KB	12 p. 55KB
96-0794 	U	GPA/2 Catalogue record	Committee on Government Procurement - Accession of the Kingdom of the Netherlands with respect to Aruba - Decision Preview (HTML)	05/03/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	5 p. 40KB	5 p. 32KB	4 p. 27KB

Pages: [previous](#) [next](#)

Query= ((@meta_Symbol ((GPA/* and not (SPEC OR W)) and @meta_Title accession) and not GPA/IC/*))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Displaying: 1 - 63

Number of hits per page

Search results							
Submitted: 09/01/2006 9:23:45 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 3 KB	04-1381	GPA/41/Rev.1	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement of Estonia - Revision	26/03/2004	1	U	T/PLURI/GPA/41R1.doc
2 3 KB	04-1384	GPA/56/Rev.1	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Slovenia - Revision	26/03/2004	1	U	T/PLURI/GPA/56R1.doc
3 3 KB	04-1383	GPA/66/Rev.1	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Lithuania - Revision	26/03/2004	1	U	T/PLURI/GPA/66R1.doc
4 3 KB	02-5640	GPA/71	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Georgia	17/10/2002	1	U	T/PLURI/GPA/71.doc
5 71 KB	02-2120	GPA/65/Add.1	Committee on Government Procurement - Application for Accession of Albania to the Agreement on Government Procurement - Addendum	17/04/2002	25	U	T/PLURI/GPA/65A1.doc
6 59 KB	02-1292	GPA/65	Committee on Government Procurement - Application for Accession of Albania to the Agreement on Government Procurement	13/03/2002	23	U	T/PLURI/GPA/65.doc
7 3 KB	02-1193	GPA/66	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Lithuania	08/03/2002	1	U	T/PLURI/GPA/66.doc
8 3 KB	02-0087	GPA/63	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Moldova	08/01/2002	1	U	T/PLURI/GPA/63.doc
9 3 KB	01-4689	GPA/57	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Albania	02/10/2001	1	U	T/PLURI/GPA/57.doc
10 4 KB	01-4560	GPA/56	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Slovenia	25/09/2001	1	U	T/PLURI/GPA/56.doc
11 3 KB	01-2167	GPA/48	Committee on Government Procurement - Accession of Iceland	27/04/2001	1	U	T/PLURI/GPA/48.doc
12 19 KB	00-4115	GPA/43	Committee on Government Procurement - Accession of Iceland - Decision of the Committee of 29 September 2000	09/10/2000	14	U	T/PLURI/GPA/43.doc
13 3 KB	00-3909	GPA/42	Committee on Government Procurement - Application for Accession of Bulgaria to the	27/09/2000	1	U	T/PLURI/GPA/42.doc

			Agreement on Government Procurement				
14 4 KB	00-3508	GPA/41	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement of Estonia	11/09/2000	1	U	T/PLURI/GPA/41.doc
15 3 KB	00-2974	GPA/38	Committee on Government Procurement - Application for Accession to the Agreement on Government Procurement - Communication from Jordan	19/07/2000	1	U	T/PLURI/GPA/38.DOC
16 15 KB	00-2516	GPA/35	Committee on Government Procurement - Checklist of Issues for Provision of Information Relating to Accession to the Agreement on Government Procurement	21/06/2000	5	U	T/PLURI/GPA/35.DOC
17 18 KB	96-5155	GPA/9	Committee on Government Procurement - Accession of Hong Kong - Decision	09/12/1996	13	U	T/PLURI/GPA/9.WPF
18 3 KB	96-4404	GPA/7	Committee on Government Procurement - Accession of the Kingdom of the Netherlands with Respect to Aruba	22/10/1996	1	U	T/PLURI/GPA/7.WPF
19 15 KB	96-3791	GPA/6	Committee on Government Procurement - Accession of Singapore - Decision of the Committee of 20 September 1996	09/10/1996	10	U	T/PLURI/GPA/6.WPF
20 21 KB	96-0796	GPA/3	Committee on Government Procurement - Accession of Liechtenstein - Decision	06/03/1996	12	U	T/PLURI/GPA/3.WPF
21 7 KB	96-0794	GPA/2	Committee on Government Procurement - Accession of the Kingdom of the Netherlands with respect to Aruba - Decision	05/03/1996	5	U	T/PLURI/GPA/2.WPF
((@meta_Symbol ((GPA/* and not (SPEC OR W)) and @meta_Title accession) and not GPA/IC/*)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num							
Result of the search: 63 (for 21 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

WORLD TRADE ORGANIZATION

GPA/41/Rev.1
26 March 2004

(04-1381)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT OF ESTONIA

Revision

The following communication, dated 22 March 2004, from the Delegation of Estonia is being circulated to the Parties to the Agreement on Government Procurement.

In view of its accession to the European Communities (EC) on 1 May 2004, Estonia hereby withdraws the application for accession to the Agreement on Government Procurement (GPA) which it submitted on 4 September 2000, circulated as document GPA/41. The EC will inform the Committee about the technical adaptations to the GPA annexes that are necessary to reflect its enlargement.

WORLD TRADE ORGANIZATION

GPA/56/Rev.1
26 March 2004

(04-1384)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT OF SLOVENIA

Revision

The following communication, dated 22 March 2004, from the Delegation of the Republic of Slovenia is being circulated to the Parties to the Agreement on Government Procurement.

In view of its accession to the European Communities (EC) on 1 May 2004, the Republic of Slovenia hereby withdraws the application for accession to the Agreement on Government Procurement (GPA) which it submitted on 24 September 2001, circulated as document GPA/56. The EC will inform the Committee about the technical adaptations to the GPA annexes that are necessary to reflect its enlargement.

WORLD TRADE ORGANIZATION

GPA/66/Rev.1
26 March 2004

(04-1383)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT OF LITHUANIA

Revision

The following communication, dated 22 March 2004, from the Delegation of Lithuania is being circulated to the Parties to the Agreement on Government Procurement.

In view of its accession to the European Communities (EC) on 1 May 2004, Lithuania hereby withdraws the application for the accession to the Agreement on Government Procurement (GPA) which it submitted on 4 March 2002, circulated as document GPA/66. The EC will inform the Committee about the technical adaptation to the GPA annexes that are necessary to reflect its enlargement.

WORLD TRADE ORGANIZATION

GPA/71
17 October 2002

(02-5640)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Communication from Georgia

The following communication, dated 8 October 2002, has been received from the Permanent Mission of Georgia with the request that it be circulated to the Parties to the Agreement on Government Procurement.

I would like to refer to the commitments of Georgia arising from the Protocol of the Accession of Georgia to the Marrakesh Agreement Establishing the World Trade Organization and Working Party Report (WT/ACC/GEO/31 of 31 August 1999).

Accordingly, on behalf of the Government of Georgia, I hereby apply for the accession of Georgia to the WTO Agreement on Government Procurement.

WORLD TRADE ORGANIZATION

GPA/65/Add.1
17 April 2002

(02-2120)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION OF ALBANIA TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Addendum

The following communication, dated 21 March 2002, has been received from the Permanent Mission of Albania with the request that it be circulated to the Committee.

Albania is providing to the Committee on Government Procurement the notification of the following national implementing legislation* for review by all Parties:

Law No. 8767, dated 5 April 2001 on some Additions and Changes to the Law No. 7971, dated 26 July 1995

Decision of the Council of Ministers No. 335, dated 23 June 2000 on Public Procurement Regulations

Council of Ministers Guidelines No. 1, dated 1 January 1996 on public procurement

Council of Ministers Guidelines No. 3, dated 19 February 1996 on Small Value Purchases

* In English only

**REPUBLIC OF ALBANIA
PARLIAMENT**

**Law No. 8767 dated 05.04.2001 on some additions and changes on the
Law No. 7971, dated 26.07.1995 “On public procurement”, changed by
the Laws No. 8039 dated 23.11.1995, No. 8074 dated 22.02.1996 and
Law No. 8112 dated 28.03.1996**

In Accordance with Articles 78 and 83 para.1 of the Constitution, and with proposal of the Council of the Ministers,

**THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA**

DECIDED:

In the law No. 7971 dated 26.07.1995 “On Public Procurement”, changed by the laws No. 8039 dated 23.11.1995, No. 8074 dated 22.02.1996 and law No. 8112 dated 28.03.1996, are made these additions and changes:

Article 1

Article 1 is amended as follows:

Article 1

This law determines the regulations on procurement of goods, constructions and services and aims:

- (a) To promote an efficient and economic use of public funds by procurement entities;
- (b) To encourage the participation of candidates in the public procurement procedures;
- (c) To promote competition between candidates in procurement for the supply of goods, construction and services;
- (d) To ensure fair, equal and non-discriminatory treatment of all candidates participating in the procurement;
- (e) To ensure fairness, public trust and transparency in public procurement.

Article 2

In Article 2 the last paragraph is changed as follows:

“Public funds” means the following funding resources:

- (a) Every monetary value originated from the state budget allocated for use in public procurement;
- (b) Every monetary value originated from the local government allocated for use in public procurement;
- (c) Funds granted in the form of an aid or credit by foreign donors under international agreements, unless they require compliance with procedures other than those of this Law;
- (ç) The revenues from state-owned companies, enterprises depended on municipalities and commercial companies where the state owns the majority of the capital.

After the last paragraph the following paragraphs are added:

“Suspension” means discontinuation of the procurement procedure by head of the procurement entity, by central or local body, or by the Agency of Public Procurement, as the result of the administrative complaint.

“Re-evaluation” means re-examination and correction of the imperfections pointed out by the head of the procurement entity, by central or local body, or by the Agency of Public Procurement, in a procurement procedure.

“Annulment” means repetition from the beginning of a procurement procedure, as the result of the breaching of the procurement regulation pointed out by central or local body, or by the Agency of Public Procurement.

Article 3

After paragraph 2 of the Article 5 is added the paragraph 3 in the following content:

3. In the beginning of every year, according to the deadlines determined in the public procurement regulations, the procurement entity sends to the Agency of Public Procurement annual planing of the intended procurements to be published in the Bulletin of Public Procurement.

Article 4

After paragraph 3 of the Article 7 is added paragraph 4 in the following content:

4. The procurement entity is obliged to establish the procurement unit within the structure of the entity. The tasks of the procurement unit are defined in the Guidelines of the Council of the Ministers.

Article 5

In the Article 8 are made these changes:

In the paragraph “c” of the point 2 is added the sentence in the following content:

“In the beginning of every year, the Agency of Public Procurement publishes in the Bulletin of Public Procurement the list of suppliers which are excluded form the participation in the public procurement procedures, according to the Article 12 paragraphs 5 and 7 of this law.

After letter “g” of the item 2 is are added the paragraphs “gj” and “h” in the following content:

(gj) establishes a system of public procurement procedures performed. These data are received from central and local public procurement entities.

(h) encourages and promotes the use of international technical standards for the preparation of technical specifications and keep constant relations and contacts with the General Directorate for Standardization.

Article 6

In the Article 12 are made these amendments and changes:

In the paragraph 5, in the before last sentence, the words “up to 1 year” are changed “from 1 up to 3 years”.

After paragraph 6 is added paragraph 7 containing as follows:

7. When the Agency of Public Procurement, regards that disqualification of candidates is done in conformity with Article 12 paragraph 5, or when the Agency regards that the bidder presents a document that contains a false information, it takes the decision for exclusion of this bidder from the public procurement procedures for a period from 1 year up to 3 years. The decision of the Agency is communicated to all procurement entities through publication of the decision in the Bulletin of Public Procurement.

Article 7

In the Article 16 are made these changes and amendments:

1. The title of the article is changed as follows:
“Corruptive Actions”

2. After the existed paragraph is added an paragraph in the following content:

Any sum of money given to or taken as a stimulus for an act, decision or procurement procedure by the officials of the procurement entity or officials of other bodies that the entity depends on is called corruptive action. When this action does not constitute a penal act is considered an administrative violation and is penalized according to the provisions of this law.

Article 8

Article 17 is amended as follows:

Paragraph 3 is amended as follows:

3. In exceptional circumstances of a force major or emergency, the Council of Ministers may permit the use of a procurement procedure other than open tender, in situations foreseen in Articles 18, 19, 20, 21 and 22.

The permitting of a procurement procedure must be accompanied with these documents:

- (a) A request by procurement entity related with the use of the selected procurement procedure, along with the relevant arguments in favor of its choice;
- (b) Motivation of the procurement entity in the selection of the candidate(s) to participate in public procurement procedure;
- (c) Data confirming registration in the court of the candidate(s) to participate in procurement procedure, their activity, seriousness and credibility;
- (d) Data on the determination of the threshold fund and work volume for constructions.

After paragraph 4 is added paragraph 5 with the following content:

5. For the big public objects, the construction works of which spends a time period that pass next calendar year, the procurement entity procures the funds for the constructions and their supervision, as per total value of the objects. The total value of every object procured, the construction of which expires the time period of one calendar year, will be obligatorily included in the budget of the next year, for continuation and finalizing of their works.

Article 9

In the Article 19 are made these changes and amendments:

The paragraph “a” of point 1 is amended as follows:

(a) When in absence of the competition for technical reasons the goods, construction works and services are provided only by one candidate, or when a supplier or contractor has the exclusive rights for goods, construction works or services and it does not exist any other possibility for substitution;

The paragraph “b” of point 1 is amended as follows:

(b) According to the restrictions previewed in the procurement rules, for supplementary delivery of goods and services by the previous supplier, which are done either as substitution or as a supplement of goods, or existed services. In this cases, a change of the supplier would oblige the procurement entity to procure goods or services, which will not meet the requirements of conformity with goods and existed services.

After paragraph “e” of point 1 are added these paragraphs:

(ë) The procurement entity will use the direct procurement procedure foreseen

in the paragraphs a), b), c) ç) of the paragraph 1, only after obtaining the approval by the Agency of Public Procurement.

(f) In the cases of emergent necessity for goods, services and construction works, those not foreseen in the annual planing of intended procurement, and where this emergent necessity is caused by circumstances that are out of control of the procurement entity. The procurement entity will use direct procurement procedure after obtaining the approval by the Agency of Public Procurement.

Point 2 is changed as follows:

2. The procurement entity can use also direct procurement for the procurement in small values, when the calculated value is less than monetary limit defined in regulations on public procurement.

Article 10

The paragraph 1 of Article 25 is changed as follows:

1. The invitation to tender shall be addressed to all candidates that in a written form are interested in participating in a procurement procedure. The invitation to tender is published in the Public Procurement Bulletin and at least in two national newspapers of general circulation.

Article 11

The first sentence of the paragraph 1 of Article 29 is changed as follows:

The procurement entity must determines in the tender documentation the condition of bid security in the form of bank guarantee or a guarantee issued by insurance companies, licensed by the state.

Article 12

Paragraph 1 of Article 31 is changed as follows:

The procurement entity shall open all offers in the date and the time determined in the bid documentation, which comes immediately after last deadline of their acceptance.

Article 13

In the Article 32 are made these changes:

- The first sentence of paragraph 1 is changed as follows:

When it deems appropriate, the procurement entity may requests clarifications from bidders on their offers, aiming that the examination and the evaluation of the offers to be fair and transparent.

- In the paragraph 4, in first line, the words “may consider” will be substitute with the words “considers”.
- Paragraph 7/b is changed as follows:

7.b) The offer that, on the basis of the requirements and criteria set forth in the bid’ documents, meets the criteria and specific conditions of the procurement object with the best economic value. The best economic value is evaluated on the basis of factors specified in the bid documents which to the extend practicable shall be objective and clearly quantifiable. These factors shall be given relative weight in the evaluation procedure or be expressed in monetary terms.

Article 14

After the paragraph 3 of the article 35 are added these paragraphs:

4. Within 30 days of the signing of the contract, the procurement entity must publish the procurement contract award in the Public Procurement Bulletin. The procurement contract is deemed concluded, when it is signed by the procurement entity and by the winner bidder.
5. The Civil Code provisions are applicable for a contract of public procurement.
6. The procurement entity or the body, which puts into disposal the funds after the awarding of the contract, supervises the fulfilment of the obligations of the contract.
7. The procurement procedure ends, when all the contract obligations of the parties are fulfilled.

Article 15

In the article 36 are made these changes and additions:

-The paragraph “b” is changed as follows:

- (b) the procurement entity, which has updated lists regularly, but at least twice per year, must choose the bidders from these lists, and must accept offers from those bidders whose want to participate in the procurement procedure, giving to all of them equal possibilities in the competition”,

-After the paragraph “ç” is added the paragraph “d” with this content:

- (d) the procurement entity must take prior approval by the Public Procurement Agency, for the organizing of the procurement procedures with less than 3 offers.”

Article 16

The point 3 of the Article 39 is changed like this:

3. The procurement entity can negotiate with the winner bidder for the content of his proposal and can ask or can allow the re-examination of this proposal.

Article 17

The point 1 of the article 40 is changed as follows:

1. The procurement entity should request quotations from as much suppliers as it can, to obtain not less than 3 offers. In case of obtaining less than 3 offers, the procurement entity must take prior approval of the Public Procurement Agency to continue or not this procedure.

Article 18

The point 1 of the article 41 is changed like follows:

1. The procurement entity must use the procedure “Open International Tendering”, when the calculated value of the fund is over a monetary limit defined in the procurement regulations or of the limit funds under this monetary value, where the useful competition can not be assured in the open tendering for the procurement of goods, for the constructions and for the services, without the participation of the foreign physical or juridical persons.

Article 19

Paragraph 1 of Article 45 is changed as follows:

1. Upon receipt of a complaint by a bidder participant in the public procurement, the Public Procurement Agency, unless it refuses the complaint, shall promptly notify the procuring entity to suspend further action of procurement procedure. The Agency orders the entity to submit to the Public Procurement Agency, within five days from the date of receipt of this notice, all documents relating to the relevant procurement procedure.

Article 20

Article 46 is amended as follows:

1. In case breaches of the provisions of this Law and of procurement regulations, the Public Procurement Agency has the right to:
 - (a) propose to the central or local body to penalize the responsible persons of the procuring entity who have made the administrative violation;
 - (b) penalize for administrative violation the responsible persons with a fine from 50 thousand to 1million Lek. A complaint may be lodged against the penalizing decision to the court of district of the procuring entity within 5 days after the notification.
2. If the head of the central or local body and the head of the procurement entity ascertain breaches of this Law and of public procurement regulations, they have the right to:

- (a) penalize responsible persons of the procuring entity for administrative violation with a fine from 50 thousand Lek to 100 thousand Lek. A complaint may be lodged against the penalizing decision to the Public Procurement Agency that review the complaint within 30 days from the date its submission;
 - (b) order dismissal from task of persons responsible for administrative violation.
3. The collection of the fines is made in the base of the Law nr.7697, date 7.4.1993 “On Administrative Violations”.
4. The fines foreseen in this article, for the same violation is applied only once.

Article 21

This Law enters into force 15 days following its publication in the Official Journal.

REPUBLIC OF ALBANIA
Council of Ministers

DECISION

No. 335 dated 23.06.2000

ON PUBLIC PROCUREMENT REGULATIONS

In implementation of Article 100 of the Constitution, and Article 8, paragraph 2/a, of the Law no.7971, date 26.07.1995 *On Public Procurement*, on proposal by the Deputy Prime Minister and Minister of Labor and Social Affairs, the Council of Ministers,

D E C I D E D

1. A procuring entity shall use "open tendering", according to Article 23 of the Law no. 7971, dated 26.07.1995, *On Public Procurement*, when the estimated value of the contract is over 5 (five) million Lek for the procurement of construction, over 3 (three) million Lek for the procurement of goods and over 1 (one) million Lek for the procurement of services, with the exception of design services.

2. A procuring entity shall use "limited tendering", according to paragraph "b", Article 18, and Article 36 of the said Law, when the estimated value of the contract is less than 5 (five) million Lek for the procurement of construction, less than 3 (three) million Lek for the procurement of goods and less than 1 (one) million Lek for the procurement of services, with the exception of design services, where reference shall be made to the value envisaged for the procurement of the construction and not that of service.

In this case the procuring entity shall obtain tenders by no less than 3 (three) candidates. In the case of an international tendering, the procuring entity shall obtain at least 3 (three) tenders from no less than 3 (three) different countries.

3. procuring entity shall use "request for quotation", according to Articles 22 and 40 of the said Law, when the estimated value of the contract is less than 2 (two) million Lek for the procurement of construction, 1 (one) million Lek for the procurement of goods and 500,000 (five hundred thousand) Lek for the procurement of services.

4. A procuring entity shall use "direct procurement", according to Article 19 of the said Law:

- (a) Point 1/b/c/ç, for a value of less than 30 per cent of initial contract, when the need for this addition arises before the testing of construction and within 3 months from the expiry of the contract term for goods and services.
- (b) Point 2, for goods of smaller value, such as readily available goods, when the estimated purchase price of each item is less than 200,000 (two hundred thousand) Lek, within a calendar year.
- (c) In respect of the Directory of Governmental Services, when the estimated purchase value of each item is less than 600,000 (six hundred thousand) Lek, within a calendar year.

5. The period from the announcement of invitation to tender to the day of the submission of tenders shall be:

- (a) In the case of "open tendering", no less than 20 (twenty) days for the procurement of construction, goods and services;
- (b) In the case of "limited tendering", no less than 15 (fifteen) days for the procurement of construction, goods and services;
- (c) In the case of "request for quotation" no less than 10 (ten) days for the procurement of construction, goods and services;
- (d) In the case of international procedures, no less than 45 (forty-five) days.

6. The condition of tender security, in the form of bank guarantee, according to Article 29 of the said Law, shall be 2-5 per cent of the estimated contract value (estimated preliminary by the procuring entity and given in absolute value in the tender data), and the contract security condition shall be 10 per cent of the contract value.

7. Before announcing the winning tender or proposal, the procuring entity shall submit a summarized report on procurements for prior review and approval:

- (a) To the head of the procuring entity, in respect of procurements of less than 5 (five) million Lek;
- (b) To the head of the central or local authority, in respect of procurements of over 5 (five) million Lek;
- (c) To the Public Procurement Agency in respect of procurements of over 100 (a hundred) million Lek.

8. The successful bidder must declare to the procuring entity, through signing the contract form, his/her will to sign the contract within 15 days from the receipt of notification, in respect of open tendering, limited tendering and invitation for quotation, and open or limited international tendering.

In case that within this term the response by the successful bidder is negative, the procuring entity is entitled to notify the second-ranking participant in the classification, of contract award, and effect at the same time forfeiture of the tender security of the winning bidder.

9. The procuring entity is bound to establish a procurement register at the start of each year, where records relating to the observance and application of procurement procedures are entered.

10. All procuring entities shall submit for publication to the Public Procurement Agency the invitation to tender in the open tendering, limited tendering, and request for quotation, not later than 10 days prior to its announcement. In addition, in respect of a tendering which are published in the Public Procurement Bulletin, the procuring entity is bound, prior to contract signing, to make a public notice of the successful tenderer in the Public Procurement Bulletin.

11. Within January 30, the procuring entity shall submit to the Public Procurement Agency accurate statistics on the annual planning of procurements. Furthermore, it shall also submit to the Public Procurement Agency any alterations to the plan of public procurements in the course of the calendar year. At the end of each three-month period and within the tenth day of the following month, the procuring entity shall submit to the Public Procurement Agency an index of fulfilment or not of planned procurements, accompanied with a report of relevant explanations. Whereas, the Public Procurement Agency shall, within the 20th day of the same month submit to the Council of Ministers an overall statement of all procurements in the country.

12. Any candidate is free to seek administrative review of an act or omission by a procuring entity, where the candidate considers to be in breach of this Law or the procurement regulations, within the following deadlines:

- (a) With the procuring entity and central or local authority, within 5 (five) days following announcement of the final classification of tenders;
- (b) With the Public Procurement Agency, 5 (five) days after the expiry of the term for the lodging of any complaints with the procuring entity.

13. In the case when a procurement procedure is subjected to review by the Public Procurement Agency, the procuring entity is bound, within 5 (five) days from the moment this decision is issued, to submit to the Public Procurement Agency, a summary review report.

14. The procuring entity shall record and make available to inspection authorities the procurements register, records and complete documents of any performed procurements. Recording of these documents shall be made in compliance with the terms stated in the Law “*On Archives*”.

15. The Decision no.12, date 01.01. 1996 of the Council of Ministers, *On Public Procurement Regulations* is abrogated.

This Decision is entered into force after its publication in the “Official Journal”

PRIME MINISTER

ILIR META

**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

GUIDELINES

NO. 1 DATED 1.01.1996

ON PUBLIC PROCUREMENT

Pursuant to the proposal of the Agency of Public Procurement, the Council of Ministers,

INSTRUCTS

I. THE PROCURING ENTITY AND THE PROCUREMENT ORDER

1. The Procuring Entity is the central or local body, which has available funds for procurement, when it is making the procurement by itself. In case when the procuring entity delegates in writing the procurement to another juridical person, then the latter bears the rights and responsibilities of the procurement entity.

The head of Procuring Entity, after the allocation of funds, issues the procurement order, in which it defines

- (a) the object to be procured;
- (b) the available funds;
- (c) the procurement procedure;
- (ç) the commission of tender evaluation;
- (d) the group that prepares the tender documents where there is no procuring unit

II. PROCUREMENT PROCEDURES

The procurement procedure to be followed is decided on the basis of law no.7971, dated 26.07.1995 "On Public Procurement", and decision of the Council of Ministers no .12, dated 1.1.1996 " On the Rules of Public of Procurement".

2. In the procurement procedures no highest and lowest values can be defined, for the purpose of the disqualification of the tenderers.

- (a) Open and international tendering procedures

Open tendering is the type of procedure mainly addressed to the local companies, but which allows the participation of other companies as well, despite their nationality. The open tendering documents will be prepared only in Albanian language, the tenders will be presented only in Albanian language and the announcements will be published in the local press.

Open international tendering is the type of procedure addressed to all companies; the tender documents will be prepared in Albanian and also in another language widely used in the international trade; the announcements will be published not only in the Bulletin of Public Procurement Agency and local press, but according to article 25 of the law no.7971, dated 26.7.1995, these announcements should be published as well in an international newspaper to promote competition.

Open tendering will be the preferred tender procedure because it makes use of local human resources and has its advantages in relation to the organization of tenders, because:

- the procurement is made in a shorter time because the deadlines are shorter;

- geographical distances facilitate the contacts between the employer and the contractor;
- the announcement is published in the Bulletin of the Public Procurement Agency and in the local press; therefore its cost is lower;
- the native language is used;
- there is time benefits in relation to the exchange of announcements, clarifications, organization of meetings, dispatch and reception of the additional materials (where necessary) etc.;
- the procurement laws and rules are known to the tenderers, therefore misunderstandings are avoided to the maximum, facilitating in this way the communication.

This procedure will always be used when effective competition can be achieved, otherwise international open tendering will be used as provided in article 41, of the law no. 7971, dated 26.7.1995.

(b) Pre-qualification procedures

The pre-qualification procedures will be used according to Article 13 of the Law No. 7971, date 26.07.1995, in cases of complex procurements when considerable efforts are needed to prepare the tenders and to examine and evaluate them.

This procedure encourages the companies to participate in the pre-qualification stage, because the documentation they are asked to prepare during this stage does not cost much time and money.

This procedure also enables the procuring entity to invite only those companies that have sufficient capacity and recourses to compete, avoiding participation of unqualified companies.

The announcement for the pre-qualification stage is made within the time limits established for open and international tendering.

The pre-qualification documents will request from the prospective tenderers to demonstrate their capacity and recourses to satisfactorily fulfil contracts, taking into consideration their performance in previous similar contracts; the capacity of its personnel; the number, type and source of the construction and production machinery and equipment; its financial situation, etc.

After the pre-qualification procedures have been completed, the tender documents are distributed to the pre-qualified companies.

The information provided in the documentation for pre-qualified will be verified before signing the contract. If the provided information results false, inaccurate or incomplete, the tenderer will be disqualified according to the Article 12. Paragraph 5 and 6 of the Law No. 7971 dated 26.07.1995. In this case the procuring entity awards the contract to second ranking tenderer.

The pre-qualification procedures may be applied even for a group of similar procurements, when a certain value is defined, under which pre-qualification is not necessary.

In this case pre-qualification may be valid for a certain period of time, which should be specified in the documents of pre-qualification stage. Upon expiring of the time limit, pre-qualification should be repeated.

(c) Two-stage tendering

“Two-stage tendering” will be applied when the final design and technology of the goods and works to be procured, present some difficulty in the preparation of the technical specifications and other tender documents.

This may happen when the preliminary preparation of complete technical specifications would be difficult or non-practical and the procuring entity considers as more reasonable to collect proposals of the participating companies (in case of turn-key contracts or complex contracts).

This procurement procedure is also suitable in the case of procurement of such equipment, which are subject to rapid changes in technology, i.e. computer systems or communication systems.

The first stage of two-stage tendering may be open or restricted based on the Law No. 7971, dated 26.07.1995 and the Decision of the Council of the Ministers No. 12 date 01.01. 1996, respecting time-limits and thresholds specified in this decision. The second stage of "Two-stage tendering" should respect the time limits of "Limited Tendering".

(ç) Request for Proposal

"Request for Proposal" is a type of limited tendering, where the number of tenderers is conditioned by the number of the companies or individuals capable of presenting valid tenders.

If there is an international "Request for Proposals", the procuring entity should ask for proposals from not less than three countries.

The pre-qualification stage in "Request for Proposals" may or may not be used.

When the procuring entity uses "Request for Proposals" without the pre-qualification stage, it should prepare before hand a short list of the companies or individuals with due capacity to present valid proposals.

This procurement procedure may be used in consulting or designing services, preparation of feasibility studies, supervision of works, etc.

The tender documents should contain the terms of reference, the type and quality of solicited proposal, all laws and sub-legal acts if any, regulating such procedure, rules, standards, technical conditions which support the solicited proposal.

(d) Request for Quotations

"Request for Quotations" is used when works, services or goods that will be procured have a stable market and the value of the contract is small.

This procurement procedure is a kind of limited tendering that has priority compared to other forms of procurement because the time needed for procurement is shorter and there are less requests for qualification.

When procuring construction works or services only the legal and administrative documentation is requested. In the case of procurement of goods, tendering conditions will be included in a purchase order and the quotations may be received even by fax or telex, under the condition that the legal and administrative documentation of the winning company will be verified before signing the contract.

Local "Request for Quotations" is organized when tenders for works, services or goods may be obtained from more than two sources and with competitive prices. In international "Request for Proposals" the procuring entity will request quotations from not less than three countries.

"Request for Quotations " may or may not have the pre-qualification stage.

III. TENDER DOCUMENTS

The tender documents consist of (a) the general part, according to the forms attached to these guidelines, including:

- invitation to tender
- instruction to tenderers
- tender form
- general and specific conditions of the contract
- requests for the qualification of the participants
- form of tender security

and (b) the specific part, in accordance to the type of procurement, including:

1. Procurement of construction works

- final designs and technical specifications
- volumes of works and schedule of works (if necessary)
- schedule of works completion (if necessary)
- evaluating criteria

2. Procurement of goods

- technical specifications
- schedule of delivery
- evaluating criteria

(a) The general part

Invitation to tender contains the name and address of the procuring entity, the available funds, the object and the procurement procedure, the price and place of purchasing tender documents, the place, date and time of opening of tenders.

-Instructions to bidders contains all necessary information for preparation of bids.

Tenderers will use the standard tender documents and the general conditions of the contract enclosed in the instructions, without making any change. Changes may be made only in the specific conditions of the contract.

In international tendering the tender documents will be prepared in Albanian and in English (if not otherwise envisaged in the respective agreements), specifying which language will prevail. In local tendering the Albanian language will be the language of the tender.

All the participants in tendering will be given equal opportunities to visit the sites of big and complex works, and a preliminary meeting may be organized where prospective tenderers may request explanations for questions that have emerged during the preparation of their tender. The clarifications will be requested in a written form and after being prepared by the procuring entity will be distributed to all the possible tenderers without exception.

Every correction or amendment in the tender documents will be sent to each of the candidates within a reasonable time before the receipt of the tenders.

The tender documents should define the currency or the currencies in which the tenderers will present their tenders; the procedures for price adjustments of different currencies (not more than three) in a single currency; and the currency in which payments of the contract will be made. The

exchange rate of different currencies will be the rate of 28 days prior of opening tenders. This avoids mistakes in currency exchange, provides fairness and transparency during the evaluation process and enables the participants from countries with weak currencies to use a stronger currency.

Tender documents should also make clear that the tenderers should include in their tenders all fiscal taxes and duties to be paid according to the laws in effect 28 days before opening of the tenders.

The tender form should contain confirmation of the tenderer for the prices offered by him for the completion of the contract and the declaration that his tender is in accordance to the contract conditions and technical specifications given in the tender documents.

General conditions of the contract should denominate the range of works to be performed, goods to be delivered, the rights and obligations of the procuring entity and of the contractor, as well as the functions and competencies of the contractor and the director of works in supervision and contract administration. Besides the general conditions of the contract, there will also be provided the special conditions of contract. In the specific conditions of contract it is also stated the amount of performance security, which will protect the procuring entity in case of contract infringement by the contractor. Part of this guarantee will be extended beyond the completion date to pay for the defects or maintenance until the procuring entity takes over the works. The contract may envisage the retention of a certain percentage in every periodic payment until the procuring entity takes over the object.

Requests for qualification should contain the legal and administrative documentation of the candidate that have been considered as necessary by the procuring entity, in conformity with article 12 of law no 7971 dated 26.7.1995. For construction works and designing activity, the requests for qualification will include except the legal and administrative documentation, even other data related to the staff, technical capacity and experience of the company.

Form of tender security serves to protect the procuring entity from irresponsible tenders, but this amount should not be as high as to discourage the participation in tendering process. The form of tender security will be a bank deposit or guarantee in a bank related to Albanian banks. Tender security of the successful tenderer should be valid for a period of 30 days after the termination of tender validity, so that the procuring entity will have enough time to forfeit tender security if it becomes necessary. Tender security of the unsuccessful tenderers will be returned immediately after signing the contract with the winner.

The procuring entity will define the percentage of tender security depending on the estimated value of the contract as given in the Decision of the Council of Ministers no 12, dated 1.1.1996, aiming at the lowest limit for contracts of big amounts and the upper limit for the small value contracts.

(b) The specific part

1. Procurement of construction

New construction works should have the detailed final design so that work items and volumes are clearly stated in the tender documents.

Construction works may be procured with fixed prices when the volumes of work given in the final design are subject to changes during construction work. In this case the successful tenderer is obliged to keep the unit prices unchanged as defined in its tender.

Construction works may be procured also with turn-key contracts, when work volumes given in the tender documents are not precise and the tenderers should make a detailed study of the design, without being obliged to respect the given volumes. In this case the successful tenderer is responsible

for handling over the object without claiming any additional amount over the price it has offered in its tender responding also to all fiscal obligations according to the existing laws.

The technical specifications should clearly state the requirements of the procuring entity on the quality of works, materials to be used, or other requirements besides those envisaged in the final design or technical conditions.

In the requests for qualification there should be clearly given the minimal requests related to:

- qualifications and licenses of the staff that will be directly involved in the object; i.e. the key personnel responsible for the implementation of the works.
- the number and type of plant and equipment, i.e. the indispensable technical capacity for carrying out the works.
- the minimal value of similar objects built by the contractor (documented through certificates issued by the investor) in order to convince the Procuring Entity that the contractor is capable of realizing the requested works.

If the contractor fulfils these requests for qualification given in the tender documents, it is considered as qualified and then its tender will be evaluated (and also time, if this is foreseen as evaluation criterion in the tender documents). The requests for qualification serve only for the qualification of the tenderer and are not awarded with points, though they may surpass the limit requested in, the tender documents.

In all the cases when the contracts are based upon unique prices, the work volumes should be complete in all the items and percentages the procuring entity judges as need to be fixed, (reserve fund, the minimal planned profit, the minimal supplementary expenses, the percentage of the value added tax, etc).

The order of completion of different stages of works should be given in the tender documents, if the procuring entity considers as necessary that different stages of works should be completed according to a certain order.

If the time for completion of works is not an evaluating criterion, this shall be clearly stated in the tender documents; in the opposite case time for completion of works shall be part of the evaluating criteria.

In the evaluating criteria there should be given the weight of every criterion; i.e. the maximal points for the tender with the lowest price, or the maximal points for the tender with the shortest time schedule, (when time is an evaluating criterion), and the formula for calculating the points of the successive tenderers: $P_i = V_{min} \times P_{max} / V_i$ where:

P_i = points of the tender under evaluation

P_{max} = the maximal points given to the lowest tender

V_i = value of the tender under evaluation

V_{min} = the value of the lowest tender

When procuring reconstruction works and there is no final design, the procuring entity may use two-stage tendering procedures. On the basis of technical specifications, in the first stage the procuring entity will request from the tenderers, besides the qualification requests, the work volumes and other opinions related to the object. After the work volumes have been fixed, the Procuring Entity in the second stage asks *for* the price of the tenders.

As far as requests for qualification, technical specifications or evaluating criteria are concerned, there will be used the same procedures applied when procuring construction works.

2. Goods

The invitation to tender for goods should be made on the basis of CIF prices, where the supplier includes also the transportation and insurance of the goods. The evaluation and selection is made on the basis of CIF prices. If the Procuring Entity undertakes the transportation and insurance of the goods through local companies, the tenderers may be requested to present in their tenders based in FOB prices. In this case, the evaluation and selection are made with CIF prices, but the Procuring Entity may sign the contract with FOB prices and will be itself responsible for the transportation and insurance of the goods.

If the tender documents require, the contracts for the delivery of goods should guarantee full payment for the contracted goods after their delivery and control, with the exception of contracts for installation and starting of the machinery. In these cases a part of the payment may be made after the supplier had fulfilled all its contracting obligations. Payment through irrevocable Letter of Credit confirmed by the Albanian Banks should gain priority in order to ensure direct payment for the supplier.

Technical specifications should clearly provide a description of the goods related to their quality, function, safety, dimensions, symbols, terminology, packing, marketing and labeling on the basis of article 14 of law 7971, dated 26.7.1995.

The delivery schedule of the goods should clearly provide the way and time limits the procuring entity has requested for the delivery of these goods.

After evaluating the technical specifications and delivery schedule of the goods, the only evaluating criterion will be the price of the good.

In the case when the evaluating criteria are more than one, some other factors may be taken into consideration as expenditures for internal transportation and insurance up to the delivery place, payment schedule, delivery time, operational expenses, equipment effectiveness and suitability, services and spare parts. Besides the price which will be used for determining the lowest cost tender, the specific weight of all these factors should be determined; i.e. how many points will be given to each criterion and how will be the calculations for the successive tenderers. All the criteria set for the evaluation of the bids should be objectively fair and possibly expressed in numbers. In every case when there are more than one evaluating criteria the price of the good should not have less than 80 points.

The ranking of the points will be calculated through the following formula:

$$P_i = V_{\min} \times P_{\max} / V_i$$

3. Services

The type of service required should be clearly described, with all the specific characteristics of the procuring entity for its quality and time schedule.

If the requests of the procuring entity are clear and complete, then the only evaluating criterion of the tenders may be the price of the service.

In special cases, when the evaluating criteria are more than one, all the criteria that determine tenders' evaluation should be objective and possible expressed in numbers. It should also be stated the weight of every criterion and the way of calculating the points for the tenders.

When the criteria are expressed in points the calculating formula will be:
$$P_i = V_{min} \times P_{max} / V_i$$

In every case when the criteria are more than one, the weight of the criterion of price should not be less than 80 points.

3.1 Designing services

The terms of reference should be complete and clear in such a way that provides equal opportunities to all the tenderers. They should also state the available fund for the construction of the object.

In the technical specifications there should be clearly stated all the requests of the Procuring Entity for the design of the object, the functional and technological aspect of the works, the materials to be used etc.

In the requests for qualifications there should be clearly stipulated the minimal requests related to:

- qualifications and licenses of the persons that will be directly involved in the design of the object, management of construction works or consulting services, i.e. curriculum vitae of each of the staff;
- similar designing services proved by the certificates of the investor (if designed before 1992, their total value will be calculated through conversion coefficients).

Except for requests for qualification, the candidates will be requested to present the preliminary design and the preliminary bill of quantities with equal prices for all the tenderers (the procuring entity, in the tender documents will give instructions for these prices). The tenderers will also state the price of the design that will be an evaluating criterion.

During the preparation of tender documents for designing services, according to article 39, paragraph 2/c, there should be stipulated in the tender documents that all tenderers will be excluded from the procurement process of goods or works related to the design under discussion.

In the tender documents for designing services, the procurement order will also include the available fund, which is the amount to be used for the payment of the design and not the total fund for the object; this will be stated in the terms of reference.

The evaluating criteria for the designs will be: not less than 75 points for the technical offer i.e. quality of the design; 15 points for the economic offer i.e. the value of the preliminary bill of quantities and about 10 points for the price of the design.

The bill of quantities of the final design, that reflects all remarks of the technical council should not surpass the amount of the preliminary bill of quantities prepared on the basis of the preliminary design and presented for bidding; if it is not so, the contract security of the designer will be forfeited.

A designer cannot be part of designing staff of two different designing companies that participate in the tender for the same object.

Two-stage tendering may be applied in the cases when a final design will be procured, the preliminary design of which has been defined in general lines and a routine tender of designing process will provide different solutions, the comparison of which would be senseless (e.g. pavement of existing roads, water supply and sewerage network).

In the first stage the candidates will be requested to submit the preliminary bill of quantities with the same prices for all the tenderers (in the tender documents, the Procuring Entity will give due instructions for these prices) together with details of the preliminary design which may influence the value of the bill of quantities.

After the Procuring Entity will decide on the basis of the submitted tenders for the best offer together with the preliminary bill of quantities, the procuring entity announces the second tendering stage to obtain tenders for the price of the design.

In this case price is the only evaluating criterion.

IV COMMISSIONS

The commission of tenders' evaluation should consist of not less than 5 members, specialists of the specific field and one economist. It is recommended that the Vice-Head of the Procuring Entity to be the Chairman of the Commission. The Head of the Procuring Entity can not be the Chairman of the Commission.

The Procurement Unit (or the persons that compile the tender documents) consists of not less than two specialists of the respective field and one lawyer.

The Procurement Unit together with the tender evaluation commission prepares the tender documents as defined in the procurement order.

In special cases, depending on the complexity of the object to be procured, the tender documents may be prepared by a specialized technical group, Albanian or foreign.

When procuring designs, the evaluating commission should be a kind of technical council. It should consist of not less than seven specialists of the respective field. In this case the procuring entity should determine the opposition for every design.

The procurement unit is responsible for making announcements or distributing invitations to tender (in restricted tendering), sending for publication in the Bulletin of Public Procurement of the invitation to tender, obtaining the materials needed for the tender documents (as maps, designs, bill of quantities, technical conditions, standards etc) preparation of tender documents with the respective forms, respecting the time limits as defined by the Decision of the Council of Ministers no.12, dated 1996 and, according to these guidelines, the calculation of the price for selling the tender documents to the tenderers (on the basis of article 27 of law no 7971, dated 26.7.19950), and handling the tender documents to the tenderers.

The lawyer, who is member of the group that prepares the tender documents, is responsible for implementing the envisaged procedures on the basis of the existing legislation; he also enjoys the right to suspend these procedures when he notices any infringements.

The Evaluating Commission participates together with the Procuring Entity in the compilation of tender documents and is responsible for the special part of these documents related to the technical specifications and requests for qualification, as well as for the evaluating criteria.

During the preparation of the tenders by the tenderers, the procuring entity is obliged to clarify to the tenderers any question that may arise to them during the preparation of their tenders which is related to the tender documents. If this question or clarification is a kind of interpretation requested in a written form or an addendum that should be given by the procuring entity, then, on the basis of article 28 of law no 7971, dated 26.2.1995, these addendum should be sent to all the tenderers despite the fact that have requested it or not and it will constitute an integral part of the tender documents.

If the opinion of the evaluating commission is needed for the clarifications requested by the tenderers, then the procuring entity through the head of the commission, should organize a meeting of the commission or even a meeting of the commission with the tenderers if necessary.

In national tenders the tenders will be submitted in the place, date and time specified these in the Invitation to Tender.

In the place, date and time defined in the Invitation to Tender and in the presence of the representatives of the participating companies, the commission receives the tenders in national tendering, or opens the tenders of international tendering when the tenders have been previously received.

Members of the evaluating commission should not have any business, kinship or interests relations to the tenderers.

The tenders submitted in conformity with the requests provided in the guidelines for the participants in tendering are reviewed by the commission. The other irregular tenders are turned back to the tenderers.

After opening the tender, the procedure starts with the qualification documentation. The documents are immediately examined in the presence of the commission and representatives of the companies.

The tenderers that have not fulfilled the qualification requests are considered as disqualified.

When it is possible for the verification to be made on the spot, the technical and economic tenders should not be opened without completing the qualification process of the tenderers. The tenderers that have fulfilled the qualification requests, are considered as qualified with the exception of the cases mentioned in article 12, paragraph 6 of Law No. 7971, dated 26.7.1995.

The commission opens the technical-economic tenders after having declared the disqualified companies, and read in a loud voice the total value of the tenders as well as the time deadlines when time is an evaluating criterion.

All the pages that present the calculations for the final value of the tender, are signed by all the members of the commission.

The minute of opening of the tender is prepared in conformity with the requests of the Article 31, item 3 of law 7971, dated 26.7.2995.

The whole documentation opened by the commission is part of the tender file and is not turned back to the tenderers after the end of the tendering process.

After receiving the tenders the commission should select the best tender on the basis of the criteria established in the tender documents, in conformity with article 32 of the Law No.7971, dated 26.7.1995, and the ranking classification of all other tenders.

The decisions of the commission are reached through consensus or majority of open votes and not through secret voting.

The procuring unit should be present during the work of the evaluating commission and might give opinions or make remarks.

The procuring entity should keep and sign all the records of commission work, which should also be signed by all the members of evaluating commission, collect and keep in a separate file all the documentation of tendering, (procurement order, announcements, etc decision for announcing the winner); at the end of the procuring procedures, the Procuring Entity should submit the file in the archive of the Procuring Entity, where it should be preserved according to paragraph 10 of the Decision of the Council of Ministers, dated 1.1.1996.

The Chairman of the Commission organizes the work of the commission during the tendering process and together with the lawyer, which are responsible for following up tendering procedures according to the existing laws and regulations.

The Chairman of the Commission prepares the ranking list of the tenders and officially announces it to the tenderers.

V. THE HEAD OF THE PROCURING ENTITY

The tenderers that do not agree with the decision of the procuring entity and want to know the reasons for the rejection of their tender, enjoy the right to complain at the Procuring Entity within 10 days from the receipt of the official announcement.

In this case only the tender of the claiming candidate will be reviewed, and not the other tenders.

The head of the Procuring Entity may suspend tendering procedures if the complaint is upheld, or in the opposite case he is entitled to clarify and respond on the basis of article 44, paragraph 2, of the Law 7971, dated 26.7.1995 to all the complaints that have been submitted to the Procuring Entity within 10 days: from the official announcement on classification of the tenders from the evaluating commission.

VI. APPROVAL

The procuring entity prepares a summary report according to article 7, paragraph 2 of the Law no. 7971, dated 26.7.1995, reflecting all the complaints (if any), the respective answers and sends this report to the central or local body that makes available the funds.

The Head of the Procuring Entity on the basis of the report and possible complaints sent by the Procuring Entity decides whether it is necessary to seek for review the complete file of tender documents; in the opposite case he approves the winner of the tender and makes available the necessary funds.

After reviewing the requested documentation, the central or local organ should give the approval or corrective measures, if any, not later 20 days from the receipt of the documentation.

Only after the approval of the organ that manages the funds, the procuring entity is entitled to announce the winner and to sign the contract for the procured object.

Winner announcement and contract signing before receiving the written approval of the organ that possesses the fund are not valid.

The candidate that is not satisfied with the answer of the procuring entity is entitled to further express his complaint according to article 44, item 3, Law no 7971, dated 26.7.1995. The Head of the Procuring Entity, after receiving the approval from the central or local body, informs the winner before the expiry of the validity period of his tender in conformity with the respective form in the tender documents.

The validity period will be estimated by the procuring entity, by adding the time the commission will need to review the tenders to the time needed for receiving complaints, giving approval and signing of the contract.

If the central or local organ that makes available the fund turns back to the Procuring Entity the classification of the tenders, the validity period may be postponed.

The tender documents are constituent part of the contract signed by the two parties.

VII. GENERAL ISSUES

Temporary joint- ventures of companies will be admitted to participate in tendering, on the following conditions:

- There is a contract among the companies where there are clearly specified the works that will be realized by each of the companies and the way the profit will be shared among them.
- Through written Power of Attorney one of the companies is nominated as being in charge of the joint group of companies it will represent the other companies in all the steps of tendering till contract signing.
- The companies should have joined together not later than two weeks before the date of submission of the tenders.

All the conditions for participation in tendering of the joint companies should be clearly revealed in the tender documents.

Subcontracting. When the contractor aims at carrying out some of the works through other subcontractors, it should present in the tender documents the complete set of documentation requested for the subcontractor and the concrete works it is going to subcontract.

Repetition of the tendering procedures. If all the tenders are rejected because of lack of competition (there is submitted only one tender), or all the tenders do not fulfill the qualification conditions, tendering procedures should be repeated.

In this case the Procuring Entity should find the reasons of such a rejection and review the tender documents.

When tender documents are redone, the Procuring Entity may decide to invite only those companies that presented tenders the first time, if they are not less than three.

In limited tendering also the list of the invited companies should be reviewed. These guidelines come into force immediately.

PRIMEMINISTER
ALEKSANDER MEKSI

**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

GUIDELINE

No.3, dated 02/19/1996

ON

SMALL VALUE PURCHASES

At the proposal of the Public Procurement Agency, the Council of Ministers

G U I D E S :

1. The commission on procurement of small value purchases is composed of not less than members and is appointed each calendar year by the head of the procurement agency according to Form no. 1 attached to this Guideline.

The chairman of the commission shall be the head of finance of the procurement entity.

In the cases when the procurement entity has set up a procurement unit that functions in line with the Guidelines of the Council of Ministers No. 1, dated 01/1/1996 and has no less than two procurement experts and one lawyer, they will also be the members of the procurement commission on small value purchases.

2. Small value purchases, other than goods, include all services of small values such as developing and printing of films, photocopying, key reproduction, repair or change of locks, repair of different equipment such as type writers, photocopiers, computers etc., waste water work, repair of small defects of vehicles during trips and other services of this kind.
3. The needs for small value purchases that will be carried out through the direct procurement procedure, according to Article 19, point 2 of Law No.7971, dated 07/26/1995 "On Public Procurement", are determined by the chairman of the procurement entity in the procurement order according to Form no.2 that is attached to this Guideline, and determines the kind of goods or services, as well as the quantity for each good or service.

At the central institutions level, if the head of the institution sees it reasonable, Form no.2 can be signed by another authorized person that could be the Chief of Cabinet, Personnel Director or Chief of Administration.

4. After the commission has received the procurement order, it appoints two members that will carry out the purchasing. These members will go to the sale units with the list provided in the procurement order and will receive the prices per each good or service. Then, they will propose these prices to the commission. After all the commission members agree with the proposed prices, this gets written in the minutes according to Form no.3 that is attached to this Guideline. Also, Form no.3 determines the members that are appointed for the purchases, and the prices approved per each purchase. The minutes are signed by all commission members.

The members appointed by the commission carry out the purchase based on the prices approved in the above mentioned minutes and bring the relevant receipts signed and sealed by the sales unit. The receipts are also by the members that have carry out the purchase and are attached to the procurement order to be submitted to the accountant office.

5. Purchases up to Lek 10 thousand can be done in cash, whereas purchases that involve amounts higher than Lek 10 thousand should be done through a payment order.
6. In emergency cases, when a payment order can not be issued preliminary and when the commission can not gather to approve the price because the need for a given service is a sudden one and could not have been projected, such as a flat tire or other defects that need to be repaired immediately, water work on pipes or other similar cases, the receipt will be accepted with the signature of the sales person and the seal of the sales unit or the relevant service unit, also signed by the person that has carried out the payment (it was not necessary that this person be a commission member).

In these cases, after the interested person has submitted the receipt, the commission gathers and through the minutes according to Form no.4 to be attached to this Guideline approves the expenditures incurred and justifies the case of emergency, and the impossibility for its impossibility for its prior projection. The minutes are signed by all the commission members and get approved finally by the head of the procurement order (form no.20) and the minutes (form no.3) that are drafted for projected purchases together with the relevant receipt to be submitted to the accountant's office.

This Guideline enters into force immediately.

PRIME MINISTER
Aleksander Meksi

**APPLICATION FOR ACCESSION OF ALBANIA TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT**

The following communication, dated 13 February 2002, has been received from the Permanent Mission of Albania with the request that it be circulated to the Committee.

Albania is providing to the Committee on Government Procurement the notification of the following national implementing legislation for review by all Members:

Law No. 7971, dated 26.07.1995, "On Public Procurement"

Law No. 8074, dated 22.02.1996, on some changes in the Law No. 7971

Law No. 8112, dated 28.03.1996, on some changes in the Law No. 7971, dated 26.07.1995, "On Public Procurement"

Decision of the Council of the Ministers No. 12, dated 1.01.1996, "On the Rules on Public Procurement". This decision is abrogated by the Decision No. 335, dated 23.06.2000.

Standard Bidding Documents¹

Standard Bidding Document for Procurement of Goods¹

General Conditions of Contract, Procurement of Works¹

Invitation to Quote for small works (under lek 5 million)¹

Request for Quotation (for buying goods)¹

In the meantime, Albania is working to translate the other implementing legislation that is mentioned in document GPA/W/161, in order to provide it to the Members as soon as possible.

¹ Available for consultation in the WTO Secretariat, Office No. 3014.

LAW No. 7971, dated 26.07.1995

ON PUBLIC PROCUREMENT

THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I. GENERAL PROVISIONS

Article 1. Purpose of this Law

The purpose of this Law is to promote economy and efficiency in the use of public funds by procuring entities while ensuring that public procurement procedure are fair, transparent and non-discriminatory.

Article 2. Definitions

In this Law :

"procurement" means the purchasing, hiring or obtaining by any other contractual means of goods, construction and services;

"procuring entity" means any organ of the State or regional and local authorities as well as any other juridical person to whom public funds have been allocated for use in public procurement;

"public procurement" means procurement by procuring entities;

"goods" means raw materials, products, machineries and equipments, objects in solid, liquid or gaseous form and electricity, as well as transport, installation, maintenance or similar obligations related to the supply of the goods if their value does not exceed that of the goods themselves;

"construction" means all work associated with the construction, reconstruction, demolition, repair or renovation of a building or structure, such as site preparation, excavation, installation of equipment and materials, decoration, as well as services incidental to construction, if the value of those services does not exceed that of the construction itself;

"services" means any object of procurement other than construction and goods;

"tendering" means a procurement procedure under which tenders are invited, received, examined and evaluated for the purpose of awarding a contract;

"open tendering" means a procurement procedure whereby all interested candidates may submit tenders;

"restricted tendering" means a procurement procedure whereby only those candidates which are invited by the procuring entity may submit tenders;

"two-stage tendering" means a procurement procedure whereby the procuring entity invites tenders in two stages, in the first stage tenders with full information without prices and in the second stage tenders with prices;

"request for proposals" means a procurement procedure whereby the procuring entity invites proposals from selected candidates;

"direct procurement" means a procurement procedure whereby the procuring entity contacts and seeks a proposal from one candidate;

"request for quotations" means a procurement procedure whereby the procuring entity invites quotations from candidates selected by it;

"candidate" means a physical or juridical person invited to take part in public procurement or seeking to be so invited;

"procurement regulations" are the regulations issued by the competent authority under this Law;

"supplier" means a physical or juridical person under contract with a procuring entity to supply goods, construction or services;

"tender documents" means the documents provided by the procuring entity to tenderers as a basis for preparation of their tenders;

"tenderer" means a physical or juridical person submitting a tender;

"public funds" means every monetary value originated from the state budget, from revenues of state enterprises and companies with the Government as a majority shareholder.

Article 3. Scope of application

This Law applies to public procurement, except the cases where the Council of Ministers, for the reason of national security or national defence, may define another procedure for public procurement of goods, constructions or services.

Article 4. International obligations

To the extent that this Law conflicts with an obligation of the State under or arising out of an agreement with one or more other states or with an international organization, the provisions of that agreement shall prevail; but in all other respects, public procurement shall be governed by this Law.

Article 5. Procurement regulations

1. The Council of Ministers is authorized to promulgate procurement regulations to fulfil the objectives and to carry out the provisions of this Law.

2. If more than one procuring entity needs the same kind of goods, construction or services, the Council of Ministers may assign to one of those entities the task of procuring such items on behalf of the other entities.

Article 6. Public accessibility of legal texts

This Law, the procurement regulations and all instructions of the Agency shall be promptly made accessible to the public and systematically maintained.

CHAPTER II. PUBLIC PROCUREMENT ORGANIZATION

Article 7. Responsibility of the procuring entity

1. The procuring entity is responsible for procurement with public funds at its disposal subject to the provisions of this Law and to any such further condition as may be laid down in the procurement regulations and the instructions of the Agency.
2. With respect to contracts above thresholds stated in the procurement regulations, the procuring entity shall submit to the higher central or local authority or to the Council of Ministers for prior review and approval, before a contract is awarded or concluded, a summary report containing:
 - (a) justification for the choice of procurement procedure, if other than open tendering;
 - (b) the evaluation of tenders of proposals received; and
 - (c) the proposed award or conclusion of contract.
3. Procuring entities must make records and documents regarding their public procurement available for inspection by the Agency and must submit reports regarding their procurement activities in such detail and at such intervals as the Agency may require.

Article 8. The Public Procurement Agency

1. The Public Procurement Agency is reporting to the Council of Ministers and is the central organ for coordination and perfection of the public procurement process.
2. In the performance of its tasks, the Agency;
 - (a) submits proposals for procurement regulations to the Council of Ministers;
 - (b) promotes and supports training of central and local government officials engaged in public procurement;
 - (c) edits and issues a Public Procurement Bulletin to be used for invitations to tender and other announcements relevant to public procurement;
 - (ç) prepares standard documents to be used in connection with public procurement;
 - (d) gives instructions, and, on request, advice and assistance to procuring entities in undertaking procurement;
 - (dh) presents an annual report to the Council of Ministers regarding the overall functioning of the public procurement system;
 - (e) inspects the records of procuring entities to the extent it deems appropriate in order to check on the proper application of this Law by them;
 - (ë) performs administrative review of complaints as foreseen in Chapter VIII;
 - (f) cooperates with international institutions and with other foreign entities on matters associated with the public procurement system; and

- (g) plans and coordinates foreign technical assistance to Albania in the field of public procurement.
3. The Director of the Agency is appointed and dismissed by the Prime Minister.
 4. The Prime Minister also appoints an inter-disciplinary consultative board, composed of representatives from major procuring entities at the central and local government levels, to give advice and comments on the overall functioning of the public procurement system in Albania and on proposals to be submitted by the Agency for consideration by the Council of Ministers.

CHAPTER III. COMMON PROCUREMENT RULES

Article 9. Non-discrimination on the basis of nationality

Physical or juridical persons shall not be excluded from participation in public procurement on the basis of nationality.

Article 10. Records of procurement

1. Procuring entities shall maintain records of public procurement in sufficient detail to allow control and verification that the provisions of this Law have been respected. With respect to each transaction the record shall contain, as a minimum, justification of the procurement procedure chosen, if other than open tendering, information concerning the goods, construction or services procured, the names of candidates, the name of the supplier to whom the contract was awarded, and the contract price.

2. The minimum information to be recorded according to paragraph 1 shall, on request, be made available to interested persons after a contract has been awarded. Other information shall remain confidential.

3. The procuring entity shall preserve and keep the record and documents relating to any procurement available for inspection by the competent authorities during a period of time stated in the procurement regulations.

Article 11. Form of communications

Communications between candidates and procuring entities shall be only in writing. If the communication is made in any other form, it shall refer only to the written documents and the content of that communication shall be confirmed in writing, immediately after that communication.

Article 12. Qualification of candidates

1. In order to participate in public procurement, candidates must qualify by meeting such of the following criteria as the procuring entity considers appropriate under the circumstances:

- (a) that they possess the necessary professional, technical and organizational capacity, personnel, financial resources, machineries and other physical facilities, reputation and reliability to perform the contract;
- (b) that they shall have before performed similar contracts in compliance with the stated provisions in procurement regulations;
- (c) that they have the legal capacity to enter into the contract;

- (c) that they are not insolvent, in receivership, bankrupt or being wound up, their business activities have not been suspended, and they are not the subject of legal proceedings for any of the foregoing;
 - (d) that they have fulfilled their obligations to pay taxes and social security contributions. Documentary evidence to be provided by a foreign candidate to demonstrate that it meets the criterion in this paragraph may consist of a written declaration to that effect by the candidate.
2. The procuring entity may require candidates to provide such appropriate documentary evidence or other information as it may deem useful to satisfy itself that the candidates are qualified in accordance with the criteria referred to in paragraph 1.
3. Any requirement established pursuant to this Article shall be set forth in the pre-qualification documents, if any, and in the tender documents or other documents for solicitation of proposals, and shall apply equally to all candidates.
4. The procuring entity shall evaluate the qualifications of candidates in accordance with the criteria and procedures set forth in the documents referred to in paragraph 3.
5. The procuring entity shall disqualify a candidate who submits a document containing false information for purposes of qualification. In such case the procuring entity can propose to the Public Procurement Agency that the candidate be expelled from all public procurement for a period up to one year. If the Public Procurement Agency shall approve this proposal, this shall be published in the Public Procurement Bulletin.
6. The procuring entity has the right to disqualify a candidate, if it, at any time up to the signing of the contract, will find out that the information submitted related to the qualification or other data presented by and for the candidate are inaccurate or incomplete.

Article 13. Pre-qualification proceedings

1. The procuring entity may engage in pre-qualification proceedings with a view towards identifying, prior to the submission of tenders, that candidates are qualified. The use of pre-qualification proceedings is indispensable as a preliminary to open tendering or two-stage tendering in the case of large or complex contracts for goods and construction.
2. If the procuring entity engages in pre-qualification proceedings, it shall prepare a set of pre-qualification documents containing as minimum the following information:
- (a) instructions for preparing and submitting pre-qualification applications;
 - (b) the nature and quantity of goods, construction or services to be procured;
 - (c) the desired time for delivery of the goods or completion of the construction or services;
 - (c) the criteria and procedures to be used for evaluating the qualifications of the candidates, following the provisions of Article 12;
 - (d) a summary of the principal required terms and conditions of the contract to be entered into as a result of the procurement proceedings;

- (dh) any documentary evidence or other information that must be submitted by candidates to demonstrate their qualifications;
- (e) the manner and place for the submission of applications to pre-qualify and the deadline for submission; and
- (ë) any other requirements that may be established by the procuring entity in conformity with this Law and the procurement regulations.

3. An invitation to pre-qualify shall be advertised in the manner prescribed for invitations in the open tendering procedure by being in compliance with the time-limits defined in procurement rules for the pre-qualification procedure and shall contain at least information about:

- (a) the name and address of the procuring entity;
- (b) a brief description of the purpose of the invitation along with a summary of the nature and quantity of goods, construction and services to which the pre-qualification will apply;
- (c) the means of obtaining pre-qualification documents and the place and deadline for submission of applications to pre-qualify.

4. The procuring entity shall make a decision with respect to the qualifications of each candidate submitting an application to pre-qualify. In reaching that decision, the procuring entity shall apply only the criteria set forth in the pre-qualification documents.

Article 14. Technical specifications

1. Technical specifications laying down the characteristics of the goods, construction or services to be procured shall be prepared for the purpose of giving a correct and complete description of the object of procurement and for the purpose of creating conditions of fair and open competition between all candidates.

2. The technical specifications shall clearly describe the procuring entity's requirements with respect to quality, performance, safety and dimensions, symbol, terminology, packaging, marking and labelling or the processes and methods for their production and requirements relating to conformity assessment procedures.

3. 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, or otherwise recognized national standards or building codes.

4. There shall be no requirement or reference in the technical specifications to a particular trademark or name, patent, design or type, specific origin, producer or service provider, 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 specifications.

Article 15. Rejection of all tenders, proposals or quotations

1. If so specified in the tender documents or in the request for proposal or quotations, and provided rejection can be justified on sound economic grounds, the procuring entity may reject all

tenders, proposals or quotations at any time prior to their acceptance. The procuring entity shall upon request communicate to any candidate the grounds for its rejection but is not required to justify those grounds.

2. The procuring entity shall incur no liability towards candidates solely by virtue of its invoking paragraph 1 of this Article.
3. Notice of the rejection shall be given promptly to all participating candidates.
4. If the decision to reject all tenders, proposals and quotations is taken before the closing date, all tenders proposals and quotations received shall be returned unopened to the tenderers submitting them.

Article 16. Inducements from candidates

The procuring entity shall reject a tender, proposal or quotation if the candidate that submitted it gives or promises to give, directly or indirectly, to any current or former officer or employee of the procuring entity or other governmental authority a gratuity in any form, an employment or any other thing or service of value, as an inducement with respect to an act or decision of, or procedure followed by, the procuring entity in connection with the procurement proceedings. Such rejection and the reasons therefore shall be recorded in the record of the procurement proceedings and promptly communicated officially to the candidate concerned.

CHAPTER IV. CHOICE OF PROCUREMENT PROCEDURE

Article 17. Procurement procedures

1. Except as otherwise provided in this Chapter, the procuring entity shall use open tendering as the preferred procedure of procurement.
2. A procuring entity may use a procedure other than open tendering only pursuant to the following Articles 19, 20, 21, 22 and 23.
3. Exceptionally, in special cases or force majeure, the Council of Ministers may permit the use of a procedure other than open tendering in situations not foreseen in Articles 19, 20, 21, 22 and 23.
4. A procuring entity shall plan its procurement in a rational manner, and no procurement requirements for a given quantity of goods, construction or services shall be split up with the intention of avoiding a procurement procedure stated in this Law or in the procurement regulations.

Article 18. Conditions for use of restricted tendering

The procuring entity may engage in procurement by means of restricted tendering in accordance with Article 36, when:

- (a) the goods, construction or services are available only from a limited number of suppliers;
- (b) the estimated value of the contract does not exceed a threshold set out in the procurement regulations.

Article 19. Conditions for use of direct procurement

1. The procuring entity may use direct procurement in accordance with Article 37 if this method is not resorted to with a view to avoiding possible competition or in a manner which would constitute a means of discrimination among candidates:

- (a) when in the absence of competition for technical reasons the goods, construction or services can be supplied or provided only by one candidate;
- (b) within limits defined in the procurement regulations, for additional deliveries by the original supplier which are intended either as parts replacement for existing supplies, services, or installations, or as the extension of existing supplies, services, or installations where a change of supplier would compel the procuring entity to procure equipment or services not meeting requirements of interchangeability with already existing equipment or services;
- (c) within limits defined in the procurement regulations, when additional construction services, which were not included in the initial contract have, through enforceable circumstances, become necessary since the separation of the additional construction services from the initial contract would be difficult for technical or economic reasons;
- (ç) within limits defined in the procurement regulations, 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 on the basis of open or restricted tendering;
- (d) for continuation of consulting services, where the original contract has been satisfactorily performed and the continuation is likely to lead to gain in economy and efficiency;
- (dh) for purchase of perishable commodities such as fresh fruits, vegetables or other similar items which are purchased on market terms;
- (e) for purchases of goods made under exceptionally advantageous conditions which only arise in the very short term. This provision is intended to cover unusual disposals by firms which are not normally suppliers. It is not intended to cover routine purchases from regular suppliers;
- (ë) for the continuation of the design services that are related with services previously performed, which would violate the author's right if they would be given to another subject.

2. The procuring entity may also use direct procurement for small-value purchases of readily available goods when the contract price does not exceed an amount stated in the procurement regulations.

Article 20. Conditions for use of two-stage tendering

The procuring entity may engage in procurement by means of two-stage tendering in accordance with the Article 38, in the case of large or complex contracts for goods or constructions, for which open or restricted tendering is not suitable because of the difficulty in defining precisely the goods or constructions, by requesting:

- (a) in a first stage, tenders without prices with full technical information as to various possible means of meeting its objectives, after which;
- (b) in a second stage, priced tenders on the basis of technical specifications and other data chosen on the basis of the first stage.

Article 21. Conditions for use of request for proposals

The procuring entity may engage in procurement by means of request for proposals in accordance with Article 39 when it seeks to obtain consulting services or other services for which tendering is not suitable because of the difficulty in defining precisely the services.

Article 22. Conditions for use of request for quotations

The procuring entity may engage in procurement by means of request for quotations in accordance with Article 40 for the purchase of readily available goods or for procurement of construction or services for which there is an established market, so long as the estimated value of the contract does not exceed an amount stated in the procurement regulations.

CHAPTER V. OPEN TENDERING

Article 23. Basic provision regarding open tendering

Open tendering shall be used when the estimated contract value exceeds an amount stated in the procurement regulations. Procuring entities may engage in open tendering whenever goods, construction or services to be procured are obtainable from domestic sources and in sufficient competition within the country, always subject to the rule of non-discrimination in Article 9. The following basic provision shall apply to open tendering procedures.

Article 24. Invitation to tender

The invitation to tender shall contain, as a minimum:

- (a) the name and address of the procuring entity;
- (b) a brief description of the goods, construction or services to be obtained, including desired time-limit for delivery or completion;
- (c) the means and conditions for obtaining the tender documents and the place from which they may be obtained;
- (ç) the place and deadline for the submission of tenders, and
- (d) the place and time for opening of tenders, along with an announcement that tenderers' representatives are allowed to attend the opening of tenders.

Article 25. Advertisements

1. In addition to any publication in the Public Procurement Bulletin, invitations to tender shall be advertised in at least two national newspapers of general circulation.

2. The time allowed for preparation of tenders shall not be less than a minimum number of days stated in the procurement regulations.

Article 26. Tender documents

The tender documents shall contain sufficient information to enable competition among the tenderers to take place on the basis of complete, neutral and objective terms. In particular, tender documents must include:

- (a) instructions for the preparation and submission of tenders;
- (b) information on the final date for receipt of tenders, the address to which tenders must be sent, the date, hour and place of such opening, as well as an announcement that tenderer's representatives are allowed to attend the opening;
- (c) forms of tender and, where applicable, forms of tender security to be provided;
- (ç) the number of copies to be submitted with the original tender;
- (d) conditions of contract, general and special;
- (dh) specification of requirements, including time-limit for delivery or completion, as appropriate;
- (e) evidence to be provided by the tenderer to demonstrate its qualifications as well as its standing with regards to fiscal and social security obligations;
- (ë) the period during which the tender must remain valid;
- (f) the criteria for evaluation of tenders and award of the contract; and
- (g) a reservation to the effect that the procuring entity may reject all tenders at any time prior to the acceptance of a tender.

Article 27. Provision of tender documents

Tender documents shall be made available to candidates in an expeditious manner, at a price not exceeding the cost of reproduction and delivery to candidates, and otherwise in the manner specified in the invitation to tender.

Article 28. Modifications to tender documents

At any time prior to the deadline for submission of tenders, the procuring entity may, on its own initiative or in response to an inquiry by a candidate having purchased the tender documents, modify the tender documents by issuing an addendum. Any addendum shall be communicated promptly to all candidates having purchased the tender documents. If the procuring entity considers it necessary to amend the tender documents, and if that amendment is made less than one-third of the time allowed for the preparation of tenders remains until the closing date, the procuring entity shall postpone the closing date by a number of days, depending on the procurement object.

Article 29. Tender security

1. The procuring entity shall include in the tender documents a condition that tenders must be accompanied by security in the form of a deposit or bank guarantee. The amount of such security shall be sufficient to discourage irresponsible tenders and shall remain within limits stated in the procurement regulations.

2. Tender security shall be forfeited if a tenderer withdraws his tender within the validity period therefor or, in the case of a successful tenderer, if the tenderer repudiates the contract or fails to furnish performance security, if so required.

Article 30. Submission and receipt of tenders

1. Tenders shall be submitted in writing, signed and in a sealed envelope. They should be submitted at the place, time and date specified in the invitation to tender. The tender envelope should contain the documentation for the qualification of the candidates and the technical-economic tender closed in two separate envelopes. In international tender procedures the tenders can be received before the designated opening date, but the invitation to tender should specify the deadline for tender submission. In those cases, the procuring entity, after a request, should give to the tenderer a document specifying the date and time that he has submitted the proposal.

2. Tenders received after the deadline for submission shall be returned unopened to the tenderer.

Article 31. Opening of tenders

1. At the time stipulated in the tender documents for opening of the tenders, which for international tender procedures should follow shortly after the deadline for submission of tenders, the procuring entity shall open all tenders received before the deadline.

2. Tenderers, or their authorized representatives, shall be allowed to attend the opening of tenders.

3. The name of the tenderer and the total amount of each qualified tender shall be read out aloud and recorded, a copy of the record shall be made available to any tenderer on request.

4. The envelopes containing the technical-economic tender of a tenderer disqualified for not meeting qualification criteria should be sent unopened to the tenderer.

Article 32. Examination and evaluation of tenders

1. The procuring entity may ask tenderers for clarification of their tenders in order to assist in the examination and evaluation of tenders. No change in the substance of the tender, including changes in price, shall be sought, offered or permitted.

2. Notwithstanding paragraph 1, the procuring entity shall correct purely arithmetical errors that are discovered during the examination of tenders. The entity shall give prompt notice of any such correction to the tenderer that submitted the tender.

3. Subject to paragraph 4, the procuring entity shall regard a tender as responsive only if it conforms to all requirements set forth in the tender documents.

4. The procuring entity may regard a tender as responsive even if it contains minor deviations that do not materially alter or depart from the characteristics, terms, conditions and other requirements set forth in tender documents or if it contains errors or oversights that are capable of being corrected without touching on the substance of the tender. Any such deviations shall be quantified, to the extent possible, and appropriately taken account of in the evaluation and comparison of tenders.

5. The procuring entity shall not accept a tender when a tenderer:

- (a) has failed to demonstrate, in the manner foreseen in Article 26(e), that it is qualified;

- (b) does not accept a correction of an arithmetical error made pursuant to paragraph 2 of this Article;
- (c) its tender is not responsive;
- (ç) has offered an inducement under Article 16.

6. The procuring entity shall evaluate and compare the tenders that have been held responsive in order to ascertain the successful tender, as defined in paragraph 7, in accordance with the procedures and criteria set forth in the tender documents. No criterion shall be used that has not been set forth in the tender documents.

7. The successful tender shall be the tender which, in accordance with the procedures and criteria set forth in the tender documents, meets the requirements of procurement object with:

- (a) the lowest tender price; or
- (b) if the procuring entity has so stipulated in the tender documents, the lowest evaluated tender ascertained on the basis of factors affecting the economic value of the tender which have been specified in the tender documents, which factors shall, to the extent practicable, be objective and quantifiable, and shall be given a relative-weight in the evaluation procedure or be expressed in monetary terms wherever practicable.

8. The procuring entity shall prepare an evaluation report, containing a summary of the examination and evaluation of tenders.

Article 33. Process to be confidential

1. After the opening of tenders, information relating to the examination, clarification, and evaluation of tenders and recommendations for award must not be disclosed to tenderers or other persons not officially concerned with this process until the award of the contract is announced.

2. Following opening of the tenders, and until the contract is signed, no tenderer shall make any unsolicited communication to the procuring entity or try in any way to influence the entity's examination and evaluation of the tenders.

Article 34. Tenderers not to be requested to modify their tenders

A tenderer shall not be required, as a condition for award, to undertake responsibilities not stipulated in the tender documents, to change its price or otherwise to modify its tender.

Article 35. Notification of award and signing of contract

1. Prior to the expiry of the period of tender validity, the procuring entity shall notify the successful tenderer that its tender has been accepted.

2. The notification of award shall constitute the formation of a contract between the parties, which must be signed within the time stated in tender documents. The notification shall contain at least total value of contract, request for the furnishing performance security and the sign of contract form.

3. The existence of a contract shall be confirmed through the signature of a contract document incorporating all agreements between the parties.

CHAPTER VI. OTHER PROCUREMENT METHODS

Article 36. Restricted tendering procedures

Restricted tendering procedures are the same as those applied in open tendering, except that:

- (a) the invitation to tender is addressed to a limited number of qualified candidates - for the purpose of obtaining not less than three tenderers - which have declared an interest in submitting tenders. The selection should be made in a non-discriminatory manner, and the number of candidates invited should be, if possible, sufficient to ensure effective competition;
- (b) procuring entities maintaining updated lists of qualified suppliers may select candidates to be invited to tender from among those listed. Any selection shall allow for equitable opportunities for suppliers on the list;
- (c) the time allowed for preparation of tenders shall not be less than a minimum number of days stated in the procurement regulations; and
- (c) the procuring entity may decide, depending on the circumstances, if tender security will have to be submitted or not.

Article 37. Direct procurement procedure

1. When the procuring entity engages in direct procurement according to Article 19.1, it shall prepare a description of its needs and any special requirements as to quality, quantity, terms and time of delivery, and shall be free to negotiate with the sole candidate. Any agreement reached by procurement according to Article 19.1 shall be confirmed by a contract signed by both parties.

2. Direct procurement according to Article 19.2 requires no contract or other documents.

Article 38. Two-stage tendering procedure

1. When the procuring entity engages in two-stage tendering, it shall select candidates on the basis of pre-qualification proceedings according to Article 13.

2. In the first stage, the procuring entity shall invite pre-qualified candidates to submit tenders without price but including information about the technical performance, quality or other characteristics of the goods or construction that they consider best suited to meet the procuring entity's objectives. In this stage, the procuring entity may engage in negotiations with any candidate concerning any aspect of its tender.

3. In the second stage, the procuring entity shall invite final, priced tenders on the basis of final technical specifications from candidates which have presented satisfactory tenders in the first stage.

4. For award of a contract based on tenders submitted in the second stage, the provisions of Chapter V shall apply.

Article 39. Request for proposals procedure

1. Request for proposals shall be addressed to not less than three, not more than seven candidates selected by the procuring entity.

2. A request for proposals shall contain at least the following information:
 - (a) name and address of the procuring entity;
 - (b) a description of the services required, normally through terms of reference;
 - (c) in case of consultancy assignments which may involve potential conflict of interest, a reminder that candidates for such assignments must exclude themselves from procurement of goods and construction which may follow as a result of, or in relation to, the assignment;
 - (ç) the criteria for evaluating the proposals, the relative weight to be given to price and other criteria, and the manner in which they will be applied in the evaluation of proposals;
 - (d) place and deadline for the submission of proposals.
3. The procuring entity may negotiate with candidates with respect to the content of their proposals and may seek or permit revision thereof.
4. Any award by the procuring entity shall be made to the candidate whose proposal is most advantageous, determined in accordance with the criteria and procedures for evaluating proposals set forth in the request for proposals.

Article 40. Request for quotation procedure

1. The procuring entity shall request quotations from as many candidates as practicable, but from at least three.
2. The request shall contain a clear description of the requirements of the procuring entity as to quality, quantity, terms and time of delivery as well as other special requirements.
3. Any award by the procuring entity shall be placed with the candidate who meets the requirements of the procuring entity stipulated in paragraph (2) and who quotes the lowest price.
4. The procuring entity shall place a contract with the successful candidate.

CHAPTER VII. INTERNATIONAL PROCEDURES

Article 41. Open international tendering

1. The procuring entity shall use "Open international tendering" whenever in open tendering an effective competition cannot be obtained unless foreign firms are invited to tender.
2. Open international tendering shall respect the provisions of Chapter V as well as the following provisions:
 - (a) The invitation to tender and the tender documents shall be in Albanian language and in a language generally used in international trade.
 - (b) The invitation to tender shall be advertised in a newspaper using the same foreign language as the invitation and being of sufficient circulation to attract foreign competition.

- (c) The deadline for submission of tenders, stated in the procurement regulations, shall be sufficient for the invitation to reach candidates and for enabling them to prepare and submit tenders.
- (ç) Technical specifications shall, to the extent compatible with national requirements, be based on international standards or standards widely used in international trade.
- (d) Candidates shall be permitted to express their tenders, as well as any security documents to be presented by them, in their respective home currencies, or in a currency widely used in international trade and stated in the tender documents.
- (dh) General and special conditions of contract shall be of a kind generally used in international trade.

Article 42. Other international procedures

Whenever international competition cannot be obtained unless foreign firms are invited to participate in procedures other than open international tendering, such as restricted or two-stage tendering, the provisions of Article 42.2 shall apply to the extent practicable in addition to the stipulations of Chapter VI.

CHAPTER VIII. ADMINISTRATIVE REVIEW

Article 43. General

1. Subject to the provisions of this Chapter, any candidate is free to seek administrative review of an act or omission by a procuring entity which the candidate considers to be in breach of this Law, the procurement regulations or any instructions issued pursuant thereto.
2. The following shall not be subject to the review provided for in paragraph 1 of this Article:
 - (a) the choice of a procurement method pursuant to Chapter IV;
 - (b) a decision by the procuring entity under Article 15 to reject all tenders, proposals or quotations; and
 - (c) a decision taken by the entity with the consent of the Council of Ministers.
3. Once the procuring entity has signed a contract with the candidate of successful tender or proposal, a complaint against an act omission in the process leading up to that stage cannot be entertained through administrative review.

Article 44. Review by the head of the procuring entity

1. A complaint against an act or omission by the procuring entity shall, in the first instance, be submitted to the head of the procuring entity.
2. Unless the complaint is resolved by mutual agreement, the head of the procuring entity shall suspend the procurement proceedings and shall, within 15 days after submission of the complaint, issue a written decision, stating the reasons, and, if the complaint is upheld, indicating the corrective measures to be taken.

3. If the head of the procuring entity does not issue a decision within the time stated in paragraph 2, or if the candidate is not satisfied with the decision of the head of the procuring entity, he presents a complaint to the central or local body and, if he doesn't receive the desired solution of the problem, the candidate is entitled to submit a complaint to the Public Procurement Agency.

Article 45. Review by the Agency

1. Upon receipt of a complaint, the Agency shall promptly give notice of the complaint to the procuring entity. Such action automatically suspends further action by the procuring entity until the matter has been settled by the Agency.

2. The Agency, unless it dismisses the complaint, may prohibit the procuring entity from acting or deciding unlawfully or from following an unlawful procedure, may order the procuring entity to proceed in a manner conforming to this Law, and may annul, in whole or in part, an unlawful act or decision by the procuring entity, other than a decision to award or conclude a contract.

3. The Agency shall, before taking any decision regarding a complaint, notify interested candidates of the complaint and shall take into account information and arguments received from such candidates and from the procuring entity.

4. The Agency shall issue its decision within 30 days of receiving the complaint, stating the reasons for its decision and remedies granted if any.

5. The Agency's decision shall be final.

CHAPTER IX. FINAL PROVISIONS

Article 46. Administrative infringements

The higher central or local authority which ascertains the breach of the provisions of this law and procurement regulations, has the right to penalize for administrative infringement the responsive persons of procuring entity with a fine from lek 50 to 100 thousand. A complaint may be lodged against the fine within five days after the notification, to the court of district of procuring entity.

Article 47. Repeal of other legislation

All provisions that contradict this law are repealed.

Article 48. Entry in force

This law shall enter into force on 1 November 1995.

**LAW No. 8074, dated 22.02.1996
ON SOME CHANGES IN THE LAW No. 7971, dated 26.07.1995
"ON PUBLIC PROCUREMENT"**

**BASED ON ARTICLE 16 OF LAW No. 7491, dated 29.04.1991
"ON THE MAIN CONSTITUTIONAL PROVISIONS",
ON THE PROPOSAL OF THE COUNCIL OF MINISTERS,
THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA**

DECIDED:

Article 1

In the Law No.7971, dated 26.7.1995 "On Public Procurement", in Article 3 the following paragraph is added: "The procedures of this law should not be applied on public funds for scientific activity and technological development".

Article 2

This law shall enter into force 15 days after publishing in the "Official Gazette".

Proclaimed with the Decree No.1403, dated 11.3.1996 by the President of Republic

Sali Berisha

**REPUBLIC OF ALBANIA
PEOPLE'S ASSEMBLY**

**LAW No. 8112, dated. 28.03.1996 ON SOME CHANGES IN THE
LAW No. 7971, dated 26.07.1995 "ON PUBLIC PROCUREMENT",
AMENDED WITH LAW No. 8074, Dated 22.02.1996**

**BASED ON ARTICLE 16 OF LAW No. 7491, dated 29.04.1991,
"ON THE MAIN CONSTITUTIONAL PROVISIONS",
ON THE PROPOSAL OF THE COUNCIL OF MINISTERS,
THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA**

DECIDED:

Article 1

Law No. 7971, dated 26.07.1995, "On Public Procurement" changed with Law No.8074, dated 22.02.1996, is further amended as follows:

- Article 2, third paragraph, first line the word "physical" is omitted.
- Last paragraph of Article 2 is changed as follows:

"Public Funds" shall mean every monetary value originating from the state budget, from revenues of state enterprises and companies with the Government as a majority shareholder.

- In Article 12, item 5, it is added the following:

"In such a case the procurement agency can propose to the Public Procurement Agency that the candidate be excluded from all public procurement for a period up to one year." If the PPA shall approve this proposal, this shall be published in the public procurement bulletin."

- In Article 12, item 6 is changed as follows:

"(6) The procurement agency has the right to disqualify a candidate, if it, at any time up to the signing of the contract, will find out that the information submitted related with the qualification or other data presented by and for the candidate is inaccurate or incomplete."

- In Article 13, item 3, after the words "in the procedure of the open tender" it is added the following:

"by being in compliance with the time-limits defined in the procurement rules for the pre-qualification procedure".

- In Article 18, item (a), the word "and" at the end of the paragraph is omitted
- In Article 19, item 1, at the beginning of item (c) the following is added:

"in compliance with the restrictions defined in the procurement rules".

- In Article 19, item 1, the following item after item (e) is added:

"for the continuation of the design services that are related with services previously performed, which would violate the author's right if they would be given to another subject".

- In Article 30, item 1 is changed as follows:

"(1) The bids should be submitted in a written form, signed, sealed and in a closed envelope. They should be submitted at the place, time and date specified in the invitation for bids. The bid envelope should contain the documentation for the qualification of the candidates and the technical-economic bid closed in two separate envelopes. In international tenders, the bids can be accepted before the designated opening date, but the invitation for bids should specify the deadline for bids submission. In those cases, the procurement agency, after a request, should give to the bidder a document specifying the date and time that he has submitted the proposal."

- In Article 31, item 1, after the word "that" it is added "for international tender".

- In Article 31, item 3, before the words "every proposal (bid)" it is added the word "qualified".

- In Article 31, item 4 is added as following:

"the envelopes containing the technical-economic tender of a tenderer disqualified for not meeting the qualification criteria, should be sent unopened to the tenderer"

- In Article 40, item 1, the words "if possible" at the end of the paragraph should be omitted.

- In Article 44, item 3 is changed as follows:

(3) If the head of the procuring entity does not issue a decision within the time stated in paragraph (2), or if the candidate is not satisfied with the decision of the head of the procuring entity, he presents a complaint to the central or local body and, if he doesn't receive the desired solution of the problem, the candidate is entitled to submit a complaint to the Public Procurement Agency.

Article 2

This law shall enter into force 15 days after publishing in the "Official Gazette".

**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

DECISION

No. 12 dated 1.01.1996

ON THE RULES OF PUBLIC PROCUREMENT

On the basis of law no. 7971 dated 26.07.1995 "On Public Procurement", under the proposal of the Public Procurement Agency, the Council of Ministers

DECIDED

1. The procuring entity will use Open Tendering in conformity with Article 23 of the law "On Public Procurement" when the estimated value of the contract is over lek 10 million when procuring construction works, over lek 5 million for goods and over lek 1 million for services, with the exception of designing activity where reference will be made to the estimated construction value of the object and not to service value.

2. The procuring entity will use Restricted Tendering in conformity with Article 18, item (b) and article 36 of the above mentioned law, when the estimated value of the contract does not exceed lek 10 million for construction works, lek 5 million for goods and lek 1 million for procurement of services, excluding designing activity as in item 1.

In this case the procuring entity will ask for bids from the prospective bidders through an updated list of at least five candidates. In case of International Procedures the candidates will be selected from at least three different states.

3. The procuring entity will use "Request for Quotations" in conformity with Articles 22 and 40 of the above-mentioned law if the estimated contract value does not exceed lek 5 million for construction works, lek 2 million for goods and lek 200,000 for services.

4. The procuring entity will use direct procurement in conformity with Article 19 of the above-mentioned law:

- (a) item 1/b and 1/c for a value less than 50 per cent of the initial contract, when there is a need of contract addition within the testing period for construction works and within three months after the schedule of contract completion, for goods and services;
- (b) item 2, for readily available goods, when the estimated value for every item does not exceed lek 100,000 within a year.

5. For Open Tendering the period from the day of issuing the invitation to tender to the day of submitting the bid is not less than 30 days for construction works and services, and not less than 20 days for goods.

In Restricted Tendering, this period is not less than 20 days for construction works and services as well as for goods.

The period from the day the request for proposal is issued until the day the proposals are submitted is not less than 10 days for quotations in construction and services and not less than 5 days for readily available goods.

For International Procedures the period between the day the invitation to tender is issued until the day the bids are submitted is not less than 45 days.

6. The tender security, in the form of a deposit or bank guarantee, in conformity with Article 29 of the law, will be 2-5 per cent of the calculated value of the contract (calculated beforehand by the procuring entity and given in net value in the forms of tender). The contract security will be 10 per cent of the contract value.

7. The procuring entity, in conformity with Article 7 of the law, before a contract is awarded or concluded, will prepare a summary report and present it for preliminary review to:

- (a) the head of the central or local organs for thresholds between lek 5 and 200 million;
- (b) the Public Procurement Agency for a threshold over lek 200 million.

The central or local organ or the Public Procurement Agency may request the complete documentation on procurement procedures.

The successful bidder should confirm to the procuring entity, through signing the contract form, his readiness to sign the contract within 15 days after the day of receipt of notification in the case of open and restricted tenders, and within 30 days for international open and restricted tenders.

If the successful bidder replies negatively, the procuring entity should invite for contract negotiation the second classified bidder.

In international tenders, all the bidders should be notified about the results of the tender.

9. All the procuring entities should send the Invitation to Tender for all open tenders to the Public Procurement Agency at the Council of Ministers, not later than 10 days before tender announcement.

10. The procuring entity should preserve and make available to control organs the complete documentation of the procurements in conformity with the time-limits determined in the law "On Archives" relevant to their official documentation of the institutions.

This decision comes into effect on January 1, 1996.

CHAIRMAN OF THE COUNCIL OF MINISTERS

ALEKSANDER MEKSI

Ref No. 155
Dated 12.1.1996

TO: Presidents' Office
Constitutional Court, Cassation Court
General Prosecutor Office
Ministries and other Central Institutions
Councils of the Districts
Municipalities

WORLD TRADE ORGANIZATION

GPA/66
8 March 2002

(02-1193)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Communication from Lithuania

The following communication, dated 20 February 2002, has been received from the Permanent Mission of Lithuania with the request that it be circulated to the Parties to the Agreement on Government Procurement.

Having the honour to refer to the commitments of the Republic of Lithuania arising from the Protocol for the Accession of the Republic of Lithuania to the Marrakesh Agreement Establishing the World Trade Organization and Working Party Report (WT/ACC/LTU/52 of 7 November 2000), on behalf of the Government of Lithuania, I hereby apply for accession to the Agreement on Government Procurement.

The draft offer for the negotiations will be submitted in the nearest future.

**APPLICATION FOR ACCESSION TO THE AGREEMENT ON
GOVERNMENT PROCUREMENT**

Communication from Moldova

The following communication, dated 7 January 2002, has been received from the Permanent Mission of the Republic of Moldova with the request that it be circulated to the Parties to the Agreement on Government Procurement.

In accordance with Moldova's Protocol of Accession, I have received instructions from my Government to apply for accession to the Agreement on Government Procurement.

Moldova will be submitting replies to the checklist of issues for provision of information relating to accession to the Agreement on Government Procurement (GPA/35)¹ in the near future and will be submitting its offer in the coming months.

¹ Circulated in document GPA/W/177.

WORLD TRADE ORGANIZATION

GPA/57
2 October 2001

(01-4689)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Communication from Albania

The following communication, dated 18 September 2001, has been received from the Ministry of Economic Cooperation and Trade of the Republic of Albania with the request that it be circulated to the Parties to the Agreement on Government Procurement.

Having the honour to refer to the commitments of the Republic of Albania arising from the Protocol of Accession of the Republic of Albania to the Marrakesh Agreement establishing the World Trade Organization and to the Report of the Working Party, on behalf of the Government of the Republic of Albania, I hereby apply for accession to the Agreement on Government Procurement.

WORLD TRADE ORGANIZATION

GPA/56
25 September 2001

(01-4560)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Communication from Slovenia

The following communication, dated 24 September 2001, has been received from the Minister of the Economy of the Republic of Slovenia with the request that it be circulated to the Parties to the Agreement on Government Procurement.

In reference to the commitment by the Republic of Slovenia, contained in document GATT L/7492 of 1 July 1994, I have the honour, herewith, to submit an application to accede to the Agreement on Government Procurement.

Having brought its domestic legislation into compliance with the Agreement and having notified the Committee on Government Procurement of the adoption of the Law on Public Procurement as well as on its entry into force, in support of this application, the "*Checklist of Issues for Provision of Information Relating to Accession to the Agreement on Government Procurement*" will be submitted shortly so that the Committee may review it. The document contains a description of the regulations and practices in the Republic of Slovenia related to government procurement.

Apart from the facts and statements contained in the replies to the checklist of issues referred to above, the Republic of Slovenia is further reviewing its system of government procurement and will duly notify any further developments.

In due course, the Republic of Slovenia will be submitting a draft offer in order to commence negotiations with the Signatories of the Agreement on Government Procurement.

Committee on Government Procurement

ACCESSION OF ICELAND

On 29 March 2001, the Government of Iceland deposited its instrument of accession to the Agreement on Government Procurement with the Director-General of the WTO (WT/Let/388).

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for Iceland on 28 April 2001.

Comité des marchés publics

ACCESSION DE L'ISLANDE

Le 29 mars 2001, le gouvernement islandais a déposé auprès du Directeur général de l'OMC un instrument d'accèsion à l'Accord sur les marchés publics (WT/Let/388).

Conformément au paragraphe 2 de son article XXIV, l'Accord entrera en vigueur pour l'Islande le 28 avril 2001.

Comité de Contratación Pública

ADHESIÓN DE ISLANDIA

El 29 de marzo de 2001 el Gobierno de Islandia depositó en poder del Director General de la OMC su instrumento de adhesión al Acuerdo sobre Contratación Pública (WT/Let/388).

De conformidad con el párrafo 2 de su artículo XXIV, el Acuerdo entrará en vigor para Islandia el 28 de abril de 2001.

Committee on Government Procurement

ACCESSION OF ICELAND

DECISION OF THE COMMITTEE OF 29 SEPTEMBER 2000

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement by Iceland, contained in document GPA/W/73 of 22 June 1998, and the consultations held with the Parties to the Agreement on Government Procurement in pursuance thereof;

Decides as follows:

1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Iceland may accede to this Agreement on the terms attached.
2. The Agreement on Government Procurement will enter into force for Iceland on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.
3. This Decision shall expire six months after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and Iceland.

* Appendix I is authentic in the English language only.

ATTACHMENT

TERMS OF ACCESSION OF ICELAND

APPENDIX I

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 central government entities including:

Central purchasing entities not having an industrial or commercial character governed by Act no. 63/1970 on the arrangement of public works contracts, and Act no. 52/1987, on government procurement, as amended.

The entities in charge of government procurement are the following bodies:

Ríkiskaup (State Trading Center)

Framkvæmdasýslan (Government Construction Contracts)

Vegagerð ríkisins (Public Road Administration)

Siglingastofnun (Icelandic Maritime Administration)

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 local public authorities, including all municipalities.
2. Public bodies at the local level not having an industrial or commercial character.

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 Sectors:

1. *The electricity sector:*

Landvirkjun (The National Power Company), *lög nr. 42/1983*.

Rafmagnsveitur ríkisins (The State Electric Power Works), *orkulög nr. 58/1967*

Orkuveita Reykjavíkur (Reykjavík Energy).

Orkubú Vestfjarða (Vestfjord Power Company), *lög nr. 66/1976*.

Other entities producing, transporting or distributing electricity pursuant to *orkulög nr. 58/1967*.

2. *Urban transport:*

Strætisvagnar Reykjavíkur (The Reykjavík Municipal Bus Service).

Almenningsvagnar bs.

Other Municipal bus services.

3. *Airports:*

Flugmálastjórn (Directorate of Civil Aviation)

4. *Ports:*

Siglingastofnun, (Icelandic Maritime Administration).

Other entities operating pursuant to *Hafnalög nr. 23/1994*.

5. *Water supply:***

Public entities producing or distributing drinking water pursuant to *lög nr 81/1991, um vatnsveitur sveitarfélaga*.

Notes to Annex 3

* 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 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 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

<i>Subject</i>	<i>CPC Reference N</i>
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 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. Iceland will not extend the benefits of this Agreement:
 - as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (2) (urban transport), to the suppliers and service providers of Canada, 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;
 - (5) (water), to the suppliers and service providers of Canada and the USA;

until such time as Iceland has accepted that the Parties concerned give comparable and effective access for Icelandic 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:
 - Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Iceland accepts that they have completed coverage of sub-central entities;
 - Japan and Korea 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 Iceland, until such time as Iceland 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 Icelandic entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as Iceland has accepted that the Parties concerned provide access for Icelandic suppliers and service providers to their own markets, Iceland will not extend the benefits of this Agreement to suppliers and service providers of:
 - 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: "Lög um opinber innkaup (52/1997) and Regulation (302/1996) 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.

APPENDIX II

Publications utilised 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).

Icelandic newspapers:

Morgunbladid

Dagbladid

Dagur

Other:

Official Journal of the European Communities.

APPENDIX III

Publications utilised 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).

Official Journal of the European Communities:
(Currently no such list exists)

APPENDIX IV

Publications utilised by Parties for the publication of laws, regulations, judicial decisions, administrative rulings of general application and any procedure regarding government procurement governed by this Agreement (paragraph 1 of Article XIX).

Laws, regulations and rules: Stjórnartíðindi (The Government Gazette)

Judicial decisions and administrative rulings: Hæstaréttardómar (Supreme Court Report)

(District courts do not issue a Court Report, but any interested party can obtain a transcript of a particular case. Administrative rulings are not reported but can be obtained from the relevant authority.)

WORLD TRADE ORGANIZATION

GPA/42
27 September 2000

(00-3909)

Committee on Government Procurement

Original: English

APPLICATION FOR ACCESSION OF BULGARIA TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

The following communication, dated 26 September 2000, has been received from the Permanent Mission of the Republic of Bulgaria with the request that it be circulated to the Committee.

Having the honour to refer to the commitments of the Republic of Bulgaria arising from the Protocol for the Accession of the Republic of Bulgaria to the Marrakesh Agreement Establishing the World Trade Organization and to the Report from the Working Party, on behalf of the Government of the Republic of Bulgaria, I hereby apply for accession to the Agreement on Government Procurement.

**APPLICATION FOR ACCESSION TO THE AGREEMENT ON GOVERNMENT
PROCUREMENT OF ESTONIA**

The following communication, dated 4 September 2000, has been received from the Permanent Mission of the Republic of Estonia with the request that it be circulated to the Parties to the Agreement on Government Procurement.

Referring to the commitments of the Republic of Estonia as contained in document WT/ACC/EST/28 of 9 April 1999, Report of the Working Party on the Accession of Estonia to the WTO, I have the honour to submit herewith the draft offer of the Republic of Estonia in relation to the accession to the Agreement on Government Procurement.¹

The Government of the Republic of Estonia is prepared to enter into negotiations with Signatories to the GPA on the basis of the enclosed draft offer.

The Government of the Republic of Estonia reserves the right to make technical changes to its draft offer and to correct any errors, omissions and inaccuracies.

¹ Circulated as document GPA/SPEC/9.

**APPLICATION FOR ACCESSION TO THE AGREEMENT ON
GOVERNMENT PROCUREMENT**

Communication from Jordan

The following communication, dated 12 July 2000, has been received from the Permanent Mission of the Hashemite Kingdom of Jordan with the request that it be circulated to the Parties to the Agreement on Government Procurement.

In accordance with Jordan's Protocol of Accession, paragraph 107, and with the aim to accelerate the implementation of the commitments, I have received instructions from my Government to apply for accession to the Agreement on Government Procurement.

Jordan will be submitting replies to the checklist of issues for provision of information relating to accession to the Agreement on Government Procurement (GPA/35) in the very near future and will be submitting its offer in the coming months.

Committee on Government Procurement

**CHECKLIST OF ISSUES FOR PROVISION OF INFORMATION
RELATING TO ACCESSION TO THE AGREEMENT
ON GOVERNMENT PROCUREMENT**

To facilitate consultations relating to accession to the Agreement on Government Procurement, please provide a description of the government procurement regime applied in your country by replying, to the extent possible, to the questions in the checklist of issues below. If there is no specific provision on a particular issue, the response should state this.

The information to be provided in this context is without prejudice to any additional information which Parties may wish to request from acceding governments on any other aspects of their procurement regimes. For each item on the checklist, please identify any legal or administrative actions that will need to be taken in order to align your government procurement regime with the requirements of the GPA and ensure full implementation of the Agreement following accession.

If your government is aware of any need for training or other capacity-building efforts relating to any of the items on this checklist, please describe the need in as specific and concrete terms as possible, and describe any steps your government is taking, whether independently or in cooperation with other Members or international organizations, to address that need.

I. LEGAL FRAMEWORK

1. Is there a single central law on procurement? If so, please specify?
2. What are the other laws, regulations, decrees, administrative rulings, decisions, policy guidelines and other instruments governing government procurement? Please provide a summary of the subject areas dealt with by each of these instruments. Please also explain the main differences (if any) that exist between their application at the central and sub-central levels of government and at other types of entities.
3. To what extent will the provisions of the Agreement be applied directly or need to be transposed into the relevant law? In the event of direct application of the Agreement over conflicting provisions of domestic law, please indicate the relevant legal basis.

II. SCOPE AND COVERAGE

4. Please summarize the organization of the government in your country at each level.
5. Please list all central government entities (ministries, departments, agencies, etc.) procuring goods, services and construction services.

6. What entities at the sub-central level of government (states, provinces, municipalities, etc.) procure goods and services?
7. Which are the enterprises owned or controlled by the government that are subject to the rules on government procurement? Which are the other entities or categories of entities (Annex 3-type entities) owned and controlled by the government that engage in procurement? Specify.
8. Do entities listed in response to questions 5, 6 and 7 apply in their procurement the main law (if one exists), other legislation provided by the federal or central level of government or are they autonomous from federal or central government in their procurement rules and practices? Where any of these entities are not subject to the main procurement law, please list the entities concerned and indicate which laws, regulations, etc., they are subject to. How will your government ensure the implementation of the Agreement by such entities below the central/federal government level?
9. Are there any general exceptions from the scope of application of the national procurement rules, for instance for essential national defence or security reasons? Please provide details.
10. Please provide available statistics on the procurement by government entities in your country in the last two years, including, to the extent available, a breakdown by entity and by categories of products and services.

III. NATIONAL TREATMENT AND NON-DISCRIMINATION

11. Identify the specific provisions in the legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.
12. Please provide details of any provisions in national legislation according domestic supplies and suppliers treatment more favourable than that accorded to foreign supplies or suppliers or according supplies or suppliers of any country more favourable treatment than those of any other country.
13. Please provide details of any provisions in national legislation allowing a locally established supplier to be treated less favourably than another locally established supplier on the basis of its degree of foreign affiliation or ownership or discriminating against locally established suppliers on the basis of the country of production of the good or service being supplied.
14. Please specify to what extent, if at all, more favourable treatment is granted to any sectors of the economy, regions or specific categories of suppliers or supplies.
15. Please specify any provisions requiring or allowing the use of offsets or measures with similar effect, such as domestic content, licensing of technology, investment, counter-trade or similar requirements in the qualification or selection of suppliers, products or services or in the evaluation of tenders and award of contracts.

IV. ELEMENTS SPECIFIC TO PROCUREMENT PROCEDURES

16. Please provide a general description of your existing procurement methods and procedures, including the main procurement methods used and a brief description of each method, and the extent to which qualification of suppliers and open, selective and limited tendering for each level of government is used.
17. Identify the provision in your country's legislation requiring non-discrimination as regards the qualification of suppliers in terms of Article VIII and selection of suppliers in terms of Article X.

Indicate any exception to this requirement. What are the provisions ensuring non-discriminatory access of new suppliers to existing qualification lists?

18. In situations where qualification procedures and selective tendering may be used, to what extent do entities allow suppliers to become qualified during the procurement process? To what extent do entities maintain permanent lists of suppliers?

19. What are the conditions and circumstances foreseen in your legislation allowing the use of the limited tendering method under Article XV of the Agreement? What measures exist in order to ensure that this method is not used with a view to avoiding maximum possible competition or in a manner which would constitute a means of discriminating among foreign supplies/suppliers or in favour of domestic supplies/suppliers?

20. Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

21. Article XI sets out the minimum time-periods for tendering and delivery. What are the rules and practices regarding time-periods in your legislation? Does the legislation reflect the various minimum time-periods as set out in the Agreement? If not, give information on any different time-periods which have been established in your national legislation.

22. Briefly describe the procedures for the submission, receipt and opening of tenders and awarding of contracts, in particular the procedures and conditions guaranteeing regularity of the openings and consistency with the non-discrimination provisions of the Agreement. How is the information on the proceedings related to the receipt, opening and evaluation of tenders maintained by entities?

23. Please identify the provisions in your legislation setting the parameters for the prescription of technical specifications by entities as part of the evaluation criteria.

24. Identify the measures in national legislation ensuring that awards are made in accordance with the evaluation criteria and essential requirements specified in the tender documentation.

V. INFORMATION

25. Article XIX:1 of the Agreement foresees the publication of laws, regulations, judicial decisions, administrative rulings of general application and procedures regarding government procurement. Please give the name of the relevant publication(s) and indicate the media used for this purpose. Please also provide, where available, the address of an Internet website where the legislation referred to in questions 1 and 2 can be found.

26. Article IX:1 of the Agreement foresees the publication of invitations to participate for all cases of intended procurement by entities. Please give the name of the relevant publication(s) and indicate the media to be used for this purpose. Please also provide, where available, the address of an Internet website where such invitations are published.

27. Please specify the types of information that your legislation requires to be included in notices of invitation to tender or in tender documentation, and identify the relevant provisions of your legislation.

28. Article IX:1 of the Agreement foresees publication of permanent lists of qualified suppliers by entities maintaining such lists. Please give the name of the relevant publication(s) and indicate the means used for this purpose. Please also provide, where available, the address of an Internet website where such lists are published.

29. Article XVIII:1 of the Agreement foresees the publication of details of contract award notices by entities. Please give the name of the relevant publication(s) and indicate the means to be used for this purpose. Please also provide, where available, the address of an Internet website where such notices are published.

30. Please specify the types of information that notices of contract awards should contain in your country and identify the relevant provisions in your legislation.

31. Please specify the relevant provisions in your legislation enabling, as foreseen in Article XVIII:2, the provision of information to other Parties and unsuccessful tenderers regarding the reasons why a tender was not selected.

VI. BID CHALLENGE PROCEDURES

32. Please provide information on existing challenge procedures.

33. Are there specific provisions enabling access of foreign suppliers to challenge procedures?

34. To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so:

- (i) The time-limit to launch a complaint contained in the Agreement is "not less than 10 days" from the time when the basis of the complaint is known or reasonably should have been known. What are the limits in your domestic legislation?
- (ii) What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:
 - How are its members selected?
 - Are its decisions subject to judicial review?
 - If not, how will the requirements of paragraph 6 of Article XX be taken into account?
- (iii) What is the applicable law by reference to which the challenge body will examine complaints?
- (iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?
 - Do these measures include the possibility to suspend the procurement process? On what conditions?
- (v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?
- (vi) Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.
- (vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

VII. OTHER MATTERS

35. To what extent is information technology being used in the process of government procurement? Are notices of invitations to tender and/or notices of contract awards published electronically? Please provide the address of such electronic publications.

36. Is there a contact point in your country for responding to enquiries from suppliers, other governments and the wider public relating to laws, regulations and procedures and practices regarding government procurement at the central and/or sub-central level? Please provide the address.

WORLD TRADE
ORGANIZATION

GPA/9
9 December 1996

(96-5155)

Committee on Government Procurement

ACCESSION OF HONG KONG

Decision

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by Hong Kong, contained in document GPA/W/28 of 6 November 1996, and the consultations held with the Parties to the Agreement on Government Procurement in pursuance thereof;

Decides as follows:

- 1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Hong Kong may accede to this Agreement on the terms attached. This shall be open to Hong Kong for a period of six months after the date of the adoption of this Decision by the Committee on Government Procurement unless the period is extended by that Committee by mutual consent between the Committee and Hong Kong.*
- 2. The Agreement on Government Procurement will enter into force for Hong Kong on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General. For those Parties to the Agreement whose national legislation implementing the Agreement in respect of Hong Kong has not taken effect by that date, the Agreement will apply as between them and Hong Kong as soon as such legislation has taken effect.*
- 3. Hong Kong may delay the application of paragraphs 2-8 of Article XX of the Agreement for a period of no more than one year after the entry into force of the Agreement for Hong Kong.*

TERMS OF ACCESSION OF HONG KONG TO THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)

APPENDIX I

ANNEX 1

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

Supplies

*Threshold: 130,000 SDR for goods and services other than construction
services*

5,000,000 SDR for construction services

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. *Civil Aid Services*
8. *Civil Aviation Department*
9. *Civil Engineering Department*
10. *Civil Service Training and Development Institute*
11. *Companies Registry*
12. *Correctional Services Department*
13. *Customs and Excise Department*
14. *Department of Health*
15. *Drainage Services Department*
16. *Education Department*
17. *Electrical and Mechanical Services Department*
18. *Environmental Protection Department*
19. *Fire Services Department*
20. *Government Flying Service*
21. *Government Laboratory*
22. *Government Land Transport Agency*
23. *Government Property Agency*
24. *Government Secretariat*
25. *Government Supplies Department*
26. *Highways Department*
27. *Home Affairs 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*
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. *Royal Hong Kong Police Force (including Royal Hong Kong Auxiliary Police Force)*
54. *Royal Observatory*
55. *Social Welfare Department*
56. *Secretariat, Independent Police Complaints Council*
57. *Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service*
58. *Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service*
59. *Student Financial Assistance Agency*
60. *Technical Education and Industrial Training Department*
61. *Television and Entertainment Licensing Authority*
62. *Territory Development Department*
63. *Trade Department*
64. *Transport Department*
65. *Treasury*
66. *Secretariat, University Grants Committee*
67. *Water Supplies Department*
68. *Management Services Agency*
69. *Official Languages Agency*
70. *Registration and Electoral Office*

ANNEX 2

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

*Threshold: 200,000 SDR for goods and services other than construction
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. Airport Authority*
- 4. Mass Transit Railway Corporation*
- 5. Kowloon-Canton Railway Corporation*

ANNEX 4

Services

The following services, classified according to the United Nations Central Product Classification (CPC) Code on Goods and Services, will be covered:

CPC

1. Computer and Related Services

-Data base and processing services	843•844
-Maintenance and repair service of office machinery and equipment including computers	845
-Other Computer Services	849

2. Rental/Leasing Services Without Operators

-Relating to ships	83103
-Relating to aircraft	83104
-Relating to other transport equipment	83101•83102•83105
-Relating to other machinery and equipment	83106•83109

3. Other Business Services

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) 633•8861-8866

Market Research & Public Opinion Polling Services 864

Security Services 87304

Building-Cleaning Services 874

Advertising Services 871

4. Courier Services

5. Telecommunications Services (Provisions of certain types of service may require licensing under the Telecommunication Ordinance)

Value-added telecommunications services 7523, 843

Basic telecommunications services 7521, 7529

Telecommunications-related services 754

6. Environmental Services

-Sewage services 9401
-Refuse disposal services 9402

7. Financial Services ex 81

-All Insurance and Insurance-Related Services(exceptions are set out in paragraph 5 of
General Conditions)

-Banking and other financial services

8. Transport Services

-Air transportation services 731, 732, 734
(excluding transportation of mail)

-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 of the CPC

Threshold: 5,000,000 SDR

*GENERAL CONDITIONS APPLICABLE TO ENTITIES AND SERVICES
SPECIFIED IN ANNEXES 1 TO 5*

1. *Notwithstanding anything in the Annexes 1-5, 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

-Purchase of office or residential accommodation by the Government Property Agency.

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 radio communications 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. Hong Kong Government shall not be obliged 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 the Financial Services under Annex 4

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 on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the Annex on Financial Services in the General Agreement on Trade in Services, 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.

APPENDIX II

HONG KONG

Annex 1

*Hong Kong Government Gazette
Daily Press*

Annex 2

*Hong Kong Government Gazette
Daily Press*

Annex 3

<i>Hospital Authority</i>	-	<i>Hong Kong Government Gazette</i>
	-	<i>Daily Press</i>
<i>Housing Authority</i>	-	<i>Hong Kong Government Gazette</i>
	-	<i>Daily Press</i>
<i>Kowloon-Canton Railway Corporation</i>	-	<i>to be notified</i>
<i>Mass Transit Railway Corporation</i>	-	<i>Daily Press</i>
<i>Airport Authority</i>	-	<i>Daily Press</i>

APPENDIX III

HONG KONG

Annex 1

Hong Kong Government Gazette

Annex 2

*Hong Kong Government Gazette
Daily Press*

Annex 3

<i>Hospital Authority</i>	-	<i>Hong Kong Government Gazette</i>
<i>Housing Authority</i>	-	<i>Hong Kong Government Gazette</i>
<i>Kowloon-Canton Railway Corporation</i>	-	<i>to be notified</i>
<i>Mass Transit Railway Corporation</i>	-	<i>Not applicable</i>
<i>Airport Authority</i>	-	<i>Not applicable</i>

APPENDIX IV

HONG KONG

Annex 1

Hong Kong Government Gazette

Annex 2

Hong Kong Government Gazette

Annex 3

<i>Hospital Authority</i>	-	<i>Hong Kong Government Gazette</i>
<i>Housing Authority</i>	-	<i>Hong Kong Government Gazette</i>
<i>Kowloon-Canton Railway Corporation</i>	-	<i>to be notified</i>
<i>Mass Transit Railway Corporation</i>		<i>provided to potential suppliers upon issuance of invitations to participate</i>
<i>Airport Authority</i>		<i>provided to potential suppliers upon issuance of invitations to participate</i>

WORLD TRADE
ORGANIZATION

GPA/7
22 October 1996

(96-4404)

Committee on Government Procurement

Original: English

ACCESSION OF THE KINGDOM OF THE NETHERLANDS
WITH RESPECT TO ARUBA

On 25 September 1996, the Government of the Kingdom of the Netherlands, for Aruba, deposited its instrument of accession to the Agreement on Government Procurement with the Director-General of the WTO (WT/Let/111).

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for the Kingdom of the Netherlands with respect to Aruba, on 25 October 1996.

WORLD TRADE
ORGANIZATION

GPA/6
9 October 1996

(96-3791)

Committee on Government Procurement

ACCESSION OF SINGAPORE

Decision of the Committee of 20 September 1996

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by Singapore, contained in document GPA/IC/W/33 of 15 November 1995, and the consultations held with the Parties to the Agreement on Government Procurement in pursuance thereof;

Decides as follows:

- 1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Singapore may accede to this Agreement on the terms attached.*
- 2. The Agreement on Government Procurement will enter into force for Singapore on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.*
- 3. This Decision shall expire one year after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and Singapore.*

ATTACHMENT

Terms of Accession of Singapore

APPENDIX I

ANNEXES 1-5 SET OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

Goods	<i>Threshold: SDR 130,000</i>
Services (specified in Annex 4)	<i>Threshold: SDR 130,000</i>
Construction (specified in Annex 5)	<i>Threshold: SDR 5,000,000</i>

List of Entities:

*Auditor-General's Office
Attorney-General's Office
Cabinet Office
Istana
Judicature
Ministry of Communications
Ministry of Community Development
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Health
Ministry of Home Affairs
Ministry of Information and the Arts
Ministry of Labour
Ministry of Law
Ministry of National Development¹*

¹Includes Public Works Department

*Ministry of Trade and Industry
Parliament
Presidential Councils
Prime Minister's Office
Public Service Commission
Ministry of Defence*

This Agreement will generally apply to purchases by the Singapore Ministry of Defence of the following FSC categories (others being excluded) subject to the Government of Singapore's determinations under the provision of Article XXIII, paragraph 1.

<i>FSC</i>	<i>Description</i>
22	<i>Railway Equipment</i>
23	<i>Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles</i>
24	<i>Tractors</i>
25	<i>Vehicular Equipment Components</i>
26	<i>Tires and Tubes</i>
29	<i>Engine Accessories</i>
30	<i>Mechanical Power Transmission Equipment</i>
31	<i>Bearings</i>
32	<i>Woodworking Machinery and Equipment</i>
34	<i>Metalworking Machinery</i>
35	<i>Service and Trade Equipment</i>
36	<i>Special Industry Machinery</i>
37	<i>Agricultural Machinery and Equipment</i>
38	<i>Construction, Mining, Excavating and Highway Maintenance</i>
Equipment	
39	<i>Materials Handling Equipment</i>
40	<i>Rope, Cable, Chain and Fittings</i>
41	<i>Refrigeration, Air Conditioning and Air Circulating Equipment</i>
42	<i>Fire Fighting, Rescue and Safety Equipment</i>
43	<i>Pumps and Compressors</i>
44	<i>Furnace, Steam Plant and Drying Equipment</i>
45	<i>Plumbing, Heating and Sanitation Equipment</i>
46	<i>Water Purification and Sewage Treatment Equipment</i>
47	<i>Pipe, Tubing, Hose and Fittings</i>
48	<i>Valves</i>
51	<i>Handtools</i>
52	<i>Measuring Tools</i>
53	<i>Hardware and Abrasives</i>
54	<i>Prefabricated Structures and Scaffolding</i>
55	<i>Lumber, Millwork, Plywood and Veneer</i>
56	<i>Construction and Building Materials</i>
61	<i>Electric Wire, and Power and Distribution Equipment</i>
62	<i>Lighting, Fixtures and Lamps</i>
63	<i>Alarm, Signal and Security Detection Systems</i>

65	<i>Medical, Dental and Veterinary Equipment and Supplies</i>
67	<i>Photographic Equipment</i>
68	<i>Chemicals and Chemical Products</i>
69	<i>Training Aids and Devices</i>
70	<i>General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment</i>
71	<i>Furniture</i>
72	<i>Household and Commercial Furnishings and Appliances</i>
73	<i>Food Preparation and Serving Equipment</i>
74	<i>Office Machines, Text Processing Systems and Visible Record Equipment</i>
75	<i>Office Supplies and Devices</i>
76	<i>Books, Maps and other Publications</i>
77	<i>Musical Instruments, Phonographs and Home-Type Radios</i>
78	<i>Recreational and Athletic Equipment</i>
79	<i>Cleaning Equipment and Supplies</i>
80	<i>Brushes, Paints, Sealers and Adhesives</i>
81	<i>Containers, Packaging and Packing Supplies</i>
83	<i>Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags</i>
84	<i>Clothing, Individual Equipment, and Insignia</i>
85	<i>Toiletries</i>
87	<i>Agricultural Supplies</i>
88	<i>Live Animals</i>
89	<i>Subsistence</i>
91	<i>Fuels, Lubricants, Oils and Waxes</i>
93	<i>Non-metallic Fabricated Materials</i>
94	<i>Non-metallic Crude Materials</i>
95	<i>Metal Bars, Sheets and Shapes</i>
96	<i>Ores, Minerals, and their Primary Products</i>
99	<i>Miscellaneous</i>

Notes to Annex 1:

1. *The Agreement shall not apply to any procurement in respect of:*
 - (a) *construction contracts for chanceries abroad and headquarters buildings made by the Ministry of Foreign Affairs; and*
 - (b) *contracts made by the Internal Security Department, Criminal Investigation Department, Security Branch and Central Narcotics Bureau of the Ministry of Home Affairs as well as procurement that have security considerations made by the Ministry.*
2. *The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.*

ANNEX 2

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

Non-applicable for Singapore (Singapore does not have any Sub-central Governments).

ANNEX 3

*All other Entities which Procure in Accordance
with the Provisions of this Agreement*

Goods	Threshold: SDR 400,000
Services (specified in Annex 4)	Threshold: SDR 400,000
Construction (specified in Annex 5)	Threshold: SDR 5,000,000

List of Entities:

*Board of Architects
Civil Aviation Authority of Singapore
Construction Industry Development Board
Economic Development Board
Housing and Development Board
Inland Revenue Authority of Singapore
Land Transport Authority of Singapore
Jurong Town Corporation
Maritime and Port Authority of Singapore
Monetary Authority of Singapore
National Computer Board
National Science & Technology Board
Nanyang Technological University
National Parks Board
National University of Singapore
Preservation of Monuments Board
Professional Engineers Board
Public Transport Council
Sentosa Development Corporation
Singapore Broadcasting Authority
Singapore Productivity and Standards Board
Singapore Tourist Promotion Board
Telecommunication Authority of Singapore
Trade Development Board
Urban Redevelopment Authority*

Note to Annex 3:

1. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 4

Services

The following services as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 130,000 for entities as set out in Annex 1
SDR 400,000 for entities as set out in Annex 3

<i>CPC</i>	<i>Description</i>
862	<i>Accounting, Auditing and Book-keeping Services</i>
8671	<i>Architectural Services</i>
865	<i>Management Consulting Services</i>
874	<i>Building-Cleaning Services</i>
641-643	<i>Hotels and Restaurants (incl. catering)</i>
74710	<i>Travel Agencies and Tour Operators</i>
7472	<i>Tourist Guide Services</i>
843	<i>Data Processing Services</i>
844	<i>Database Services</i>
932	<i>Veterinary Services</i>
84100	<i>Consultancy Services Related to the Installation of Computer Hardware</i>
84210	<i>Systems and Software Consulting Services</i>
87905	<i>Translation and Interpretation Services</i>
7523	<i>Electronic Mail</i>
7523	<i>Voice Mail</i>
7523	<i>On-Line Information and Database Retrieval</i>
7523	<i>Electronic Data Interchange</i>
96112	<i>Motion Picture or Video Tape Production Services</i>
96113	<i>Motion Picture or Video Tape Distribution Services</i>
96121	<i>Motion Picture Projection Services</i>
96122	<i>Video Tape Projection Services</i>
96311	<i>Library Services</i>
8672	<i>Engineering Services</i>
7512	<i>Courier Services</i>
-	<i>Biotechnology Services</i>
-	<i>Exhibition Services</i>
-	<i>Commercial Market Research</i>
-	<i>Interior Design Services, Excluding Architecture</i>
-	<i>Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services</i>

Notes to Annex 4:

1. The offer regarding services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.

2. *The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.*

ANNEX 5

Construction Services

The following construction services in the sense of Division 51 of the Central Product Classification as contained in document MTN.GNS/W/120 are offered (others being excluded):

*Threshold: SDR 5,000,000 for entities as set out in Annex 1
SDR 5,000,000 for entities as set out in Annex 3*

List of construction services offered:

<i>CPC</i>	<i>Description</i>
512	<i>General construction work for buildings</i>
513	<i>General construction work for civil engineering</i>
514, 516	<i>Installation and assembly work</i>
517	<i>Building completion and finishing work</i>
511, 515, 518	<i>Others</i>

Notes to Annex 5:

1. *The offer regarding construction services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.*

2. *The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.*

GENERAL NOTE:

- 1. Taking into account the concerns expressed by GPA Members, Singapore will review its current compulsory registration system with the view to removing any unintended effects of discrimination and of limited tendering in its open tender system that the existing registration system may have on GPA Members within a period of three years after its accession.*

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 I OF ARTICLE XVIII*

SINGAPORE

The Republic of Singapore Government Gazette

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*

SINGAPORE

The Republic of Singapore Government Gazette

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*

SINGAPORE

The Republic of Singapore Government Gazette

RESTRICTED

GPA/3

6 March 1996

*WORLD TRADE
ORGANIZATION*

(96-0796)

Committee on Government Procurement

ACCESSION OF LIECHTENSTEIN

Decision

At its meeting on 27 February 1996, the Committee took the following Decision on the Accession of Liechtenstein.

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by Liechtenstein, contained in document GPA/IC/W/13 of 11 January 1995, and the consultations held with the members of the Interim Committee on Government Procurement in pursuance thereof;

Decides as follows:

- 1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Liechtenstein may accede to this Agreement on the terms attached.*
- 2. The Agreement on Government Procurement will enter into force for Liechtenstein on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.*
- 3. This Decision shall expire one year after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and Liechtenstein.*

ATTACHMENT

LIECHTENSTEIN

Terms of Accession

APPENDIX I

ANNEXES 1-5 SET OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

Supplies

SDR 130,000

Threshold:

Services (specified in Annex 4)
130,000

Threshold: SDR

Construction services (specified in Annex 5)
SDR 5,000,000

Threshold:

List of Entities:

Government of the Principality of Liechtenstein

Note to Annex 1

*The Agreement shall not apply to contracts awarded by contracting authorities in
the field of drinking water, energy, transport or telecommunications.*

ANNEX 2

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

Supplies

SDR 200,000

Threshold:

Services (*specified in Annex 4*)
200,000

Threshold: SDR

Construction services (*specified in Annex 5*)
SDR 5,000,000

Threshold:

List of Entities:

1. *Public Authorities at local level*
2. *Bodies governed by public law and not having an industrial or commercial character at the local level.*

Note to Annex 2

The Agreement shall not apply to contracts awarded by contracting authorities in connection with activities in the field of drinking water, energy, transport or telecommunications.

ANNEX 3

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

Supplies

SDR 400,000

Threshold:

Services

SDR 400,000

Threshold:

Works (*specified in Annex 5*)

SDR 5,000,000

Threshold:

List of Entities:

The contracting entities which are public authorities¹ or public undertakings² and which have as at least one of their activities any of those referred to below:

1.the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of

¹*Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:*

-is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;

-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.

²*Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:*

-hold the majority of the undertaking's subscribed capital; or

-control the majority of the votes attaching to shares issued by the undertaking; or

-can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

- drinking water or the supply of drinking water to such networks (as specified under title I);*
- 2.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 (as specified under title II);*
- 3.the operation of fixed networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);*
- 4.the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);*
- 5.the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title V).*

I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

-Gruppenwasserversorgung Liechtensteiner Oberland

-Gruppenwasserversorgung Liechtensteiner Unterland

II. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to the •Gesetz vom 16. Juni 1947 betreffend die •Liechtensteinischen Kraftwerke• (LKWG)•.

-Liechtensteinische Kraftwerke

III. Contracting entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

Liechtensteinische Post-, Telefon- und Telegrafienbetriebe (PTT)

according to •Vertrag vom 9. Januar 1978 zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über die Besorgung der Post- und Fernmeldedienste im Fürstentum Liechtenstein durch die Schweizerischen Post-, Telefon- und Telegrafienbetriebe (PTT).

IV. Contracting entities in the field of airport facilities

None

Notes to Annex 3

This Agreement shall not apply:

- 1. to contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in this Annex.*
- 2. 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.*
- 3. to contracts for the purchase of water.*
- 4. to contracts of contracting entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Annex under I and II and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years.*
- 5. to contracts for the supply of energy or of fuels for the production of energy.*
- 6. to contracts awarded by contracting entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.*

ANNEX 4

Services

The following services from the services sectoral classification list contained in document MTN.GNS/W/120 are included:

Subject

Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, 71235), and courier services, except transport of mail	712 (except 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 ³
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services ⁴	
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 ⁵

³Except voice telephony, telex, radiotelephony, paging and satellite services

⁴Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services

⁵Except arbitration and conciliation services

<i>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</i>	867	
<i>Advertising services</i>	871	
<i>Building-cleaning services and property management services</i>	874,	82201-82206
<i>Publishing and printing services on a fee or contract basis</i>	88442	
<i>Sewage and refuse disposal; sanitation and similar services</i>	94	

Notes to Annex 4

The Agreement shall not apply to:

- 1.service contracts awarded to an entity which is itself a procuring entity listed in Annex 1 or 2 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.*
- 2.service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Annex 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive 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, the total turnover deriving from the provision of services by those undertakings shall be taken into account.*
- 3.contracts for the acquisition or rental, by whatever means, of land, existing buildings, or other immovable property or concerning rights thereon.*
- 4.to contracts of employment.*
- 5.for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.*

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:

<i>General construction work for buildings</i>	<i>512</i>
<i>General construction work for civil engineering</i>	<i>513</i>
<i>Installation and assembly work</i>	<i>514 • 516</i>
<i>Building completion and finishing work</i>	<i>517</i>
<i>Other</i>	<i>511 • 515 • 518</i>

*GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF
ARTICLE III*

1. The Principality of Liechtenstein 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 United States of America,

-as regards the award of contracts by entities listed in Annex 3 in the following sectors:

-water: to the suppliers and service providers of Canada and the United States of America;

-electricity: to the suppliers and service providers of Canada, Japan and the United States of America;

-urban transport: to the suppliers and service providers of Canada, Israel, Japan, Korea and the United States of America

until such time as the Principality of Liechtenstein has accepted that the Parties concerned give comparable and effective access for undertakings of the Principality of Liechtenstein 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 bodies governed by public law and not having an industrial or commercial character listed in Annex 2, paragraph 2, until such time as the Principality of Liechtenstein accepts that they have completed coverage of sub-central entities;

-Canada, Japan, Korea and the United States of America 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 the law of Liechtenstein until such time as the Principality of Liechtenstein 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 entities of the Principality of Liechtenstein, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide access for suppliers and service providers to their own markets, the Principality of Liechtenstein 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 United States of America 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 United States of America 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 signatory States;

-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. 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 the Principality of Liechtenstein in conformity with its commitments under the GATS.

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**

Daily Press: •Liechtensteiner Volksblatt•, •Liechtensteiner Vaterland•

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**

*Official Journal of the European Communities (after the entry into force of the
EEA Agreement for Liechtenstein)*

(Currently no such lists exist)

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**

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

*(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 local publications or directly from the listed
entities.)*

RESTRICTED

WORLD TRADE
ORGANIZATION

GPA/2
5 March 1996

(96-0794)

Committee on Government Procurement

ACCESSION OF THE KINGDOM OF THE NETHERLANDS WITH
RESPECT TO ARUBA

Decision

At its meeting on 27 February 1996, the Committee took the following Decision on the Accession of the Kingdom of the Netherlands with respect to Aruba.

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by the Kingdom of the Netherlands with respect to Aruba, contained in document GPA/IC/W/14 of 8 February 1995, and the consultations held with the members of the Interim Committee on Government Procurement in pursuance thereof;

Decides as follows:

- 1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of the Kingdom of the Netherlands with respect to Aruba may accede to this Agreement on the terms attached.*
- 2. The Agreement on Government Procurement will enter into force for the Kingdom of the Netherlands with respect to Aruba on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.*
- 3. This Decision shall expire six months after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and the Kingdom of the Netherlands with respect to Aruba.*

ATTACHMENT

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Terms of Accession

APPENDIX I

ANNEXES 1-5 SETTING OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

Supplies

SDR 130,000

Threshold:

Services

130,000

Threshold: SDR

Works

5,000,000

Threshold: SDR

List of Entities:

*Ministry of General Affairs;
Ministry of Public Works and Health;
Ministry of Transport and Communication;
Ministry of Welfare;
Ministry of Justice and Sport;
Ministry of Finance;
Ministry of Economic Affairs.*

ANNEX 2

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

Non-applicable for Aruba (Aruba does not have any Sub-central Governments).

ANNEX 3

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

Supplies
SDR 400,000

Threshold:

Services
400,000

Threshold: SDR

Works
5,000,000

Threshold: SDR

List of Entities:

*Water en Energiebedrijf N.V. (Water and Energy Company);
Aruba Ports Authority N.V.;
Arubus N.V. (Public Transport Company);
Setar (Telecommunications Company);
Airport Authority N.V.;
Fundacion Cas pa Comunidad Arubano (Public Housing).*

ANNEX 4

Services

List of Services

CPC ref•

<i>Legal services</i>	<i>861</i>
<i>Accountancy</i>	<i>862</i>
<i>Taxation services</i>	<i>863</i>
<i>Engineering services</i>	<i>8672</i>
<i>Computer services</i>	<i>841</i>
<i>Management consulting services</i>	<i>865</i>
<i>Franchising</i>	<i>8929</i>
<i>Insurance</i>	<i>812, 814</i>
<i>Banking and securities trade</i>	<i>811, 813</i>
<i>Hotel lodging services</i>	<i>6411</i>
<i>Entertainment services</i>	<i>9619</i>

<i>Recreation park and beach services</i>	96491
<i>Sporting services</i>	9641
<i>Shipping (freight and passenger transport)</i>	72
<i>Maritime auxiliary services: cargo handling</i>	74
<i>Freight transport: agency services/freight forwarding</i>	74
<i>Maritime auxiliary services: storage/warehousing</i>	74
<i>Road transport</i>	71231, 71234, 71239

ANNEX 5

Construction Services

<i>List of Construction Services</i>	<i>CPC ref•</i>
<i>Construction work for buildings</i>	512

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

The Aruba Gazette •Landscourant• as well as in local newspapers

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

Non-applicable for Aruba: Aruba does not operate permanent lists of suppliers and service providers.

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

Aruban laws and legislations are published in the Aruban Gazette •Landscourant•.

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 21

1 - 21

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
02-2664 	U	GPA/68 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Georgia Preview (HTML)	14/05/2002	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
01-5933 	U	GPA/28/Add.2 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Latvia - Addendum Preview (HTML)	22/11/2001	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
01-4440 	U	GPA/55 Catalogue record	Committee on Government Procurement - Notification of National Legislation of Estonia - Communication from Estonia Preview (HTML)	19/09/2001	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
01-2484 	U	GPA/49 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Bulgaria Preview (HTML)	15/05/2001	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
01-0292	U	GPA/28/Add.1 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from	22/01/2001	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>

			Latvia - Addendum Preview (HTML)		26 p. 124KB	26 p. 148KB	26 p. 146KB
00-2562	U	GPA/36 Catalogue record	Committee on Government Procurement - Government Procurement Legislation - Chinese Taipei Preview (HTML)	23/06/2000	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
					28 p. 125KB	28 p. 125KB	28 p. 125KB
99-4073	U	GPA/28 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Latvia Preview (HTML)	01/10/1999	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
					5 p. 43KB	5 p. 46KB	5 p. 41KB

Pages: [previous](#) [next](#)

Displaying: 1 - 21

Query= ((@meta_Symbol GPA and @meta_Types notification and @meta_Title legislation and (Bulgaria or Chinese Taipei or Estonia or Georgia or Latvia)))
Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]

Number of hits per page

Search results							
Submitted: 09/01/2006 9:25:12 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 153 KB	02-2664	GPA/68	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Georgia	14/05/2002	54	U	T/PLURI/GPA/68.doc
2 93 KB	01-5933	GPA/28/Add.2	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Latvia - Addendum	22/11/2001	31	U	T/PLURI/GPA/28A2.doc
3 153 KB	01-4440	GPA/55	Committee on Government Procurement - Notification of National Legislation of Estonia - Communication from Estonia	19/09/2001	52	U	T/PLURI/GPA/55.doc
4 101 KB	01-2484	GPA/49	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Bulgaria	15/05/2001	38	U	T/PLURI/GPA/49.doc
5 74 KB	01-0292	GPA/28/Add.1	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Latvia - Addendum	22/01/2001	26	U	T/PLURI/GPA/28A1.doc
6 90 KB	00-2562	GPA/36	Committee on Government Procurement - Government Procurement Legislation - Chinese Taipei	23/06/2000	28	U	T/PLURI/GPA/36.DOC
7 14 KB	99-4073	GPA/28	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Latvia	01/10/1999	5	U	T/PLURI/GPA/28.DOC
((@meta_Symbol GPA and @meta_Types notification and @meta_Title legislation and (Bulgaria or Chinese Taipei or Estonia or Georgia or Latvia)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]							
Result of the search: 21 (for 7 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Georgia

The following communication has been received from the Permanent Mission of Georgia with the request that it be circulated to the Committee on Government Procurement.

With reference to the process of the accession of Georgia to the Agreement on Government Procurement, the following Georgian legislation* in the field of government procurement is being circulated to the Parties to the Agreement:

- Law on State Procurement, 9 December 1998 (pages 2 – 14)
- Law on Amendments to the Public Procurement Law, 30 March 2001 (pages 15 - 23)
- Regulations on Implementation of State Procurements (pages 24 – 54)

* In English only (translated from Georgian).

GEORGIAN LAW ON STATE PROCUREMENT

CHAPTER I. GENERAL PROVISIONS

Article 1. Scope of Application of Law

1. This Law states the general legislative and economic principles governing State procurement.
2. The regulations determined by the present Law apply to any State procurements except the State procurement related to State secrets as defined by the Georgian Law “on State Secrets”.
3. Regulations for implementation of State procurement connected to State secrets defined in the Georgia Law “on State Secrets” is developed by the National Security Council and approved by the President of Georgia.

Article 2. Purpose of the Law

The purpose of the Law is to:

- a) provide rational and economical expenditure of financial resources allocated for State procurement;
- b) develop sound competition between suppliers producing goods, works and services meeting State needs;
- c) provide just and non-discriminative approach towards participants of procurement proceedings;
- d) achieve transparency and publicity in the State procurement;
- e) create a single, integrate procurement system and promote public confidence in the mentioned system.

Article 3. Definition of Concepts and Terms Used in the Law

- a) “State procurement” - acquisition of any goods, works or services in order to meet State needs and by utilizing funds from:
 - a.a) Georgian State budget and means consolidated in the State budget;
 - a.b) Budgets of the Abkhazian Autonomous Republic and the Adjarian Autonomous Republic;
 - a.c) Budgets of other Georgian territorial units determined by Georgian legislation.

- b) “Procuring organization” – management bodies; management and self-governing bodies; institutions and organizations funded from the corresponding budgets; and other institutions and enterprises for which State and local budgets are allocated for acquisitions of goods, works or services; of Georgia, Abkhazian and Adjarian Autonomous Republic.
- c) “Object of Procurement” – particular types of goods, works, and services purchased by the procuring organization.
- d) “Bidder” - any physical or legal body in Georgia or in foreign countries that passed through the qualification procedure.
- e) “Supplier” - any physical or legal body in Georgia or a foreign country that concluded contract with a procuring organization on implementing State procurement.
- f) For the purpose of the present Law, the term “construction works” means works that are carried out for construction of an entity or its parts, as well as repair, reconstruction, and rehabilitation of the entity (except design related activity).
- g) For the purpose of the present Law, the term “preference” means the acceptable difference between the values of the bid submitted by the national bidder and that of the foreign bidder in which case upon the evaluation by price factor the preference will be given to the national bidder.

Article 4. Coordination of State Procurement Related Activity

1. State procurement related activity determined by this law is coordinated by the Georgian Ministry of Economy.
2. The Ministry of Economy within the limits of its competence :
 - a) elaborates and approves the by-laws ensuring the full enactment of the present Law.
 - b) analysis the efficiency of the State procurement system and takes measures for its improvement; periodically informs the President of Georgia on State procurement related issues; in case of necessity prepares proposals and submits them to the Georgian President to take a decision;
 - c) carries out advisory activity concerning State procurement related issues; assists procuring organizations to comply with the norms determined by this Law and the by-laws; arranges seminars and meetings to improve the qualification of the participants of State procurement proceedings and ensures the publicity of the legislation regulating State procurement;
3. The functions, rights and obligations provided by this Law will be exercised by the State Procurement Department established with the Ministry of Economy of Georgia. The Head of Department is appointed and dismissed by the President of Georgia at the proposal of the Ministry of Economy.

Article 5. Rights and Obligations of procuring organizations

1. A procuring organization has the right:
 - a) to select a supplier according to this Law and bylaws and conclude a contract with the supplier;
 - b) to disqualify a person according this Law;

- c) to terminate procurement proceedings at any time before a contract is signed if such a decision stems from an objective necessity that is beyond the control of the procuring organization and can not be foreseen, also based on state or public interests;
 - d) to supervise and exercise control over the fulfillment of the contract;
 - e) according to the effective legislation suspend or terminate the realization of the contract if the supplier submits false qualification documents, also in other cases determined by the legislation.
2. A procuring organization is obliged:
- a) to carry out State procurement in a rational manner within the limits of the allocated assigned budget allocations and stemming from the country's interests and according to the rules stated by this Law and the by-laws;
 - b) To keep confidential the information provided by bidders to the procuring organization before the contract on state procurement is signed.
 - c) Submit to the Georgian Ministry of Economy reports on the realized State procurements according the format and within the terms set forth by the Article 24 of the present Law.
 - d) Immediately submit to the Georgian State Department of Statistics statistical reports on the realized State procurements according the format developed and approved by the Georgian State Department of Statistics.
 - e) Pay the supplier the cost of works and/or services immediately upon goods, works, and services are delivered, unless otherwise stated in the contract.
 - f) In case if state procurement is canceled according to the Article 5 (2) (c) implement this procurement only by resuming the terminated procedures.
 - g) In the cases provided by the Article 5 (2) (c) notify the Georgian Ministry of Economy and parties participating in the procurement process about its decision and the grounds for such a decision within the 3 (three) days upon the decision is made. Meanwhile, procuring organization is not obliged to provide the participants of the procurement process with the evidence or give the detailed information, that made basis for the above mentioned decision, as well as reimburse the bidders' costs related to the participation in the proceedings, except tender fees.

CHAPTER II. METHODS OF STATE PROCUREMENT

Article 6. Methods of State Procurement

1. Methods of State procurement are as follows:
 - a) open tendering
 - b) closed tendering
 - c) single-source procurement
2. In cases justified by the present Law, open and close tenders can be carried put in two stages.
3. Principles for the use of procurement methods are determined by the present Law and by-laws adopted by the Georgian Ministry of Economy;

CHAPTER III. TENDER

Article 7. Basic Principles Governing the Choice of Type of Tender

1. Open tender is held in cases when the estimated value of the subject to procurement exceeds the amount of 70.000 LARI, while in the case of procurements of construction works – 230.000 LARI.
2. Closed tender is held in the cases when the estimated value of the subject to procurement is less then the amount of 70.000 LARI (while in the case of procurements of construction works – 230.000 LARI), but exceeds the amount of 25.000 LARI (while in the case of procurements of construction works –120.000 LARI)

Article 8. Grounds for Establishing and Functioning of Tender Committee

1. Both, open and closed tenders are held by Tender Committee which is established by the Head of the procuring organization and consists of at least 5 members;
2. Head of procuring organizations and/or deputies, as well as heads of structural sub-divisions of procuring organizations are appointed as members of Tender Committee;
3. It is prohibited for a close relative of the head of bidder (physical or legal body); a founder or member of bidding organization that has a status of legal body and exists as a Fund or a Union; or has a share in the bidder enterprise equity; to be a member of the Tender Committee;
4. Pursuant to the decision of the Tender Committee, specialists from corresponding fields and representatives of other treasury organizations can be invited to the Tender Committee as experts and consultants, with voting right;
5. The Tender Committee will be chaired by the head of the procuring organization or the person appointed by him (her);
6. Pursuant to the order of the Head of the procuring organization with the purpose of proving organizational-technical activities of the Tender Committee, there will be established apparatus, manned by the staff members of the procuring organization and headed by the Chairman of the Tender Committee;
7. The Tender Committee takes decisions by the simple majority of the Committee members. The member of the Committee, that disagrees with the decision of the Committee has right to submit his own view-point, that should be attached to the decision of the Tender Committee. In the case of equal votes, the Chairman has the casting vote;
8. The minutes of meetings of the Tender Committee shall be signed by the members of the Committee.

Article 9. Tender announcement

1. In an open tender the Tender Committee on the behalf of a procuring organization:
 - a) shall make an announcement about the tender via the Mass Media, defined in the by-laws;
 - b) when the estimated value of the State procurement exceeds the amount of 600.000 LARI, while in the case of the construction work procurement – 8.000.000 LARI notification shall

be also placed in an wide-spread international periodical or specialized printing organ, on one of the languages most accepted in the international trade practices. The notification shall also be sent to the foreign diplomatic and consular institutions based in Georgia;

2. If necessary shall define additional means, other than the ones defined in the sub-unit (a) and sub-unit (b) of the Unit, for tender announcement
3. In the case of closed tender the procuring organization sends to the bidders selected in advance subject to this Law (no less than five bidders) an official notification of holding the tender.
4. In the tender announcement there should be indicated:
 - a) contact details of the procuring organization;
 - b) the type, quality and quantity, the point and form of supply of the procured goods; the essence and the place of implementation of the work or service to be implemented; all other details, that the procuring organisation considers necessary as connected with the description of the objects to be procured;
 - c) the desire to supply of the goods, to implement the work, to render the service to be procured, and the obligatory terms;
 - d) criteria and rule for estimation of qualification data;
 - e) the terms, place and language for submission of the qualification data;
 - f) request for the documentation proving the qualification data;
 - g) the rules, terms, place and language for submission of tender documents, also payment rate for acceptance of tender documents.
5. The Tender Committee approves the tender announcement.
6. The Tender Committee publishes and, correspondingly distributes tender announcements no later, than 15 calendar days before the collection of the qualification data starts. In the case of closed tender the Tender Committee should select the mean of distribution of tender announcement, that will enable the selected persons to receive the announcement in the shortest possible term.
7. The Tender Committee might amend the information mentioned in the announcement, notice of which shall be made through mass media, the same way the announcement had been published, and in the case of closed tender the notice should be distributed to all the persons, whom the Committee addressed initially.
8. Amendment of the announcement and the publication (distribution) of these amendments should occur no later, than 5 calendar days before end of the submission term.

Article 10. Qualification data

1. The qualification data of the legal entities bidding for State procurements should meet the following requirements:
 - a) their property should not be arrested; no bankruptcy or sanation proceedings should be commenced against them, they should not be under re-organisation or liquidation process;
 - b) within the last 5 years period their heads should not had been sentenced or no criminal proceedings, connected with their duties at job, should be instituted against them by the moment the State procurements start.
2. The qualification data of the physical person bidding for State procurements should meet the following requirements:

- a) they should be capable of functioning;
 - b) no bankruptcy proceedings should be commenced against them;
 - c) within the last 5 years period their heads should not had been sentenced for economic activities or activities connected with their duties at job, or no criminal proceedings should be instituted against them by the moment the State procurements start;
3. In case if supply of goods, implementation of works or rendering of service subject to the legislation requires license, certificate or other types of permission, the bidder for the State procurements should have such license, certificate or permission.
4. In case if the documentation submitted by person as proof for the qualification data is not valid or it does not meet the qualification requirements, the procuring organization can disqualify the person at any stage of procurement procedure, before entering the agreement on State procurement.
5. The disqualified person can sue the decision on disqualification;
6. In case if the documentation reflecting the qualification data is not correct or complete, or if it contains any technical mistake the procuring organization gives the bidder opportunity to correct the mistake or inconsistency, or to fill in the documentation with the necessary information. The process of correction or filling of the qualification documentation should be fulfilled before the end of the qualification selection.
7. The detailed rule for estimation of qualification data is defined by by-law.

Article 11. Qualification selection

1. The purpose of the qualification selection is to define the list of bidders, by comparing the submitted data with the qualification data.
2. The qualification selection should be ended no later, than in 10 days after the procedure for the submission of qualification data stops.
3. The results of the qualification selection shall be registered under the decision of the Tender Committee and it will reflect the reasons and basis for disqualification of corresponding person(s) and approves the list of bidders.
4. All the persons, that had submitted their qualification data on due time shall be informed about the decision of the Tender Committee on the qualification selection. In the case of disqualification they will also be informed about the basis for disqualification. The Tender Committee should choose the most efficient and quick way of delivery of the information.

Article 12. Tender documentation

1. The Tender Committee approves the tender documentation before publication (distribution) of the tender announcement.
2. After payment of the fees defined in this Article 19 of the Law, if there is such, the Tender Committee is obliged to issue tender documentation upon the request from the bidder.
3. The tender documentation should include:
 - a) instructions for development of the bidders tender proposals;
 - b) prioritized the procedures and criteria for estimation of the bidders' proposals;

- c) the quantity of the goods to be procured, obligatory or desirable terms and place for supply of goods, implementation of work and rendering of service, and other details, that the procurement organization will consider important in connection with the object to be procured;
 - d) full description of the technical and qualitative data of the object to be procured, including relevant technical specifications, plans, schemes and sketches, also the reasonable alternative technical and qualitative specifications to the object of procurement, if permitted by the procuring organization;
 - e) the necessary conditions for the agreement on State procurements, that are known to the procuring organizations in advance, including the instructions for the form of the agreement;
 - f) the methodology for calculation of the price of tender proposal, also the information whether the price should include other elements, besides the goods, work or service (e.g. transportation, insurance, taxes, etc);
 - g) instructions for the currency, that the amount for the tender proposal should be stated in;
 - h) the term, place and language for submission of the tender proposal;
 - I) description of the means and procedures for requirement of additional information or explanation, connected with the tender documentation by the bidder. While in case of two-stage tender – also the opportunity to hold direct negotiations with the bidders;
 - j) time, place and rule of tender proposals disclosure;
 - k) the names and contact details of the officers of the Tender Committee apparatus, that are entitled to have direct contact with the bidders and provide them with the information and explanations on the procurement procedures;
4. The textual materials, specifications, plans, schemes, sketches and other materials used for the technical and qualitative parameters of the object to be procured should correspond to the current standards of international and Georgian standards, technical specifications, terminology and conventional definitions. It is forbidden to include the trademark, patent, model, source and producer in the description of goods to be procured.
5. The Tender Committee, pursuant to the written request of bidder, or at its own discretion, shall explain or verify the information connected with the tender documentation, which shall be attached to the tender documentation in the form of appendices and shall be distributed to all the bidders 15 calendar days before the end of submission of tender proposals. The appendices or verification should not change the essence of the tender documentation.

Article 13. Preferences

In the case of participation of both local and foreign bidders 15 % preference is granted in respect of the tender proposal price, which should be submitted by the local bidder.

Article 14. Agreement on Intention

1. The procuring organization, prior to review of tender proposals enters agreement on intention with each bidder. Under the agreement:

- a) in case of winning the tender the bidder undertakes the obligation to enter agreement with the procuring organization on goods supply or, correspondingly implementation of work, or rendering services;

- b) except for the case envisaged in Article 5.2.(c) of the Law or the event of disqualification, the procuring organization undertakes obligation to enter agreement with the bidder on goods supply or, correspondingly implementation of work, or rendering services in case of winning the tender by the latter, on the terms defined in the tender proposal;
2. Agreement on intention shall include term of the agreement on State procurement, the term of validity of the bidders tender proposals, also the responsibilities of parties in the event of default on the liabilities assumed under the agreement on intention.
3. The rules for definition of the forms of responsibility for breaching the form and conditions of the agreement on intention are defined by by-laws.

Article 15. The procedure for submission and review of tender proposals

1. Tender proposals are submitted to the Tender Committee in sealed envelopes and the envelopes are opened at a Tender Committee meeting upon the expiration of their submission period and in the presence of the bidders. After opening the envelopes the committee determines the deadline for the reviewing of received proposals and taking a final decision.
2. Before the disclosure of the tender proposals bidders have right to withdraw or change the tender proposal any time;
3. The Tender Committee only reviews the proposals of the bidders, which entered the agreement, envisaged by the Article 14 of the Law with the procuring organization.
4. Tender proposals are assessed in accordance with the criteria and priorities defined in the tender documentation. In case if the tender proposal submitted by bidder is not consistent with the requirements of tender documentation, the Tender Committee, at its own discretion, takes decision on disqualification.
5. The Tender Committee does not disqualify tender proposal, in case it includes inconsistencies, that do not materially change or contradict the essence of the requirements stated in the tender documentation or correction of which does not affect the essence of the tender documentation.
6. In the case defined in unit 5 of this Article the Tender Committee addresses the corresponding bidder with the request to verify the tender proposal.
7. Tender winner is determined on the basis of written conclusions submitted by Tender Committee members, in accordance with the estimation criteria and prioritization stated in the tender documentation.
8. The conclusion of Tender Committee member there should indicate the name of the preferred bidder, and also the basis and arguments for such preference.
9. The absolute majority of conclusions of Tender Committee members decide winner. In the case of equal votes the chairman of Tender Committee has the casting vote.
10. The decision of Tender Committee, stated in unit 7 of the Article is registered in minutes, with the conclusions of Committee members attached to it. Minutes should include information on the persons participating in the review of tender proposals, on bidders and also summary of the submitted proposals.
11. Bidder can sue for any issues connected with the tender procedures.

Article 16. Signing a Letter of Agreement with the winner

1. Subject to the current law and on the basis of the agreement defined in the Article 14 of the law, as well as tender proposal conditions of the winner, agreement on State procurement is made between procuring organization and the winner.
2. The conditions of agreement are defined by by-laws.
3. In the case of procurement of construction works no less, than 70 % of the engineering-technical personnel and workers involved in implementation of the work should be citizens of Georgia.
4. In the case of disqualification of the winner, or in case, if the winner refuses to enter the agreement the Tender Commission addresses other bidders for participation in the renewed review process of tender proposals, and if necessary, on prolongation of the term of the agreement on intention. In case, if non-of the bidders express desire to participate in the renewed review process new tender is held.

Article 17. Re-announcement of tender

1. In case if no winner was declare pursuant to tender process and renewed review-assessment of tender proposals, or despite tender announcement no tender proposals had been submitted or non of the submitted proposals was consistent with the conditions of Tender documentation, than Tender Committee elaborates new tender documentation and announces new tender.
2. Subject to the unit 1 of the Article the procuring organization can change the tender Committee, or appoint new members.

Article 18. Prohibition of negotiations with the bidders during the tender process

Tender Committee is not entitled to negotiate with the persons desiring to take part in tender and bidders, except of the event of two-stage tender.

Article 19. Tender fee

1. The following rates are set for tender fee in the case of State procurement from the State budget resources of Georgia:
 - a) in the case of open tender – 500 LARI.
 - b) in the case of closed tender – 150 LARI.
2. In the case of State procurement from Abkhazian, Adjarian or local budget resources subject to the Law there can be set local tender fee, which should not exceed the amount defined in the unit 1 of the Article.

Article 20. Candidate selection during closed tender

1. In the case defined in the Article 7.2 of the Law tender announcement will be sent to the selected persons;

2. In the case of closed tender the number of the tender proposals to be reviewed should not be less, than three.
3. Besides the rules defined in the unit 1 and the unit 2 of the Article other rules determined for open tender are also used for closed tender.

Article 21. Two-stage tender

1. Two-stage tender is held if:

- a) given the peculiarity of the object to be procured, it is impossible to determine all the technical and economic conditions of the object in advance and the procuring organization considers it necessary to hold negotiation with bidders at the first tender stage, in order to determine technical, economic and other aspects;
- b) the object of State procurement is consultancy, scientific research, experimental, investigative or consultation-projecting works, and it is impossible to determine their results and price in advance;

2. At the first stage of two-stage tender the bidders shall submit their free Initial tender proposals, (“initial tender proposal”);

3. At the first stage Tender Committee can hold direct negotiations with bidders, with the purpose to verify any issues of the initial tender proposal, as well as define the final parameters for tender documentation;

4. Pursuant to review of the initial tender proposal the Tender Committee determines the final version of tender documentation, that shall be distributed among all the bidders in case of payment of tender fee.

5. Besides the rules defined in the units 2,3 and 4 of the Article, the rules for one-stage tender are also applicable to the two-stage tender.

CHAPTER IV. THE METHOD OF HOLDING NEGOTIATION WITH ONE BIDDER

Article 22. The method of direct negotiation with a single person

1. The procuring organization may chose to use the method of holding direct negotiations on State procurement with a single person, in case:

- a) the assumed price of the State procurement object does not exceed 25.000 LARI (while in the case of construction works – 120.000 LARI)
- b) supply or implementation of the State procurement object is the exclusive right of a single person;
- c) as a result of Force Majeure the State procurement can not be postponed;
- d) it is necessary to implement State procurement from the same supplier with the purpose of further application and prevention of deterioration of qualitative feature of goods, technology or equipment received from the supplier, except for the case when the initial supply cost exceeds the assumed amount of the State procurement to be implemented;

2. In the case of application of the method of holding direct negotiations on State procurements the head of the procuring organization or the authorized person appointed by him (her) subject to legislation.

CHAPTER V. REVIEW OF THE CONDITIONS OF AGREEMENT ON IMPLEMENTATION OF STATE PROCUREMENT

Article 23. Review of the conditions of agreement on Implementation of State procurement

1. It is not permitted to change the conditions of the agreement entered with the supplier if it causes increase in the price of the agreement and adversely affects the conditions of the agreement referring to the procuring organization, except for the case envisaged by the Article 398 of the Civil Code;

2. The procedures and rules for review of the conditions of agreement on implementation of State procurements are defined by the Georgian Legislation.

CHAPTER VI. CONTROL OF STATE PROCUREMENTS

Article 24. State procurement account

1. The State procurement process is reflected in the State procurement account and the rule for its elaboration and keeping is defined by the by-law, adopted by the Ministry of Economy.

2. After tender is held minutes of Tender Committee meeting, decisions taken, conclusions of the experts and consultants participating in the tender, also other documents defined in the by-law referred to in the unit 1 of the Article should be attached to the account.

3. The State procurement accounts shall be submitted to the Ministry of Economy of Georgia within the following terms:

- a) in the case of tender no later, than 10 days after agreement is executed;
- b) in the case of holding negotiations with a single person, if the amount of State procurements exceed 25.000 LARI -no later, than 10 days after agreement is executed;
- c) in the case the amount of State procurements is less than 25.000 LARI - on quarterly basis, no later, than the 10th day of the first month of the following quarter;

4. All the interested persons shall have access to the State procurement accounts if requested, and their summary should be made public on regular basis through the State procurement bulletins, founded by the Ministry of Economy of Georgia.

CHAPTER VII. TRANSITIONAL PPOVISIONS

Article 25 Procurement rule for goods until January 1, 2000,
subject to the Presidential Ordinance #317,
dated June 20 1997.

The Law is not applicable to the goods envisaged by the Ordinance of the President of Georgia “ on Certain Urgent Measures for the Optimal Use of Budgetary Appropriations for the Country’s Law Enforcement Bodies and Some Urgent Measures Fostering the Operation of Local Enterprises at a Maximum Capacity” dated June 20, 1997.

Chapter VIII. FINAL PPOVISION

Article 26. Establishment of State Procurement Department and adoption of by-laws.

1. The president of Georgia shall appoint the Chairman of the State Procurement Department prior to June 1 1999.
2. The Ministry of Economy of Georgia shall establish the State Procurement Department prior to June 1, 1999.
3. The Ministry of Economy of Georgia shall adopt the by-laws, necessary for enactment of the Law prior to June 1, 1999.
4. The State Department of Statistics of Georgia, in coordination with the Ministry of Economy of Georgia shall approve the form of the account, defined in the Article 5.1.(d) of the Law prior to June 1, 1999.
5. The expenses of the State Procurement Department of the Ministry of Economy of Georgia shall be included into the State budget of Georgia.

Article 27. Annulled by-laws

1. The Presidential Ordinance #612, dated October 28, 1998 shall be considered invalid upon adoption of the Law.
2. Starting from June 1, 1999 the following shall be considered invalid:
 - a) the decree of the Cabinet of Ministers of Georgia #264 “On Supplying Production and Goods for the State Needs of the Georgian Republic”, dated March 30, 1993;
 - b) the Presidential decree # 244 “On Some Measures Ensuring Maximum Efficiency of the Country’s Industrial Potential in Material and Technical Support of Georgia’s Military Forces”, dated March 31, 1996;
 - c) the Law of Georgia “on State Orders in the Construction Sector” (06.02.98)

On January 1, 2000 the Ordinance of the President of Georgia “ on Certain Urgent Measures for the Optimal Use of Budgetary Appropriations for the Country’s Law Enforcement Bodies and Some Urgent Measures Fostering the Operation of Local Enterprises at a Maximum Capacity” dated June 20, 1997 will become invalid;

Article 28. Enactment of the Law.

Article VII and VIII of this Law shall enter into force immediately upon publication, while other articles only after July 1, 1999.

THE PRESIDENT OF GEORGIA:

E. SHEVARDNADZE

Tbilisi, december 9, 1998

1721-I

(Is published in the official newspaper
of Georgia – SAKARTVELOS
SAKANONMDEBLO MATZNE
#10, 19.04.2001)

LAW ON AMENDMENTS TO THE PUBLIC PROCUREMENT LAW

The Parliament of Georgia resolves:

I. The following amendments and additions shall be made to the Public Procurement Law (*Georgian Legislative Herald*, #7, 1998).

1. In the Article 3:

A) in the subparagraph a.c) of paragraph (a) the words “territorial units” shall be substituted with “local,” and new a.d), a.e), a.f) and a.g) subparagraphs shall be added to paragraph (a) which shall read as follows:

- a.d) *by special funds of all those organizations and institutions which are funded out of the resources of the State Budget of Georgia, budgets of Autonomous Republics of Abkhazia and Adjara and local budgetary resources specified by law;*
- a.e) *by funds extended by other countries and international organizations either as an international assistance or lending on the basis of international agreements (except the cases when the given Law is in conflict with the respective international agreement or if respective credit or grant agreements provide for internationally accepted procurement rules different from the rules established by this Law);*
- a.f) *by loans extended under the government’s guarantee;*
- a.g) *by funds of public or private legal entities, (except of National Bank of Georgia) established on the basis of the State property, irrespective of sources of such funds.*

B) Paragraph b) of Article 3 shall read as follows:

- b) *Procuring agency – any executive governmental body of Georgia, or Autonomous Republics of Abkhazia and Adjara, budgetary agency or organization, local self-governance and governance bodies as well as any other institution or company that is procuring goods, works and services by the funds specified in paragraph a) of this Article.*

C) New sub-paragraphs h), i) j), and k) shall be added after the sub-paragraph g) to read as follows:

- h) *price quotation – a simplified method of procurement of goods, services, and minor works the estimated value of which is above 10000 GEL and below 25000GEL, and also of minor works at estimated value above 50000 GEL and below 120000GEL*

- i) *procurement of intellectual services – a special type of procurement, of intellectual and other consulting services, scientific research works and experiments, construction designs, and government’s orders in the education sphere;*
- j) *goods – any types of goods (including raw materials, manufactured goods, equipment, buildings, etc.) being in solid, liquid or gas condition, also electrical power; this will also include services associated with the goods if the cost of these services is not higher than that of the goods;*
- k) *services – any subject of procurement except goods and civil works.”*

2. Article 4 shall read as follows:

Chapter 4. Public Procurement Agency

1. *With the purpose of coordinating and monitoring all public procurement activities, under the guidance of the Law on Public Legal Entities, a permanently-operating independent agency to be referred to as the Public Procurement Agency (hereinafter the “Agency”) shall be established, the chairman of which, shall be appointed and dismissed by the President of Georgia at the proposal of the Ministry of Economy, Trade and Industry.*
2. *The Constitution of Georgia, international covenants and agreements, this Law and the Agency’s charter to be adopted on the basis of the above-mentioned documents shall constitute a legal base of the Agency operations.*
3. *With the purpose of ensuring transparency in the public procurement system and publicity in the activities of the Agency, a Board of Supervisors shall be established with the Agency, which shall consist of 7 members (including Chairman of the Board of Supervisors), to be appointed by the President of Georgia. Charter of the Board of Supervisors shall be approved by the President of Georgia. The staff of the Board of the Supervisors: officials from ruling and controlling bodies (representatives of the Chamber of Control, Ministries of Finance, Justice and Economy, Industry and Trade); Representatives of Mass media and Public organizations. The Board of Supervisors work on the public basis.*
4. *The Charter and the structure of the Agency shall be based on this Law and shall be approved by the President of Georgia. A state body carrying out control of the activities of the Agency shall also be specified by the Charter of the Agency in compliance with the legislation of Georgia.*
5. *The Agency shall be funded:*
 - a) *funds earmarked from the State Budgets;*
 - b) *out of the revenues received for the work carried out on the basis of the agreement;*
 - c) *out of the revenues in consistent to the Georgian legislation.*
6. *The main functions of the Agency shall be as follows:*
 - a) *to develop and make public any normative acts required for the implementation of this Law and standard bidding documents and to harmonize them with international norms;*
 - b) *on the basis of reports received from procurement agencies, to implement systematical studies and analyses of situation existing in the country’s procurement system and to*

provide recommendations to the President of Georgia to enable him to make appropriate decisions;

- c) to develop model teaching programs and methodological materials and documentation, to hold seminars and training sessions for central and local governmental bodies, law-enforcement agencies, mass media and other interested parties;*
- d) to develop and improve an integrated public procurement data base;*
- e) to provide expertise, recommendations and consulting services to procurement agencies;*
- f) to maintain the register of suppliers*
- g) to support the establishing of modern informational and communications technologies in the public procurement system;*
- h) to make public any normative acts and reports for ensuring publicity of public procurement and to publish a special periodical newsletter;*
- i) on the basis of administrative procedures to adjudicate any disputes emerged in the course of public procurement activities;*
- j) to oversee the lawfulness of state procurement procedures and define the state policy regulating procurement process.*

3. New 4¹, and 4² articles shall be added to the Law to read as follows:

Article 4¹. Duties and Responsibilities of the Agency Chairman

1. The Agency Chairman shall:

- a) in agreement with the Board of Supervisors established at the Agency issue normative acts – orders - specified in this Law and mandatory for all the agencies involved in the state procurement;*
- b) make orders and instructions on internal organizational matters;*
- c) regulate any issues which are within the Agency's jurisdiction;*
- d) monitor the Agency's structural units to ensure that they perform their functions in proper manner; supervise the Agency staff according to the established procedures.*
- e) within the limits of its competence appoint and dismiss the Agency staff;*
- f) manage the Agency's funds and control the spending;*
- g) make suggestions according to the established procedures on such decisions which should be made on any matter over which the Agency has jurisdiction;*

2. The Chairman of the Agency is responsible for the Agency's activities in accordance with law.

Article 4². Duties, Responsibilities and Operational procedures of the Board of Supervisors

1. *The Agency's Board of Supervisors shall*
 - a) *review at its meetings normative acts to be issued by the Chairman of the Agency, and the by-laws of the Agency's structural units and results of their activities;*
 - b) *In its operations the Agency's Board of Supervisors shall be guided by the key directions of the government's public procurement policy and at its meetings shall give the participants in the public procurement activities possibility to freely defend their respective interests;*
 - c) *prepares annual reports about its activity and submits it to the President of Georgia. The reports should be open to public*
2. *Agency's Board of Supervisors within the limits of its competence, shall have the right to request procurement agencies to provide it with any information related to the public procurement activities and to examine correctness of such data and information*
3. *The meetings of the Agency's Board of Supervisors shall be open to public and all its decisions shall be published in accordance with the existing procedures. Confidentiality of any information considered by the Board of Supervisors shall be preserved in accordance of applicable law.*
4. *In sub-paragraphs 2(c) and 2(g) of Article 5, also in paragraph 3 of Article 24 the words "Georgian Ministry of Economy" should be substituted with the word "Agency"; also paragraph 2(d) of Article 5 should read as follows:*
 - d) *without delay present to the Agency a statistical report on the implemented procurements in a template developed by the Agency and approved by the State Statistics Department of Georgia.*

5. After Article 5, new articles 5¹ and 5² shall be inserted which shall read as follows:

Article 5¹. Terms and Procedures for Avoiding Conflict of Interests

1. *These procedures which are aimed at avoiding conflict of interests shall apply to the following activities related to public procurement:*
 - a) *conducting any operations required for preparing public procurement, including those aimed at identifying both characteristics and estimated costs of objects to be procured;*
 - b) *selecting members of tender committees and any other persons responsible for implementing public procurement;*
 - c) *preparing tender application forms, tender documents and other required materials;*
 - d) *reviewing and evaluating qualifications materials and bids;*
 - e) *under the conditions envisaged in this law, holding technical discussions and negotiations;*
 - f) *under the conditions of closed tender, selecting potential bidders;*
 - g) *overseeing and monitoring the implementation of the public procurement contracts;*
 - h) *conducting any other activities aimed at implementing public procurement.*
2. *No person willing to take part in the public procurement activities and/or actually participating in such activities shall have the right to apply any procuring agency (its managers or employees) or any governmental agency with a request to assist him, or by using all means and methods to put any direct or indirect pressure on such agencies in order to win the right to enter into any public procurement contract, which may be beneficial to such a person.*
3. *No procuring agency shall assign any person to the duty of organizing and managing the public procurement activities or overseeing such activities and no procuring agency shall invite any person as a consultant (or expert), if such a person:*
 - a) *is closely related to any managerial staff of a legal entity involved in the public procurement activities or to a direct party to such activities if the latter is an individual;*
 - b) *for the last three years has worked for any agency involved in the public procurement activities;*
 - c) *has a personal or business relationship or has conducted negotiations with the purpose of establishing such relationship with any individual or legal entity that is involved in the public procurement activities.*
4. *No individuals and legal entities that had been involved in the public procurement preparatory operations shall have the right to take part in the public procurement activities.*
5. *All provisions prescribed in paragraphs 3 and 4 of this Article shall also apply*
 - a) *in cases of overseeing the implementation of public procurement contracts;*

- b) *to all parties to any state procurement conducted through negotiations with one person.*
- 6. *In cases of open or closed tenders, immediately after the qualifications materials submission deadline, all members of the tender committee, all invited consultants (experts), and all those employees of the procuring agency that have anything to do with the public procurement activities, shall be required to certify in written that his or her involvement in this particular public procurement activity is not in conflict with any of the above requirements.*
- 7. *Whenever consulting services are to be procured, the following conditions shall be met:*
 - a) *no consultant or any affiliated person thereof (whether individual or entity) shall take part in any public procurement activity, which given the nature of such activity may be in conflict with any other responsibilities of such consultant;*
 - b) *all consultants (both individuals and entities) shall be required to give the procuring agency a professional, objective and unbiased advice based on the interests of the procuring agency.*

Article 5². Public Procurement Planning

- 1. *Any procurement agency shall implement public procurements in accordance with an annual procurement plan developed and approved in advance. In the case of multiple year procurement, planning is conducted by a pertinent procuring body in compliance with the Georgian legislation. State procurement planning is regulated by the Decree of the Agency Chairman.*
 - 2. *Each annual procurement plan shall be developed in accordance with the procedures of developing and reviewing the drafts of appropriate (State or local) budgets, as set out in the laws on the Budgetary System and Budgetary Authorities and the Principles of the Georgia Economic and Social Development Indicative Planning.*
 - 3. *Procurement of homogenous goods, services and work conducted by a pertinent procurement agency during a year is considered as one procurement if it is financed out of one source.*
 - 4. *Not later than 20 days following the approving of the State Budget, or those of the Autonomous Republics, or local budgets, the head of a pertinent procurement agency shall approve and provide to the Agency the revised procurement plan.*
- 6. Paragraph 4 shall be added to Article 6 of the Law:**
- 4.The quotation and the intellectual services procurement methods shall be defined in a special normative act.*
- 7. In the paragraph 3 of Article 16 the following words shall read as follows:**
3. *“In case that the construction works are procured, if the construction site is located in the Georgian territory” should be added after the words “in case procurement of works.”*
8. In paragraph 1 of Article 19 the following words shall be added after “with funds form the State Budget of Georgia:” “special funds of the organizations and agencies funded from the State Budget, with funds received as assistance or credits from foreign countries and international organizations on the base of international treaties, credits received with state guarantee, with funds of legal public entities established with state property (except the National Bank of Georgia),”; also in paragraph 2 after the words “and with the funds of local budgets” the following words shall be added:

“budgets of Autonomous Republics of Abkhazia and Ajara, special funds of organizations and agencies funded from the local budgets as defined by the legislation of Georgia.”

9. Paragraph 2 of Article 20 shall read as follows:

2. *In case the closed tender is conducted the number of bidders shall not be less than 3, otherwise the procuring Entitie has the right either to continue the begun tender or terminate it and announce an open tender (after the agreement with the agency).*

10. Subparagraph “a” of Paragraph 1 of Article 22 shall read as follows:

a. *The estimated cost of the unit under procurement shall not exceed 10 000 GEL and in the case of procuring construction works – 50 000 GEL*

11. In the heading of Chapter 6 after the words “state procurement” the words “monitoring and” shall be inserted.

12. Paragraph 5,6,7 and 8 shall be added to Article 24 of the Law which shall be read as follows:

”5. *If the volume of public procurements conducted through a tender exceeds 2 million Lari, the chairman of the tender committee shall report on the procurement process to the President of Georgia at the government meeting”.*

6. *The Ministry of Finance of Georgia, those of the Autonomous Republics of Abkhazia and Adjara, and local finance departments shall be obligated to regularly (on a monthly basis) provide the Agency with information about actual disbursements to the budgetary agencies.”*

7. *The Agency is authorised to request any documents and information on state procurement from procuring organizations and bidders at any stage of state procurement implementation, including the information on implementation of agreements.”*

8. *In order to ensure transparency of the procurement process the agency’s obliged to carry out monitoring of the protecting of such principles during the state procurement process as publicity, fairness, proper fulfilment of the determined procedures, reporting open and efficient competition, an opportunity of rational and free choice.*

13. After Chapter 6 a new Chapter 6¹ shall be added to read as follows:

Chapter 6¹ – Adjudicating Disputes and Bringing Claims in Relation to Public Procurement

Article 24¹. Bringing of Claims

1. *All persons willing to participate or actually participating in the public procurement activities, all bidders and suppliers, whether being individuals or entities, shall have the right to contest any action of procuring agencies (or tender committees), if they believe that in the course of the public procurement activities any rules or procedures, established by the Public Procurement Law or any other applicable legal act, and/or their rights have been violated.*

2. *If any claim emerges before the conclusion of a public procurement contract, the person who has such a claim may request directly the procuring agency to reconsider the decision of the relevant officer of the tender committee or procuring agency or to review the dispute.*

3. *In cases envisaged in paragraph 2 of this Article, any person who has a claim may apply to the procuring agency with this claim not later than 20 calendar days after the receipt of*

information about the conditions or the making of that decision which caused the emergence of such a claim or dispute. All such persons whose interests actually are or can be affected by such claim shall have the power to take part in the review of that claim.

4. *Before a public procurement contract is made, any individual or legal entity that is willing to take part or is actually participating in the public procurement procedure, or is a bidder or supplier, may appeal to the Agency with a claim to review any dispute which may arise in relation to public procurement.*
5. *Any individual or legal entity that is willing to take part or is actually participating in the public procurement activities, or is a bidder or supplier, may appeal to the Agency also in case that such individual or entity is not satisfied with the decision of the procuring agency.*
6. *In cases envisaged in paragraphs 4 and 5 of this Article, the Agency, not later than 10 days after the receipt of a claim, shall make in written a reasonably justified decision which shall be communicated to those persons and the procuring agency that has submitted the claim.*
7. *If as a result of thorough scrutiny of the claim itself, as well as all related conditions, the Agency finds that the claim is reasonably justified, then the Agency shall have the power to:*
 - a) *warn the procuring agency that it has committed an incorrect action and call on it to implement the public procurement activities in accordance with the requirements of law;*
 - b) *require that the procuring agency review or cancel its decision(s);*
 - c) *in case that it finds that any participant in the public procurement activities has failed to comply with the provisions of this Law, to require the appropriate agencies to hold such a participant responsible for such a breach.*
8. *After the deadline specified in paragraph 3 of this Article, as well as after the public procurement contract has been entered into effect, all claims and appeals may be heard by courts only.*
9. *No claim may be considered if it refers to:*
 - a) *the selection of a public procurement method, if the same has already been selected in accordance with the procedures established by this law and other applicable legal acts;*
 - b) *the decision of the procuring agency on the cancellation of public procurement activities, if such a decision has been made in accordance with the procedures established by this law and other applicable legal acts.*
10. *Any claim or appeal shall be based on a reasonable ground and shall be supported by a reasonable evidence that in case of withholding the claim or appeal the person in question will suffer serious losses.*
11. *In case that any claim is submitted to the procuring agency, or the Agency, or court before the relevant public procurement contract has been effected, the procuring agency shall suspend all public procurement activities for the period of 10 days. By the decision of the manager of the procuring agency, or the Agency, or court the suspension period may be extended, provided that under no circumstances shall the whole suspension period exceed 30 days.*

12. *With the agreement of the Agency, the procuring agency may decide not to suspend the public procurement activities, if delay in public procurement is impossible or is not justified in view of national or public interests.*
13. *Any individual or legal entity that is willing to take part or is actually participating in the public procurement activities, or is a bidder or supplier, may take legal action against the decision of the procuring agency or the Agency with respect to the claim of such an individual or entity.*
14. *Any damages which as a result of reviews and hearings provided in this Article may be payable to the person that has initiated claims, shall be limited to those costs which have been incurred in relation to the participation of such a person in the public procurement activities and shall not include any indemnification for the expected revenues.*

14. Article 26¹ shall be added to the Law which shall read as follows:

Article 26¹. Creation of an Agency for Public Procurement and Normative Acts to be issued in connection with the implementation of this Law

1. In relation to the reorganization of the Public Procurement Department of the Ministry of Economy, Industry and Trade into the Public Procurement Agency, by May 1, 2001 the following regulations shall be issued:

- a) *Decree of the President of Georgia on “Establishment of the State Procurement Agency and Transfer of State Property Thereto;”*
- b) *Decree of the President of Georgia on “Approving the Charter of the Supervisory Board to the State Procurement Agency.”*

2. The Agency shall start fulfillment of its functions and the Agency’s Supervisory Board in its initial composition shall be constituted as of May1, 2001.

3. By June 1, 2001, the Parliament of Georgia, by making appropriate amendments to the Code of Administrative Offenses and the Criminal Code of Georgia, shall define the forms of responsibility for the violation of the legislation regulating public procurements

4. By June 1, 2001 the Chairman of the Agency shall a Decree approving implementing regulations for state procurements.

5. By June 1, 2001 the President of Georgia shall approve the implementing regulations for confidential procurements as defined by Georgian Law on State Secrets.

6. By June 1, 2001 the Board of the National Bank of Georgia shall approve the implementing regulations for the National Bank.

II. This Law shall enter into effect immediately following its publication.

President of Georgia Eduard Shevardnadze

Tbilisi

March 30, 2001

REGULATIONS
on Implementation of State Procurements

CHAPTER I. GENERAL PROVISIONS

ARTICLE I. SCOPE AND PURPOSES

1. The Regulations on Implementation of State Procurement (hereafter... “ The Regulations”) are elaborated in accordance with the Georgian Law on State Procurements and is subordinated to it.
2. The Regulations apply to all State procurements (hereafter ”procurement”) covered in the Law (article 1, and article 3 , sub- paragraphs : “a”, “b”, “c”).
1. 3. The purpose of the Regulations is to establish detailed rules and procedures for implementation of state procurements.

ARTICLE 2.MAIN PRINCIPLES OF IMPLEMENTATION OF STATE PROCUREMENTS.

Main principles of implementation of state procurement activities are the following:

- a). Rational usage of funds allocated for implementation of procurement – related activities.
- b). Enhance spirit of competitiveness in the sphere of production of goods and rendering services, ensure impartial approach towards all participants of procurement proceedings.
- c) Ensure transparency and publicity of procurement implementation activities.

ARTICLE 3.COORDINATION AND REGULATION OF STATE PROCUREMENT- RELATED ACTIVITIES.

1. The state procurement –related activities are coordinated by Ministry of Economy.
2. The Ministry of Economy is authorized to the following:
 - a) Issue and approve all normative acts governing state procurements, including standard documents and forms, to be used for the conduct of procurement proceedings. This documents and normative acts are mandatory for all procuring entities for implementation for procurement contracts.
 - b) The Ministry of Economy is authorized to devise and implement decisions and measures aimed at improvement and facilitation of state procurement system and present them to the president for his approval;
 - c) Devise and present to the President measures and tools for effective implementation and coordination of procurement of common –use goods, services and works, as well as create effective and reliable system of centralized procurement of common-use supplies, develop

supply management system, including: inventory management, warehousing, appropriate system of distribution and disposing of excess or surplus goods.

- d) Request from procuring entities and participants of state procurements any information related to procurement activities, including the information concerning implementation of a contract; convene meetings to discuss the issues of proceedings of state procurements;
- e) In the event of violation or circumvention of the Law and procurement regulations, or ineffective usage of the funds allocated from the central budget, the Ministry should inform the procuring entities about such infringements or circumventions and demand from them correction of their decisions and activities in accordance with the Law and these regulations. In the event of gross and systematic violation and circumvention of the Law by procuring entity, the Ministry is authorized to bring up the issue of temporarily stopping of budget allocations to the Ministry of Finances of Georgia, Ministry of finances of Adjara and Abkhazia Autonomous Republics and local state financial authorities.
- f) In compliance with current legislation the Ministry is authorized to participate in and be present at court hearings or disputes related to state procurements;
- g) Maintain a register for the purpose classifying suppliers and contractors, goods and services and up-date it on the annual basis.
- h) Issue a state procurement bulletin as a special periodic edition with the purpose of disseminating information concerning state procurements.

3. Functions of the Ministry of Economy.

The Ministry of Economy is authorized to the following:

- a) Devise and issue normative acts, standard documents and forms and other regulatory documentation to be used for the conduct of procurement proceedings.
- b) Investigate and analyze effectiveness and of state procurement system and implementation of procurement activities.
- c) Collect and analyze information and reports submitted by procuring entities, prepare annual report and submit it to the President for his approval.
- d) Organize publication of information related to and depicting current situation of state procurement proceedings (including publication of surveys of procurement-related information).
- e) Establish a central data bank for recording procurement-related information.
- f) Examine use of information technology and other technical innovations in procurement with the view to more cost effective and higher quality performance of public administration and delivery of public services;
- g) In the event of violation or circumvention of the Law, especially when it has financial consequences for the state and is of systematic character, or in case of grave abuse of authority by public officials, the Ministry shall inform Chamber of Control about this;
- h) Elaborate methodology of implementation of state procurements, assist procuring entities with advice and work out recommendations for better implementation of funds allocated from the state budget with the purpose of ensuring cost effectiveness;

- i) Assist in dissemination and inculcation of rules and provisions of normative acts and legislation regulating state procurement activities, device methodology, publish special literature and conduct educational programs and professional training;
4. With the purpose of ensuring implementation of activities and functions defined by the Law within the Ministry of Economy was created a State Procurement Department. The activities of the State Procurement Department are governed by legislation of Georgia, “The Law on State Procurement “ and corresponding normative acts issued by The Ministry of Economy and the state Procurement Department.
5. According to the Law on State Procurement, article 4, paragraph 3 the head of the State Procurement Department is appointed and discharged by President of Georgia, offered by Minister of Economy.
6. According to the Law on State Procurement and present Regulations all state Procurements in Georgia are within the authority of State Procurement Department of The Ministry of Economy.

ARTICLE 4. RIGHTS AND OBLIGATIONS OF PROCURING ENTITIES.

1. The rights and obligations of procuring entities are defined by the Law on State Procurement, article 5 and present Regulations.
2. According to the Law on State Procurement, present Regulations and other normative acts, which regulate fulfilment of contractual obligations, effective and rationale usage of funds allocated from the local and state budgets and with the purpose of facilitating implementation of procurement-related activities, the heads of the procuring entities shall establish specialized units and delegate to them authority to conduct organizational and practical activities of state procurement.
3. The Law on State procurement, present Regulations and other normative acts defining rules and procedures of state procurement are mandatory for the procuring entities and the latter are responsible for rationale and effective implementation of procurement activities.

ARTICLE 5. PROCUREMENT PREPARATION AND PLANNING OF PROCUREMENT ACTIVITIES

1. In accordance with the rules and procedures of the Law on State Procurement of Georgia, present Regulations and procurement-related other normative acts and documents, to ensure successful conduct of state procurements and rational and effective usage of funds all the state procurement-activities should be carried out in accordance with the previously elaborated and approved annual plan.
2. The annual general plan describing the extent and purposes of projected procurement should be coordinated with corresponding budgets (state or local), as defined by the “Law on the System of Budget and Authority over it.”
3. The procuring entities shall provide a draft of the general plan to the Ministries of Finances of Georgia, Abkhazia and Adjara together with budget statements of the finance departments of other autonomous regions, as well as to the State Procurement Department of the Ministry of Economy. No later than 20 days after the approval of the state budget or the budgets of autonomies and other

territories the general plan of procurement is approved by the head of the procuring entity and is submitted to the State procurement Department for its approval.

4. The procuring entities shall device procurement plans taking into account the following:
 - a) The need for the procurement;
 - b) Precedents for similar procurement;
 - c) Method (form) of implementation of procurement; duration of procurement procedures (e. g. duration of tender);
 - d) Estimation of the cost of proposed procurement;
 - e) Long-term or last year financial obligations of a given year;
 - f) Expected time of State Procurement contract completion, that must be agreed;
 - g) In the case of necessity other surcomstances connected with concrete procurements.
5. The plan of State procurement shall include:
 - a) Description of goods, works or services to be purchased, as well as their amount and estimated prices during the financial year;
 - b) Taking into consideration estimated costs of the proposed procurement determine its implementation resources;
 - c) Determine duration of the implementation of the proposed procurement.
 - d) Long-term or last year financial obligations of a given year;
6. In the event of the delay in elaborating and approving at the state and local budgets the procuring entity should conduct procurement according to the law on "Budget System and Authority over it", article 15, paragraph 6 and within the boundaries of finances, defined by it.

B. ARTICLE 6. PRE-CONTRACT STUDIES AND ACTIVITIES

1. Prior to the procedures of implementation of procurement activities, each procuring entity conducts pre-contract studies designed to assist a particular procurement. The particular purpose of such studies is to determine desirability, feasibility, methods and amount of available funds and preparation of a draft of a given procurement.
2. In the event that the procuring entity does not have sufficient staff and resources to conduct the necessary pre-contract studies, it shall procure external consultants with the purpose of rendering these services. In this event the same procurement rules and procedures are applicable.
3. For the purposes of determining feasibility of the estimated costs of a given procurement the following aspects should be taken into consideration: all the costs and expenditures connected with implementation of a given contract; expected duration of the agreement of a contract (including likelihood and expected value of recurring orders); current prices (of the internal or international markets), experience of similar contracts. Information, concerning estimated prices of a contract

should be confidential and shouldn't be available for other participants of a contract (unless there is any need in divulging it).

4. In the event, when state procurement is conducted on the tender-basis, a procuring entity shall appoint a tender committee and its working group. The rules and procedures of creation of a tender committee are defined by the law on State Procurements, article 8, and present regulations.

5. Upon defining the estimated value and scope, as well as other parameters of a, proposed procurement, a tender committee shall design a tender invitation notice and elaborate tender documentation defining pre-qualification requirements or any other documents used to solicit an offer and indication of evaluation criteria.

6. A tender invitation notice and tender documentation are approved by a tender committee (prior to its publication in a newspaper).

7. In the event, when the estimated value of a given procurement contract exceeds 25000 lari, upon conclusion of procurement preparation activities (in the event of a tender- prior to publication of the invitation to a tender; and in the event of a single-source procurement-prior to the beginning of negotiations) a procuring entity shall inform The State Procurement Department and corresponding Ministries of Finances of Georgia, Abkhazia and Adjara or local Financial authorities about the beginning of procurement proceedings.

The State Procurement Department must be informed about the proof of choiced procurement method.

ARTICLE 7. METHODS OF IMPLEMENTATION OF STATE PROCUREMENT

1. In accordance with article 6 of the "Law on State Procurement", implementation of procurements shall be carried out in one of the following ways:

a). Open tender;

b). Restricted tender;

c). Single-source procurement.

2. In the circumstances defined by the Law and present Procurement Regulations, open and restricted tenders can be conducted on the two-stage basis.

3. It is not permitted to artificially divide procurement with the intention of avoiding monetary thresholds set in the Law on State Procurement or the present Regulations and other procurement-related normative acts.

ARTICLE 8. RULES OF AVOIDANCE OF CONFLICT OF INTERESTS.

1. Rules of avoiding conflict of interests apply to the following procurement-related activities:

a). Procurement preparation activities, including review or approval of specifications or a statement of work for a particular procurement and definition of expected value of a procurement;

b). Selecting members of a tender committee and other persons responsible for conduct of state procurements;

- c) Preparation of procurement documents, including solicitation of participation;
- d). Assessment of qualification data and evaluation of tender proposal
- e). Conduct of technical discussions or negotiations (if previously agreed to do so);
- f). In the event of a restricted tender, selection or approval of selection of a bidder;
- g). Supervision and control over implementation of contractual obligations;
- h). Other procurement-related activities.

2. Individuals participating in implementation of state procurement in any manner or participants of a tender and bidders are prohibited to address a procuring entity (it's head or staff), state officials or their representatives with the request of exerting their influence and rendering assistance in obtaining of a contract, or, directly or indirectly influence them by giving or offering to give inducement.

3. A procuring entity is prohibited to delegate authority over implementation of a procurement proceedings or supervision over them to a person or hire a consultant if the latter is:

- a) An immediate family member of a public official conducting state procurement or is participant of a tender, if the latter is the individual;
- b) During the last three years was working in organization engaged in procurement-related activities;
- c) Through personal or business activities is related to representatives of a legal entity participating in state procurement procedures or conducts negotiations with them;

4. Individuals or entities, which participated in procurement-preparation proceedings, are restricted from participation in a tender.

5. The principles stated in paragraph 4 and 5 of the present Regulations also apply to supervision and control over fulfillment of procurement-related contractual obligations And/or participants of negotiations in the event of single-source procurement.

6. It is prohibited for a close relative of the head of bidder (physical or legal body); a founder or member of bidding organization that has a status of legal body and exists as a Fund or a Union; or has a share in the bidder enterprise equity; to be a member of the Tender Committee.

7. In the event of any tender proceedings and after termination of the receiving of tender solicitation documents all members of a tender committee, hired consultants and staff of a procuring entity, which was engaged in implementation of a given procurement, shall confirm in writing that his activities did not contradict to any of the abovementioned requirements.

8. In the event of procuring of consultants services the following should be taken into consideration;

- a) A consultant or his affiliates shall not be hired for participation in such proceedings of state procurement, or be given such assignment, that would by it's nature be in conflict with their prior or other assignments.

- b) A consultant shall provide professional, objective and impartial advice to a procuring entity and at all times hold it's interests paramount.

CHAPTER II.TENDER

ARTICLE 9. THE RULES AND PROCEDURES OF SELECTING A FORM OF A TENDER.

1. The Law on State Procurement, article7, defines the rules of selecting a tender.
2. An open tender is announced in the case of procurement, when the estimate value of the object of procurement exceeds 70000 Lari, and, in case of procurement of construction services- 230000 Lari.
3. A close tender is announced in the case of procurement, when the estimated value of the object of procurement ranges from 25000 Lari to 70000,and, in case of procurement of construction services- from 120000 to 230000 Lari.
4. A two-stage tender is held, when due to the complexity of the object of procurement it becomes impossible to determine all economic and technical aspects of the procurement or, define the nature and amount of works to be procured in advance (especially in case of procuring consultants services with the purpose of assisting in scientific research, implementation of complex construction projects and etc).

ARTICLE 10. THE INVITATION TO TENDER

1. General rules and procedures of elaboration and publication of a tender invitation notice are defined by the Law on State procurement, article 9, and present regulations;
2. In the event of an open tender a tender committee on the behalf of a procuring entity publishes an announcement of a tender in such publications as:
 - a) Newspaper “Sakartvelos Respublika” and “Svobodnaia Grusia”;
 - b) International newspapers and specialized trade journals with wide circulation (e.g. UN Information Department publication “DEVELOPMENT BUSINESS”,UN plaza, New York, 10017 USA, the office of which is also within the World Bank headquarters, 1818 H Street, nw, Washington D.C, 20433, U.S.A.);also newspapers stated in paragraph “a” and disseminated in diplomatic and consulate representations in the event when the estimated value of the object of procurement exceeds 600000 Lari; or in case of procuring construction services-8000000.
3. In the event of an open tender publication of tender invitation announcement is admissible in any newspaper or other media. Usage of other information media is admissible only after publication of the announcement in the publications stated in article 2, paragraphs “a” and “b”. An official date of the beginning of a tender is considered the date of publication of the announcement in the official newspapers (or whichever happens first), and in the event of a restricted tender-the date of sending of the invitations.

4. In the case of closed tender the procuring organization sends to the bidders selected in advance (no less than five bidders) an official notification of holding the tender.

5. The tender invitation shall be published (and in case of restricted tenders-sent) 15 days prior to the beginning of receiving qualification documents, and the receiving of qualification documents shall be completed within 10 days period after the receiving of qualification data.

6. Apart from the information stated in the Law on state procurement, article 9, the tender invitation notice shall include the following information:

- a) Recvizites of procuring entities; .
- b) the type, quality and quantity, the point and form of supply of the procured goods; the essence and the place of implementation of the work or service to be implemented; all other details, that the procuring organisation considers necessary as connected with the description of the objects to be procured;
- c) the desire to supply of the goods, to implement the work, to render the service to be procured, and the obligatory terms;
- d) The rule and criteries of estimate qualification date;
- e) Place, language, date and time to perform of qualification date;
- f) request for the documentation proving the qualification data;
- g) the rules, terms, place and language for submission of tender documents, also payment rate for acceptance of tender documents.
- h) Indication of names and addresses of those representatives of a procuring entity, who are authorized to provide additional information concerning given procurement;

7. Any person who wishes to participate in the State Procurement procedures, upon his request must be provided by additional information. Additional information must contain:

- a) List of legislative regulative acts of State Procurement;
- b) Requests for:

Payment for participation in a tender; Signing Agreement on Intention; Making use of the State Procurement contract performance security and/or the insurance for the performance of the contract, in the case of necessity;

- c) Indication of rules of preferences;
- d) Indication of possibility to choose two or more winners;
- e) Information about rules of appealing.

ARTICLE 11. QUALIFICATION DATA

1. To be admissible for participation in procurement proceedings entities and individuals should satisfy the requirements, defined by the Law on State Procurement, Article 10.
2. A procuring entity (or a tender committee) is authorized to demand additional information concerning financial standing, technical capacities and qualification of participants of a tender. These requirements shall be objective and impartial towards participants of a tender.
3. A procuring entity (or a tender committee) may require bidders to submit information and supporting documentation, showing that they satisfy quality, technical capacity, financial resources and labor force resources requirements of a procuring entity.
4. The qualification requirements of a procuring entity (or a tender committee) might also apply to the sub-contractors, who are involved in state procurement proceedings at the stage of implementation of a contract.
5. A tender committee is authorized to demand from the participants of a tender to present the documents confirming their qualification anew at any stage of a tender.

ARTICLE 12. QUALIFICATION SELECTION

1. Qualification selection procedure is defined by paragraph 7, article 10 of the Law on state procurement.
2. The entities and individuals shall provide to the tender committee all the required qualification documentation indicated in invitation to a tender prior to the expiration of the deadline of submitting the above mentioned information. The qualification selection should be ended no later, than in 10 days after the procedure for the submission of qualification data stops.
3. The tender committee is responsible to register all the submitted documents. During the registration shall be indicated date and time of submission of each package of documents.
4. Based on estimation of qualification data is held qualification selection.
5. During the qualification proceedings a tender committee checks and verifies if the entities and individuals, who have submitted their qualification data satisfy the requirements of a given tender.
6. Qualification selection shall be completed no later than 10 days after expiration of the deadline of submitting of the qualification data.
7. As a result of qualification selection a tender committee works out a list of candidates for participation in tender proceedings and no later than within 5 days informs about it all the bidders who have submitted their qualification data.
8. The following entities and individuals shall not be admitted to participate in a tender in case the qualification data submitted by them does not comply with the following requirements:
 - a). Is false or does not satisfy qualification requirements;

- b). Is incomplete, or technical specifications have many errors and the entity or individual who has submitted it refuses to correct the erroneous information.

ARTICLE 13. PAYMENT FOR PARTICIPATION IN A TENDER

1. In accordance with article 19, of the Law on State Procurement, for implementation of a State Procurement financed from the budget is charged a certain payment. The amount of this payment ranges:
 - a) In the event of an open tender-500 Lari;
 - b) In the event of restricted tender-150 Lari.
2. When the procurement is financed from the budgets of Abkhazia and Adjara Autonomous Republics, or local budgets, the decision on charging a tender payment is made by corresponding Supreme Councils of the above mentioned Republics or local bodies of self-government, and it must not exceeds to tender payments charged by this article, paragraph 1.
3. A tender payment is charged from entities or individuals, who have passed qualification selection proceedings and want to get tender documentation.
4. A tender payment is returned to the bidder upon decision of a tender committee or of a court and only in those occasions when a procuring entity decides on suspension of procurement proceedings or can not ensure timely provision of tender documentation.
5. Candidates, selected as a result of qualification proceedings are authorized to have access to tender documentation prior to paying a tender payment only in procuring entity.

ARTICLE 14. TENDER DOCUMENTATION.

1. Rules and procedures of elaborating tender documentation, as well as its approval and amendments to them are defined by the Law on State Procurement, article 12, and present regulations.
2. Tender documentation presents packet of documents that contains whole information about the object of procurement, tender process and favourite terms for signing of a state procurement contract.
3. A tender documentation shall include the following information:
 - a) in accordance with article 16 of the present regulations, a form of an agreement of intention;
 - b) rules and procedures of elaborating and submitting proposals;
 - c) detailed description of alternative technical and quality specifications of the object of procurement;
 - d) Indication of expected amount of goods, works, or services to be procured; expected or obligatory deadlines and location of procurement indication of any incidental services to be performed in the case of need of a given procurement (including description of these services); any other requirements, that a procuring entity will consider as necessary;

- e) a requirement of providing samples and the number and type of such samples;
- f) provision of warranty of the quality of proposed goods, as well as description of tests and methods to be employed to judge the conformity of goods or construction with technical specifications;
- g) rules of determining a tender price, including indication, whether apart from the cost of goods, works and services, what elements should be included in the price (e.g. transportation, insurance, commissioning and etc);
- h) the currency, that will be used for defining the price of a proposal; or, the exchange rate that will be used for the conversion of tenders into the currency, which will be used for the conversion of tenders into the currency, which will be used for the purpose of evaluating tender proposals;
- i) indication of the language, in which proposals shall be submitted;
- j) The place, date and time of submitting tenders, including indication of possibility forms of alternative proposals (which would ensure confidentiality of proposals);
- k) indication of possibility of the bidder to require additional information or explanation concerning tender documentation; description of corresponding procedures and names and addresses of the staff of the procuring entity, who are authorized to provide such information; information concerning a meeting, which a procuring entity is going to hold prior to the beginning of submission of proposals and/or a site visit, with indication of the place, date and time.
- l) requirement of a minimal validity period of a tender. During determination of validity period should be taken into consideration the period of time, during which tender shall be in effect, expected date of signing an agreement and possible obstacles.
- m) requirement of a tender security and insurance of certain stages of contract implementation, including indication of the forms and amount of security and insurance.
- n). indication of additional obligations of a supplier apart from signing an agreement (sharing technologies, rights for intellectual property, training and etc.)
- o) general terms of agreement.
- p) place, date and time for the opening of tenders, including indication of procedures.
- q) the criteria to be used for evaluation and indication relative weight of such criteria
- r) indication of several bidders can be awarded a contract with the purpose of implementation of portions of the procurement.
- s) indication of margins of preference and rules of their application;
- t) indication, if a bidder has a right to revoke his tender or make amendments into it, including the right to return tender security and payment and right to appeal.
- u) a statement to the effect that a procuring entity reserves the right to reject all tenders or suspend procurement proceedings;

v) any other requirements, that a procuring entity may have towards tender proposal, that complies with the Law on State Procurement or this Regulations.

5. Upon written request of a bidder, or upon its own will, a procuring entity can make changes or amendments in the tender documentation 15 days prior to the deadline of submitting of proposals. These changes or amendments shall represent an annex to the tender documentation and shall be disseminated to all candidates of a tender.

6. If any of the candidates address a tender committee with the request of clarification or explanation of some of the issues, the committee shall provide such explanations or clarifications.

7. The validity period of submitting of proposals shall not exceed 30 days from the deadline of receiving tender documentation.

ARTICLE 15. RULES FOR DESCRIPTION OF OBJECT OF PROCUREMENT.

1. The announcement of a tender, tender documentation and any procurement-related documentation shall have clear and comprehensible description of goods, construction or services to be procured.

2. Any specifications, plans, drawings, technical or quality characteristics of the goods, construction or services to be procured shall comply with the requirements of national and international standards and use internationally accepted terminology and symbols.

1. A description of the object of procurement should not include the following:

a) a particular trade mark, name, patent, design, type, specific origin or producer unless there is no other sufficiently precise or intelligible way of describing the goods, construction or services to be procured and provided that such words as “similar” or “equivalent” are included.

a) demand of specifications and usage of terminology, that will create obstacles for ensuring wide participation in tender.

4. In the event of procurement of construction, the description of the object of procurement shall include:

a) general description of the scope and purpose of the construction;

b) list of works to be implemented;

c) description of physical nature and conditions of construction site;

d) detailed design and drawings of work to be performed and technical characteristics;

e) safety standards to be met and environmental impact.

ARTICLE 16. AGREEMENT ON INTENTION.

1. The rules and procedures of concluding an agreement on Intention are defined by article 14, of the Law on State Procurement.

2. An agreement on intention is concluded between a procuring entity and each participant of a tender.
3. Agreement of intention, signed by the head of a procuring entity or his authorized representative is provided to each bidder together with tender documentation. The instructions included in the documentation shall call upon bidders to include with their tenders a signed copy of that form (but it shall not be sealed in the same envelope as tender proposal).
4. Negotiation between procuring entity and a candidate of a tender concerning agreement on intention is permissible only during the validity period of a given agreement.
5. In the event, when a candidate of a tender fails to present or presents an agreement on intention without appropriate signature than the tender shall be considered unresponsive and will not be considered.
6. Agreement on intention shall include:
 - a) obligation of a bidder in the event of winning of a tender to sign an agreement on state procurement implementation on previously defined terms;
 - b) obligation of the procuring entity to sign an agreement with the winner of a tender on previously defined terms. abovemention obligation does not expend in that case, when the procurement proceeding is cancelled or the pretendent is disqualified;
 - c) obligation of the procuring entity to return a tender security (or tender security documents) (excluding those occasions when a tender committee decides differently) if such was required by a given procurement.
 - d) indication validity period of the tender;
 - e) indication of the validity period of the agreement on intention.
 - f) responsibility of the parties in the event they fail to fulfill obligations of the agreement.

ARTICLE 17. TENDER SECURITIES

1. With the purpose of ensuring implementation of a tender a procuring entity has a right to require tender security. In this event the bidders shall transfer to the special account of a procuring entity previously defined amount of money, as well as provide a special bank guarantee on the amount of the tender security or other internationally accepted guarantees. The amount of tender security despite its form shall remain unchanged.
2. Tender securities shall be required in the following occasions:
 - a) when the estimated value of the object of procurement exceeds 600000 Lari; and in case of construction procurement-8000000;
 - b) when procurement concerns provision of technologically complex equipment or works notwithstanding the estimated value of the object of procurement.
 - c) When the time is of essence.

3. When the procuring entity requires the bidders to provide security the tender solicitation documents shall specify the nature, form, amount and other conditions of tender security.
4. The security requirement shall apply to all bidders.
5. The minimal validity period of a tender security and validity period of a tender shall coincide.
6. The document confirming tender security shall be submitted together with tender proposal. It will be enclosed to the envelope, containing tender proposal but not sealed together with it.
7. The procuring entity shall define the amount of tender security depending on peculiarities of the object of procurement and its estimated price. This amount must not be so big as to create obstacles for participants of a tender and shall not exceed 5% of the estimated value of the procurement.
8. A tender committee has a right not to accept guarantees provided by the bidder if it gives grounds for some doubt in their authenticity or the solvency of the bank, confirming this guarantee is under question.
9. The procuring entity shall return to the bidders the security provided by them as well as the security-related documentation no later than 5 days after the signing of the agreement.
10. In case the procuring entity decides to suspend or cancel procurement proceedings, the tender security, as well as the documentation supporting it shall be returned to the bidders upon their request.
11. In the event of the failure to sign a procurement contract and the tender committee proceeds with re-evaluation of the remaining bidders, the procuring entity is entitled to promptly return tender securities and accompanying documentation to those bidders, who refuse to participate in re-evaluation procedures, prolong validity period of the agreement on intention or fail to prolong the validity period of provided bank guarantees.
12. In the event when the tender validity period expires prior to the completion of the assessment of tender proposals and a candidate refuses to comply with the need of prolonging this period, tender security and security-related documentation shall be returned upon his request.
13. The tender committee makes a decision about retaining of the provided securities in the following occasions:
 - a) if the bidder withdrew tender after opening of tenders (prior to the expiration of tender validity period);
 - b) if the winner refuses to sign procurement contract with procuring entity;
 - c) if a bidder is disqualified from procurement proceedings for grave violation of procurement procedures.
14. In compliance with the current legislation of Georgia and present Regulations (article 33) the bidder has a right to appeal in case he does not agree with the decision of a tender committee to retain the provided security.

ARTICLE 18. SUBMISSION AND REVIEW OF PROPOSALS

1. Basic provisions of submitting a tender are defined by article 15 of the Law on State Procurement.
2. Tender proposals shall be signed by authorized representative of a bidder and submitted in a sealed envelope, or in other form pre-determined in tender documentation, which would ensure confidentiality of tender documentation.
3. A tender committee receives and registers tender proposals (indicating date and time of receipt) on the date and address defined by tender documentation.
4. The procuring entity shall ensure that all tenders and samples that it receives are kept in a secure manner that does not permit the tenders to be open or reviewed. Information concerning the number of proposals and their content shall be accessible only for persons, authorized by procuring entities.
5. The late bids shall not be considered by a tender committee and shall be returned to the bidders unopened. The date and time of the receipt of a late bid shall be noted in the record of the procurement proceeding.
6. A bidder prior to the opening of tenders has a right to address a tender committee in written form with the request of withdrawal of his tender or making amendments into it.
7. After the expiration of the validity period of submission of tenders a tender committee meeting shall be convened, during which and in presence of all bidders tender proposals are opened publicly. The names of the bidders and total amount of each tender, and alternative tenders, if any, shall be read aloud and recorded in tender committee meeting minutes. After opening of tender proposals a tender committee defines the deadlines of preliminary screening.
8. After opening of tender proposals it is not prohibited to make some amendments in these proposals.
9. The validity period of a tender proposal shall not be less than the period required by tender documentation and shall be indicated in the proposal.
10. A tender committee has a right to demand from the bidders to prolong validity period of a tender proposal.
11. The bidders have a right to refuse to prolong validity period of their tender proposal.
12. In the event that a bidder agrees to prolong validity period of his tender, but fails to prolong validity period of his security (or is unable to present a new tender security) he will be considered as a bidder, who refused to comply with the requirement of prolonging his tender proposal validity period and will be rejected from further participation in the tender.

ARTICLE 19. PRELIMINARY SCREENING

1. After opening of tenders a preliminary screening of tenders shall be carried out. The purpose of the preliminary screening is to determine whether tenders comply with the procuring entities requirements as to the tenders themselves and the accompanying documents.
2. The preliminary screening involves the following:

- a) whether all the required documents, including standard forms supplied with tender documentation, have been submitted fully completed.
- b) whether all the submitted documents have been filled according to the requirements of a procuring entity (have a signature of an authorized person, and if required so, a seal and indication of all the necessary dates)
- c) whether the tender substantially conforms with the contractual terms and technical requirements set out in the invitation to tender .

3. At the preliminary screening tenders shall be checked for arithmetical or clerical errors. Bidders that have submitted tenders with such errors shall be given an opportunity to correct them.

4. A tender committee is authorized to correct purely mathematical and clerical errors taking into consideration the following:

- a). If there is discrepancy between the unit price and total price, that is obtained by multiplying the unit price and quantity, then unit price shall prevail and total price shall be corrected (unless a tender committee considers that there is an obviously gross misplacement of the decimal point in the unit rate and the price is unrealistic).
- b) In the event there are deviations of the character, when the given figures and their verbal expressions do not coincide, then the verbal expression of the figure shall prevail.

5. At the stage of preliminary screening tenders shall be classified by a tender committee into the following categories:

- a). Those tenders that can be considered responsive and satisfactory;
- b). Those tenders, that contain material deviations or reservations and are considered unresponsive.

6. A tender proposal shall not be considered acceptable and shall be rejected from participation in evaluation proceedings in the following occasions:

- a) If the bidder that submitted the tender did not provide all the necessary accompanying documents and/or information, and, if required so, failed to provide samples.
- b) If the bidder that submitted tender and qualification data fails to confirm his qualification upon tender committee's request to do so.
- c) If the bidder does not comply with the requirement, stated in paragraphs 3 and 4 of this article concerning correction;
- d) If the bidder submitted a tender which does not conform to the requirements of the tender documentation.
- e) If the proposed price for the object of procurement is extremely low and the tender committee considers it unreasonable or artificially decreased.
- f) If the bidder has grossly violated procurement proceedings or committed offence.

ARTICLE 20. EVALUATION AND COMPARISON OF TENDERS

1. After a tender committee selects tender proposals, that will be considered admissible, they will be examined in details. The tender committee is authorized to engage experts and consultants who will render assistance in evaluation and comparison of tender proposals. Discussions concerning tender proposals and experts' and consultants' recommendations shall take place at tender committee meetings. The tender committee is authorized to invite a bidder or his representative to provide explanations or clarify some issues related to his tender proposal if it considers necessary.
2. If in compliance with the tender documents prices indicated in tender proposals are expressed in two or more currencies, while evaluation and comparison of tender proposal the prices shall be converted to national currency and according to the rate, specified in the solicitation documents.
3. After detailed examination of tender proposals the tender committee evaluates the submitted proposals according to the criteria, indicated in tender documents and taking into consideration importance and priorities of these criteria.
4. The evaluation criteria shall apply to the bidder, as well as to the proposals, submitted by them, though evaluation of a tender proposal shall prevail.
5. The purpose of evaluation of a tender proposal is to investigate and compare financial standing, technical capacities, labor resources, reputation and experience of a bidder.
6. While evaluation of tenders the following criteria shall be applied:
 - a) The price of a tender proposal (taking into consideration preference margins);
 - b) Deadlines of provision of goods, construction or services;
 - c) Quality of goods, works and services rendered and their functional characteristics;
 - d) Forms and terms of payment;
 - e) Costs of maintenance of the object of procurement, including expenditures for capital repairs, technical maintenance, exploitation and etc;
 - f) Responsiveness of a tender proposal to the interests of the Country, as well as to those, of the region and a procuring entity [influence on the overall financial situation of the Country and the State's currency reserves; International treaties, to which Georgia has become a party, factor of usage of national components (such as: local production capacities, labor resources, raw materials and etc.); prospects of economic development of the country; providing stimulus for finding employment for local infrastructure; transfer of knowledge and know-how; training of management, scientific and production personnel; Environmental, National and security interests and other related factors].
7. Each criterion used for evaluation purposes shall have corresponding numerical expression. Criteria shall be weighted and the total of the added score shall be a coefficient of evaluation, indicating priority. The total of the priority coefficient shall amount to 1,0. In the event of procurement of intellectual services, the coefficient of priority of the price criteria must not exceed 0,3.

8. In the event of procurement of some goods (e.g. procurement of standard goods) can be applied only the criteria of price.

9. Each member of the tender committee provides evaluation of each tender proposal in written form. The evaluation shall be carried out according to each criteria separately. The maximum score of each criteria shall be 10. The evaluation score of each criteria shall be multiplied on priority coefficient of this criteria. Then results of evaluation according to each criteria shall be summed up and the total shall be the score of each tender proposal. The highest score awarded by a member of the tender committee to one of the tender proposals shall be considered as a vote in favor of this proposal. The members of a tender committee confirm their evaluation by signature.

10. In the event when one or more candidates (tender proposals) receive the same evaluation score, the members of the tender committee compare the scores according to criterion and preference is given to that tender proposal, which possesses the highest coefficient according to the criterion. when the evaluation is absolutely identical, each member of tender committee must decide what candidate is excellent and affirm this decision in written form.

11. The successful proposal shall be considered that proposal, which has collected the majority of votes of the members of the tender committee. In the event, when votes shall be distributed evenly, the vote of the head of the tender committee shall be considered as prevalent.

12. In the event, when the evaluation procedures fail to reveal a successful tender proposal, as stated in paragraph 11 of this article, (and consequently none of the tender proposals receive the majority of votes), the tender committee shall sum up the evaluation scores and the proposal with the highest evaluation score shall be considered as the best. In the event, when one or more candidates are awarded the same evaluation, the proposal with the lowest prices shall be preferred; in case the prices of the proposals are equal, the decision shall be reached through open vote of the members of the tender committee.

13. The decision of the tender committee concerning the successful tender proposal shall be in written form, with the conclusions of the tender committee members attached. The protocol shall include information concerning the participants of the evaluation of tender proposals and candidates, as well as the summary of submitted tender proposals.

14. The tender committee should ensure confidentiality of the proceedings of selection and evaluation of tender proposals.

15. The tender committee shall inform all the participants of the tender proceedings about its decision no later than within 5 days period after it has been reached and invite the winner to conclude the state procurement contract.

ARTICLE 21. APPLICATIONS OF PREFERENCE

1. In accordance with article 13 of the Law on State Procurement, in the event, when in tender participate international bidders, the procuring entity shall grant margin of preference in the evaluation of bids proposed by Georgian candidates. The margin of preference shall be within 15%.

2. Margin of preference shall apply only when price evaluation criterion is used and when the prices of the tender proposals submitted by entrepreneur registered in Georgia exceed prices of foreign tender proposal no more than 15%.

3. In the occasions, stated by article 20, paragraphs 10 and 12, local and foreign candidates receive equal evaluation score, preference shall be granted to the local candidate (in case applications of preference was grounded).
4. In the event, when after final evaluation foreign tender shall be considered as the best, in the contract shall be indicated prices of the tender proposal submitted by him.

ARTICLE 22. PROCEDURES FOR RESTRICTED TENDERING

1. Rules and procedures of open tender apply to restricted tender as well, with the difference, that tender announcement notice is sent by tender committee to the previously selected entities and individual.
2. The number of bidders selected by tender committee shall be no less than 5, excluding those occasions, when implementation of procurement contract can be ensured by restricted number of entities and individuals, whose number is less than 5.
3. With the purpose of selecting (defining) the entities, stated in paragraph 1 of this article, the tender committee shall use any available source of information (specialized periodic publications and information available for ministries, organizations and Department of State procurement).
4. The tender committee shall choose such form of dissemination of tender invitation, which shall insure receiving of the invitation by the bidders in the shortest possible period of time.
5. The persons, who shall receive such invitation to the tender shall immediately and in written form inform the procuring entity about its receiving, and, in case they agree to participate in the tender, submit to the tender committee their qualification data within the period, specified in the invitation notice.
6. If the number of qualification data and/or tender proposals is less than the minimal (3), as defined by article 20, paragraph 2 of the Law, then tender is considered as resulting negatively and upon agreement with State Procurement Department, other means of implementation of State Procurement shall be sought.

ARTICLE 23. RULES AND PROCEDURES OF TWO-STAGE TENDER

1. When holding a two-stage tender, the procuring entity shall follow the same procedures and principles, as apply to the one- stage tender and are defined by the Law on State Procurement and present regulations.
2. Two-stage tender procedures are followed for the procurement of intellectual types of services (such as: consultant's services, scientific-research, construction and educational works and etc), when the quality of services and qualification of the bidder is of primary importance as compared to the costs of services; also, when long-term agreement is concluded, or for procurement of technologically complex equipment.
3. When a two-stage tender is held, the bidders, alongside with submitting of qualification data shall present to a tender committee general plan and specifications, and, on the second stage a tender committee shall invite only those candidates, who satisfy the requirements of the first stage of the tender.

4. During the two-stage tender apart from the information, defined by article 10 of this Regulations the request for proposals shall include the following information:

- a) Indication, that alongside with qualification data shall be submitted tender proposal. Financial part of the proposal shall not be submitted at this stage;
- b) Instructions and rules of compiling and submitting of tender proposals (including indication of the date of submitting) and evaluation requirements;
- c) any other information that a procuring entity considers necessary.

5. At the first stage of the two-stage tender the tender committee is authorized to enter in negotiations with all participants of tender procedures (separately) with the purpose of clarification of conditions of the initial tender and finalizing of tender documentation requirements.

6. During two-stage tender initial, as well as finalized tender proposal shall be submitted to the tender committee in the sealed envelopes. The procedures of opening of the envelopes are defined by article 18, paragraph 7 of the Regulations.

7. The tender committee shall determine the date of completion of the first stage of the tender upon opening of initial tender proposals. The validity period of qualification selection procedures does not apply to the two-stage tender.

8. During two-stage tender the submitted qualification data and initial tender proposal shall be considered simultaneously.

9. During evaluation of initial tender proposals shall be considered their responsiveness to the needs of the procuring entity and evaluation scores shall not be applied.

10. The results of the first stage of the tender shall be provided to all bidders no later than within 5 after the decision shall be reached.

11. Upon completion of the first stage of the tender the procuring entity has a right to modify its requirements concerning technical and quality parameters of the object of procurement, as well as tender evaluation criterion.

12. The second stage of a two-stage tender is carried out according to the same rules, which apply to the one-stage tender (including tender fee, signing of the agreement on intention, providing of tender documents, tender security, evaluation of proposals and other rules).

ARTICLE 24. SIGNING OF PROCUREMENT CONTRACT WITH THE WINNER

1. The contract shall be signed between the winner of the tender and the procuring entity no later than within 10 days period after the tender committee shall reach a decision.

2. It is not permitted to change the terms and conditions, as well as the deadlines defined in the tender documentation, agreement on intention and tender proposals.

3. The information concerning signing of the contract shall be published by a procuring entity in the newspaper "Sakartvelos Respublika".

4. If the winner of a tender refuses to sign a procurement contract, or, if required to do so, fails to provide any required security, or is disqualified, the procuring entity shall address the remaining

participants of the tender with the request to undergo identical evaluation procedures, and, if the tender committee considers it necessary, extend the validity period of the agreement on intention, tender proposal and tender securities.

5. If one or several candidates are willing to participate in re-evaluation procedures, then a tender committee shall carry out re-evaluation of tender proposals.

6. In the event, when the bidders refuse to participate in re-evaluation of tender proposals, a procuring entity shall announce a new tender(in compliance with the Law on state procurement, article 17).

ARTICLE 25. CANCELATION OF STATE PROCUREMENT PROCEEDINGS

1. A procuring entity is authorized to cancel state procurement proceedings in such cases as the following:

- a) Due to the need or contingency which arose from some objective reasons or is in public and state interests;
- b) When the tender solicitation documents, including technical, economic and other parameters have to be modified to such extent, that it will lead to inevitable cancellation.

2. In the event of cancellation of state procurement proceedings the procuring entity shall inform about its decision and the grounds for it to the State Procurement Department and all the participants of the procurement no later than within three days period. The procuring entity is not obliged to give detailed explanations concerning the grounds for the decision of canceling the procurement proceedings to the bidders, as well as reimburse their expenditures, related with their participation in state procurement proceedings, except for the tender participation payment.

3. The decision of canceling state procurement proceedings prior to the opening of tenders is made by the procuring entity .In that case it shall return all previously submitted qualification data and tender proposals to the corresponding bidders unopened, and if previously agreed to do so, return the tender payment as well.

4. In case the procuring entity upon cancelling of procurement proceedings decides to procure the same object, it shall implement the procurement (if it is financed by the budget allocations for the same fiscal year) through continuing the same proceedings. With that purpose it shall address all the participants of the cancelled proceedings to submit their qualification data, tender proposals and enclosed document anew (depending on which stage were cancelled procurement proceedings). In case the bidders refuse to participate in the abovementioned proceedings, the procuring entity shall announce a new procurement proceedings.

5. Canceling of state procurement procedures after the opening of tenders is permitted only on special occasions. The decision to that avail shall be made by a procuring entity in agreement with Department of State procurement.

6. In the event of cancellation of procurement proceedings after opening of tenders, the procuring entity is authorized to suspend the procurement proceedings for no longer than 15 days and inform about this decision the Department of State Procurement in written form. Upon studying the presented materials and grounds of this decision, the Department of State procurement shall elaborate conclusions and recommendations for the procuring entity and provide them within the period of suspension of the procurement. If the Department of State procurement does not agree with the

decision of the procuring entity concerning canceling of procurement proceedings, the latter is obliged to continue the procurement procedures.

7. In case the procuring entity decides to discontinue the procurement procedures after opening of tender proposals (in compliance with the rules defined by article 5, paragraph 6 of the Regulations), it shall make a decision concerning returning of tender payments, proposals and other enclosed documents.

8. If upon termination of procurement proceedings (after the opening of tenders) the procuring entity decides to proceed with procurement of the same object with the budget allocations of the same financial year, it shall inform the bidders about this decision. If the bidders refuse to participate in the procurement, the procuring entity shall announce a new tender.

ARTICLE 26. TENDER, COMPLETE D NEGATIVELY

1. A tender shall be considered negatively completed in case, none of the qualification data or tender proposals shall be submitted timely (in the event of restricted tender their number amounts to less than three).

2. A tender is considered as resulting negatively in the following cases:

- a) If none of the submitted qualification data satisfies the requirements of the procuring entity;
- b) If none of the tender proposals correspond with the requirements of the tender documentation;
- c) The proposed prices shall exceed financial possibilities of the procuring entity.

3. In compliance with the Law on State procurement, article 17, in the occasions, defined by paragraphs 1 and 2 of this article and paragraph 6 of article 22 of this Regulations, a new tender shall be held.

CHAPTER III. SINGLE-SOURCE PROCUREMENT

ARTICLE 27. SINGLE-SOURCE PROCUREMENT

1. In compliance with the law on state procurement, article 22, Single-source procurement is justified in the following occasions:

a) When the estimated value of the object of the procurement does not exceed 25000 Lari, and in case of procurement of construction works-120000 Lari;

b) Capacity or exclusive right to delivery of goods and implementation of works and services belongs to one bidder. Single-source procurement may not be justified only on the grounds, that only one bidder has the capacity or the exclusive right to manufacture goods or deliver services if the functionally equivalent goods, works and services of the other bidders would meet the needs of the procuring entity.

c) In the case of single-source procurement need on the grounds of urgency and force major. In such cases the procurement entity shall limit the quantity of the procurement needed to deal with the urgent circumstances. The procuring entity shall avoid delaying procurement proceedings artificially, as not to create urgency for the procurement.

d). To avoid deterioration of quality of supplier goods (technologies or equipment), implementation of works and rendering of services, the procuring entity shall award a contract extension or a repeat contract to the holder of the previous procurement, excluding those occasions, when the estimated price of the procurement to be implemented shall exceed the value of the initial procurement.

2. In the occasions, described in sub- paragraph “a” of this article:

- a) If the estimated value of the object of procurement does not exceed 10000 Lari, and in case of procurement of construction services-50000 Lari, the procuring entity has a right to negotiate procurement contract with any bidder of its choice;
- b) If the estimated value of the object of procurement exceeds 10000 Lari but is less than 25000 Lari, and in case of procurement of construction services exceeds 50000 Lari but is less than 120000 Lari, the selection of the bidder to be invited for negotiations shall be carried out based on the price aspects.

3. In the occasions described in paragraph 2, sub-paragraph “b” of this article, the procuring entity shall request quotations from as many suppliers as possible, but no less than three. Each bidder from whom the quotation is requested shall be informed whether any elements other than the value of the object of procurement shall be included in the price. The procuring entity chooses the most favorable proposal, which satisfies its’ requirements the most and starts negotiations with this supplier.

4. The negotiations on implementation of procurement contract shall be responsibility of the head of the procuring entity or his authorized representative.

5. In the event when the value of the object of procurement exceeds 25000 Lari, the procuring entity, prior to the signing procurement contract shall demand re-confirmation of the qualification data of the other party to a future contract in conformity with the Law on State procurement and articles 10 and 11 of this regulations (excluding the occasions defined by paragraph 1, sub-paragraph “c” of this Regulations). The information concerning signing of the contract shall be published in newspaper “Sakartvelos Respublika”.

CHAPTER IV. DISQUALIFICATION FROM TENDER PROCEEDINGS.

ARTICLE 28. DISQUALIFICATION FROM TENDER PROCEEDINGS

1. In compliance with the Law on State Procurement and present Regulations the procuring entity is authorized to disqualify any participant of state procurement proceedings at any stage of the abovementioned proceedings in the following occasions:

- a) If the qualification data or tender proposal does not satisfy the requirements of the procuring entity;
- b) If the participant of procurement proceedings at stage any of the procurement fails to provide confirmation of his qualification;
- c) If the participant of state procurement proceedings refuses to correct errors or make amendments to the submitted qualification data or tender proposal and/or refuses to provide additional information or specifications;
- d) If the submitted qualification data or a tender proposal, as well as supporting documentation contains false information b;

- e) If the participant of the state procurement refuses to sign the procurement contract, modifies terms of his tender proposal, or fails to provide tender security;
 - f) If with the purpose of obtaining procurement contract the participant of the procurement proceedings acts unscrupulously.
2. The decision of disqualification shall be well grounded and be provided to the disqualified participant in written form and within the period of time, defined by the agreement with indication of reasons of disqualification.
3. The disqualified participant has a right to address the procuring entity in written form with the intention of challenging the decision of the procuring entity and proving his positions, as defined by paragraph 2, article 33 of this Regulations, or address to the court of appeals.
4. In the event when decision to disqualify a participant of state procurement proceedings is grounded on the reasons defined by paragraph 1, sub-paragraphs “d”, “e”, “f”, the procuring entity shall promptly notify the Department of State Procurement
5. The Department of State Procurement maintains registration of the entities and individuals disqualified for the reasons stated in paragraph 4 of this article, and gives the list containing information about them to interested procuring entities.
Rehabilitation of the entities and individuals from the list mentioned in paragraph 5 of this article, is possible in the event, if during one year a given entity or individual shall not be disqualified from the procurement proceedings for the same reasons, or the decision of the procuring entity shall be revoked by the decision of a court.
7. In the event, that the same entity or individual shall be disqualified from the procurement proceedings on several occasions during the same year and for the reasons, stated in paragraph 4 of this article, this entity or individual shall be rehabilitated only three years later from the period of the last disqualification.

CHAPTER V. STATE PROCUREMENT CONTRACT>

ARTICLE 29. TERMS OF A CONTRACT

1. The ground of this article is the Law on State Procurement, article 16, paragraph 2.
2. The procuring entity shall elaborate the draft of the terms of the state procurement contract at the procurement preparation stage.
3. Basing on the draft of a state procurement contract, requirements of the procuring entity and, consequently, conditions of the winner's tender proposal, or, in the event of holding negotiations concerning single-source procurement and taking into consideration the results of this negotiations, the final version of the procurement contract is elaborated. While conducting negotiations with the winner of the tender, it is not permitted to make amendments into the contract, but only clarify some of its issues.
4. The state procurement contract shall include the following information:
 - a) The exact names of the parties to the contract and their requisites;
 - b) The name of the object of procurement, including technical parameters, basic specifications, identification number, the nature and quantity of goods, services or works to be procured, unit costs and total costs;
 - c) Total value of the contract (including discounts, taxes, expenses of transportation, insurance and etc);
 - d) Conformity of the goods, services and works to be procured with the existing standards;
 - e) The deadlines and place of delivery of goods, works or services (schedule of implementation in stages);
 - f) The manner of delivery and receiving of goods, works and services;
 - g) Terms and forms of payments, deadlines and place of payments;
 - h) Security of performance (in case such is required by tender documents);
 - i) The rights and responsibilities of the parties;
 - j) The responsibilities of the parties in the event of the breach of the procurement contract;
 - k) Force major conditions;
 - l) The conditions of amendment and modification of the contract;
 - m) The validity period of the contract;
 - n) The rules and procedures of settling disputes;

ARTICLE 30. CONTROL OF IMPLEMENTATION OF STATE PROCUREMENT CONTRACT

1. Control over the implementation of state procurement contractual obligations shall be within the authority of a special group, set up by the procuring entity (hereafter “the group”) and staffed by its personnel.
2. Within the functions of the group responsible for the control of the implementation of procurement contract is the following:
 - a) Upon agreement with the supplier elaborate a plan of control of implementation of the contractual obligations;
 - b) Ensure conformity of the supplied goods, works or services to the requirements of the terms of the contract and with this purpose supervise its implementation and maintain acts of supplying and receiving of goods, works and services;
 - c) Regulate and supervise payments to the supplier according to the terms of the contract;
 - d) Keep and maintain the records, reflecting implementation of the contract on the periodic basis;
3. The goods, works and services shall be considered delivered only upon being reflected in the corresponding reports (act of supplying and receiving).
4. The procuring entity is authorized to inspect quality of the goods, works and services at any stage of implementation of the procurement contract, including inspection of raw materials and spare parts, as well as implementation of works (or services) by sub-contractor.
5. The supplier shall at its own expense place at the procuring entity’s disposal any premises, facilities and personnel needed for inspection. In the event, if the procuring entity shall employ services of its own or hired personnel, the procuring entity shall itself cover the costs and expenditures.
6. Any deficiencies and omissions shall be remedied by and at the expense of the supplier.
7. Before the signing of the report of acceptance or rejection of goods the procuring entity shall carry out the final inspection of the supplied goods, works and services with the purpose of confirming that the quality of the goods, works and services satisfies the requirements of the procuring entity, terms of the contract, the submitted samples and accepted standards. The place of the final inspection shall be defined by the terms of the contract. During the final inspection the sides may agree to employ services of an independent expert. The supplier shall carry the expenses of any deficiencies or omissions detected (including the costs of recovering of the faulty goods).
8. The results of the final inspection shall be submitted to the supplier in the written form and shall include detailed indication of the amount of faulty goods, works or services and the reasons for considering them faulty.
9. In the event of a dispute between the supplier and the examination and receipt group (or committee), the matter shall be settled according to the procedures under the procurement contract, or, in the event, that this procedures fail to deal with the dispute, through the court proceedings.
10. The procedures of reimbursement of the costs of damages, incurred by transportation of the procured goods shall be defined by the contract.

11. It is not permitted to change the terms of the contract, if such changes cause the increase of the total value of the procurement contract, or the terms of the contract become unacceptable for the procuring entity, excluding the occasions, defined by The Civil Code of Georgia, article 398. Any changes or amendments to the state procurement contract shall be made in compliance with the current legislation of Georgia.

12. Any adjustment of prices (of the object of procurement), indicated in the state procurement contract shall be admissible in case they are previously agreed upon and stated in the procurement contract. The contract shall stipulate those conditions, which may cause adjustment of the prices of the procurement contract. In case when the decision of price adjustment is made, the formulas and indices shall take into consideration the influence of the factors, described in the procurement contract over the price of the object of procurement, as well as the amount of budget allocations for procurement purposes, the official rate of inflation, consumer price index, production activity index and etc. Any adjustments in the prices of the procurement contract shall be reflected in documents and promptly provided to the State Procurement Department.

13. Payments between the procuring entity and the supplier shall be settled in accordance with the state procurement contract.

14. In the case of procurement of goods the payments for the delivery of goods shall be made on submission of invoices, together with other required documents.

15. In the case of procurement of works or services, the procurement contract shall indicate the manner and time of payments. The procuring entity may require from the supplier additional report of the proceedings of implementation of the contract at its middle stage.

16. Payments due to the supplier shall be made in accordance with the deadlines set forth in the current legislation.

17. The procurement contract may provide for the advance payment s to the supplier. In case the tool of advance payment is employed, in the procurement contract shall be indicated the percentage of the advance payment from the total value of the object of procurement. In the event of advance payment the supplier shall furnish an advance payment guarantee covering the amount of the advance payment in the form and manner that is defined by the procurement contract.

18. The supplier and his subcontractors shall utilize the advance payments only for the supply of goods and completion of works, related to the procurement contract.

19. The procuring entity may suspend or cancel the validity period of the contract if the qualification data or the supporting documents submitted by the supplier are false, or, the supplier fails to fulfill or violates terms of the procurement contract, or for other reasons defined by legislation of Georgia.

ARTICLE 31. SECURITY FOR PERFORMANCE OF THE CONTRACT

1. The terms of the procurement contract may require provision of the security and/or the insurance for the performance of the contract.

2. Procuring entities shall solicit and accept as security for the performance of the procurement contract a disbursement of the pre- determined amount of money to the special account of the procuring entity and a bank guarantee for the same amount of money, or some other internationally accepted form of security.

3. The validity period of the performance security and the conditions for the return of the security shall be defined by the state procurement contract. In the case the contract validity period was discontinued for a reason not attributable to any fault of the bidder, the procuring entity shall return performance security to the bidder.

4. The object of insurance may be: damage, incurred to the goods due to their transportation, production or storage, supplier's or subcontractor's personnel, supplier's or subcontractor's property, equipment, means of production, as well as any document, elaborated during validity period of a contract, risks of participants of a contract and etc.

5. The procuring entity reserves the right to reject insurance coverage that is not in the public interest.

CHAPTER VI. RECORD OF STATE PROCUREMENT.

ARTICLE 32. RECORD OF STATE PROCUREMENT

1. In compliance with the article 24 of the Law on State Procurement, a procuring entity is subordinated to the State Procurement Department.

2. The rules and procedures of maintaining and keeping of reports are defined by article 24 of the Law on State Procurement and present Regulations.

3. With the purpose of facilitation of the creation of unified data bank of state procurements and ensure transparency and better coordination of procurement-related activities, the procuring entities elaborate operational and annual plans of implementation of state procurements.

4. When utilizing tender method for implementation of state procurement, all stages and proceedings of a tender must be reflected in the records of a tender committee.

5. The procuring entity shall file all documents, related to tender proceedings into one package and ensure its safe keeping for three years from the date of signature of the procurement contract, and in case of long-term contract (two and more years)-one year after the date of expiration of its validity period.

6. When utilizing tender form for implementation of state procurement, a procuring entity shall submit all reports concerning the proceedings of tender to the State Procurement Department no later than within 10 days from the date of signing of the contract.

7. The following shall be included in the operational record of tender proceedings:

- a) A brief description of goods, works, and services to be procured, as well as the need for the procurement;
- b) The source of financing of the procurement (state or local budget);
- c) The list of the members of a tender committee and its working group, invited experts and consultants and all participants of a procurement;
- d) Reports of tender committee and its members' conclusions on tender proposals;
- e) Information relative to announcement of invitation to state procurement proceedings in newspapers with indication of these dates;
- f) The list of participants of the qualification proceedings;

- g) The list of the candidate to a tender including summary of their tender proposals;
- h) The indication of expenditures of a procuring entity related to holding of a tender;
- i) Information concerning qualification data of the participants of a tender;
- j) Copies of the state procurement contract;

8. In case of single-source procurement, when the value of the object of procurement exceeds 25000 Lari a procuring entity is entitled to elaborate operational report on the implemented procurement and present it to the State Procurement Department within 10 days after the signing of a contract.

9. This report shall contain the following information and documentation:

- a) Summary of the description of the goods, works and services and the need for them;
- b) The source of the financing of state procurement (state or local budget);
- c) Grounds for single-source procurement;
- d) The list of the persons responsible for the conduct of negotiations, signing of agreement and supervising its implementation;
- e) Information concerning qualification of the supplier;
- f) Copy of the procurement contract;

10. The reports on state procurement, the value of which is less than 25000 Lari, made according to the source of procurement shall be submitted to the State Procurement Department on the quarterly basis every 10 of the first month;

11. This report shall contain the following information:

- a) The volume of the goods, types of works and services and their costs;
- b) The number of concluded contracts;
- c) the implementation of contracts and settlement of payments;

12. The procuring entity shall ensure safe keeping of the reports stated in paragraph 8 and 10 of this article for three years.

13. Based on the principle of ensuring transparency of state procurements and in compliance with the Law on State Procurement, article 24, paragraph 4, the reports on state procurement shall be made available for all stakeholders and be presented to them upon their request. Summary of the reports of state procurement shall periodically be published (at least twice a year) in such newspapers, as "Sakartvelos Respublika" and others. At the same time, the procuring entities and the State Procurement Department have no right to publish or divulge such information, which may be damaging to the interests of public and all participants of state procurement and restrict or hinder competition in the sphere of state procurement without prior decision and agreement of authorized bodies (excluding information concerning disqualification).

14. If a procuring entity shall make clerical or purely mechanical mistakes in the reports of the proceedings of procurement contracts, such mistakes shall not be considered as the cause of filing an appeal on the part of participants of the state procurement.

15. In the end of each fiscal year a procuring entity shall make an annual report on state procurements implemented during the year and present it to the State Procurement Department no later than February the 1 of the next year.

16. The annual report shall include the following information:

- a) Information relative to the number of state procurement contracts signed during the fiscal year, with indication of the total value and amount of procurements classified into categories (such as: goods, works and services).
- b) The number and value of the completed contracts and indication of the goods, works and services rendered;
- c) The description of those contracts and their implementation proceedings the validity period of which has not expired yet;
- d) Information concerning the number of tenders, their forms and participants;
- e) The expected and real contributions to the corresponding state and local budgets (made on the quarterly basis);
- f) Information concerning the volume of the debts, accumulated due to the unsettled payments for the supplied goods, works or services;

17. The annual reports, presented by procuring entities are the basis for the annual report of the State Procurement Department.

18. The State Procurement Department shall ensure keeping of the reports for at least three years.

19. In compliance with article 5, paragraph 2, subparagraph "d" of the Law on State Procurement, the procuring entity shall present to the State Department of Statistics the statistical data and reports related to state procurement in the form and deadlines, defined by the State Department of Statistics.

CHAPTER VII. THE RULES OF APPEALING

ARTICLE 33. THE RULES AND PROCEDURES OF APPEALING

1. The candidates to participate in state procurement proceedings, participants, suppliers, legal entities and individuals have a right to seek review in case they consider, that are violations of the rules and procedures stipulated by the Law on State Procurement and present Regulations on the part of the procuring entity.

2. In the event that a complaint was given rise prior to the signing of a state procurement contract, bidder (entity, individual and etc) may address the procuring entity directly with the request of reviewing the decision of the member of the tender committee or other authorized person or settling a dispute. Such request shall be made 20 days of when the bidder became aware or should have become aware of the circumstances giving rise to the complaint. In the settling of complaints may participate the individuals, who were the reason of the rising of the complaint or may be affected

by the decision. With the purpose of receiving advice and recommendations, the parties to a dispute may address the State Procurement Department.

3. After the expiration of the deadline, stated in paragraph 2 of this article, or after the signing of the procurement contract, any complaint or dispute shall be settled by court.

4. The complaints, which shall relate to following issues shall not be entertained by court:

- a) The choice of the method of implementation of state procurement, if it is in accordance with the Law on State Procurement and Present Regulations;
- b) The decision of a procuring entity on the canceling of the proceedings of the state procurement, if it is in accordance with the Law on State Procurement and this Regulations;
- c) The qualification requirements of the procuring entity towards procurement of intellectual services;

5. Taking into consideration that satisfaction of the complaint may be damaging to the interests of the state, or those of a procuring entity and other participants of the procurement proceedings, the complaint or appeal should be well-grounded and must contain declaration, that in case it is not satisfied, the party which filed this appeal shall be gravely damaged.

6. In the event that the appeal shall be filed accordance with the deadlines, set forth by this Regulations and prior to the signing of the procurement contract, the procuring entity shall suspend all procurement-related proceedings for a period of seven days. The suspension period may be extended by the decision of the head of the procuring entity or the court, provided, that the total period of the suspension shall not exceed 30 days. The procuring entity, upon agreement with the State Procurement Department has a right not to suspend procurement proceedings, if the delay shall be damaging to the interests of the state.

7. All the disputes, which may give rise between the procuring entity and the supplier shall be settled by court.

8. Any damages that may be incurred to the party, which has filed an appeal due to the settlement of a dispute in compliance with this article, shall be restricted only with the reimbursement of the costs of participation in the state procurement proceedings and shall not include reimbursement of the expected profit.

WORLD TRADE ORGANIZATION

GPA/28/Add.2
22 November 2001

(01-5933)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Latvia

Addendum

The following communication has been received from the Permanent Mission of the Republic of Latvia with the request that it be circulated to the Committee on Government Procurement.

I refer to the accession process of Latvia to the WTO Agreement on Government Procurement (GPA) and would like to ask you to circulate the *Law on Procurement for State or Local Government Needs of 5 July 2001** to the Parties to the GPA.

* In English only.

The *Saeima*¹ has adopted
and the President has proclaimed the following Law:

ON PROCUREMENT FOR STATE OR LOCAL GOVERNMENT NEEDS²

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **procurement** – purchases, or lease or services received, or construction performed for the needs of the contracting authority;
- 2) **candidate** – person or group of persons invited to participate in a restricted competition or a negotiated procedure;
- 3) **contracting authority**:
 - a) State or local government institution or local government;
 - b) a merchant (except a public services undertaking) who receives credit the guarantor of which with respect to repayment and utilisation is the State or a local government;
 - c) a commercial company established by the State or a local government and which the State budget or a local government budget finances;
 - d) a concessionaire (with respect to construction work) if the concession is entered into regarding use of the structure but payment for the concession is construction work;
 - e) a person carrying out a project which is financed also from the State budget or a local government budget with respect to acquisitions for the project;
 - f) a non-profit-making organization established by the State or a local government and which the State budget or a local government budget finances;
 - g) a commercial company established by the State or a local government and which manages immovable property of the State or a local government and performs civil legal transactions with respect to such property on behalf of a State institution or a local government; or
 - h) a State or local government agency;

¹ The Parliament of the Republic of Latvia.

² Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. *chairperson*.

- 4) **tenderer** – a person or group of persons who have submitted a tender to participate in the selection of a candidate in a restricted competition, or a tender to sell or lease goods, provide services or perform construction work in accordance with the requirements of the contracting authority;
- 5) **tender of abnormally low cost** – tender of a tenderer to sell or lease goods, provide services or perform construction work for a price substantially lower than that tendered by other tenderers if:
 - a) the contracting authority upon checking the price calculations has found errors there that were the reason for specifying such a low price; or
 - b) the tenderer is unable to prove that it has access to special technology or market conditions that would allow such a low price to be specified;
- 6) **goods** – any tangible or intangible property that satisfies some need and for which a value may be specified when purchasing or selling it on the market;
- 7) **services** – transport operations; design work, also construction design; drafting; technology development; research; training; provision of consultations; testing; diagnostics; monitoring of structures and constructions; work and process management, also construction management; and other work that is not construction work or supply of goods.
- 8) **construction work** – work which is performed in a building or at a construction site (on a parcel of land) during construction, reconstruction, renovation, restoration, demolition and territory development with the use of construction materials and construction equipment;
- 9) **economically most advantageous tender** – the tender selected taking into account various criteria: regular payments, rentability, quality offered, aesthetic and functional characteristics, technical maintenance possibilities, technical assistance, price and others;
- 10) **tender security** – sum of money as provided for by the competition regulations, or a guarantee of such sum, which is submitted to the contracting authority by a tenderer together with the tender as security for the validity of the tender; and
- 11) **security for a contract (obligation)** – reinforcement of obligations provided for in a contract entered into by the contracting authority and the tenderer who has won the competition or the selected candidate.

Section 2. Purpose of this Law

The purpose of this Law is to ensure:

- 1) transparency of the procurement process;
- 2) free competition for sellers of goods, lessors, providers of services and performers of construction work, as well as equal and fair treatment of such; and
- 3) effective utilisation of State or local government resources.

Section 3. Basic Procurement Regulations

- (1) A contracting authority and a tenderer shall exchange information in writing.
- (2) A tenderer shall sign his or her tender and submit it for the competition in writing, and shall ensure that the information contained in the tender is not accessible until the moment of opening of the tender. When the term for submission of tenders has expired, a tenderer may no longer correct or supplement his or her tender.
- (3) A procurement contract shall be concluded in a written form. If the value of a procurement does not exceed LVL 1,000, an accounting corroborative document on the basis of which the contracting authority shall pay money for the supply of goods or the provision of services in accordance with the Law On Accounting may serve as a written contract.
- (4) A contracting authority may divide procurement into parts (lots) in order to enable several tenderers to participate in the procurement or to submit a tender for separate parts (lots) of the procurement. Several subject-matters of a contract may be combined into a single procurement if there is technical justification therefor.
- (5) A contracting authority may not set any requirements for tenderers or candidates that provide more advantageous conditions for a particular tenderer or candidate than for the others, or which otherwise restrict competition.

Section 4. Exceptions for the Application of this Law

- (1) A contracting authority shall not apply this Law if a contract is being entered for:
 - 1) the services of an arbitration board;
 - 2) financial services for the realisation of monetary policy, currency exchange policy, management of the State debt, reserves, and other financial management policies that include transactions with securities and other financial instruments, as well as for the services of the Bank of Latvia and the State Treasury;
 - 3) services of natural persons in accordance with employment contracts;
 - 4) official travel expenditures in accordance with Cabinet regulations;
 - 5) services of public services undertakings for the provision of which such undertakings have exclusive rights in accordance with the Law On Construction Work, Supply, Leasing and Services for the Needs of Public Services Undertakings;
 - 6) services by such institutions as have been established to ensure the functions of the contracting authority and which fully observe the requirements of this Law;
 - 7) research services, except those services as are fully paid for by the contracting authority and are utilised for its own needs only.
- (2) A contracting authority may not apply the sections of Chapters IV, V, VI and VII if a procurement contract is being entered into for:
 - 1) a procurement for which the estimated contract price is less than LVL 1,000;

- 2) design work, research, consultation, management and drafting services the estimated contract price of which exceeds LVL 1,000, but does not exceed LVL 5,000;
- 3) procurement in the case where, as a result of unforeseen circumstances (fire, natural disaster, war, epidemic, accident or other emergency circumstances which the contracting authority could not have foreseen), an emergency situation has arisen and it is necessary to rectify it in order to restore or ensure the activities of the contracting authority, and the estimated price of the contract does not exceed LVL 5,000.

Section 5. Cases when Other Procurement Procedures may be Applied

If a procurement is financed by an international financial institution in the amount of more than 50 per cent or the procurement is a program financed by foreign technical assistance or the European Commission and a condition for the granting of such financing is the application of such procurement procedure that differs from the procedures referred to in this Law, the contracting authority may utilise the procedure referred to in the conditions for the granting of the financing.

Chapter II Determination of Estimated Procurement Contract Price

Section 6. Estimated Contract Price

- (1) The estimated contract price is the sum of money, economically substantiated, that the contracting authority has made provision for regarding the purchase or lease of goods or services, or construction work, including all taxes.
- (2) The estimated contract price shall be determined in order to select the method of procurement.
- (3) It is not permitted to divide the estimated contract price into parts (lots) in order to avoid the application of this Law. If the total amount of a procurement is divided into parts in accordance with Section 3, Paragraph four of this Law and it is provided that separate procurement contracts will be entered into for each part, the estimated contract price shall be determined by taking into account the total value of all the parts.

Section 7. Estimated Contract Price for Goods

- (1) The estimated contract price for goods shall be determined by considering the planned sum for the purchase of specific goods.
- (2) If the expected purchase of one type of goods is expressed in such form that for equivalent contract subject-matter several procurement contracts shall be entered into within a time-period of not less than one month, the estimated contract price shall be determined by summing the estimated contract prices of all such procurement contracts.

Section 8. Estimated Contract Price for the Lease of Goods

If goods are leased with or without rights of pre-emption, the estimated contract price shall be determined as the same as the total sum of the estimated monthly payments:

- 1) if the procurement contract is entered into for 12 months or a shorter period of time;

- 2) in which the planned residual value of the leased goods shall be included if the procurement contract is entered into for a time-period which is longer than 12 months; and
- 3) which is multiplied by 48 if the procurement contract is entered into for an unspecified period of time.

Section 9. Estimated Contract Price for Services

- (1) The estimated contract price for services shall be determined by taking into account all payments that will be received by the provider of services, as well as the conditions referred to in this Section.
- (2) The estimated contract price for insurance shall be determined by taking into account the amount of insurance premiums to be paid.
- (3) The estimated contract price for bank services and other financial services shall be determined by taking into account payments for the services, as well as commissions and interest payments received by the provider of services.
- (4) The estimated contract price for design, also for construction design, shall be determined by taking into account the total payment that the provider of services will receive.
- (5) If the services are regular and a contract price is determined for such services, the estimated total contract price shall be determined based on the payment for services provided in one month, multiplied by:
 - 1) the number of months in the time-period for which the procurement contract will be entered into if such time-period does not exceed 48 months; or
 - 2) by 48 if the procurement contract will be entered into for an unspecified period of time, or a specified time longer than 48 months.

Section 10. Estimated Contract Price for Construction Work

- (1) The estimated contract price for construction work shall be the estimated contract price for the construction or a stage thereof that is to be put into service.
- (2) The estimated contract price for construction work shall include the contract price of all goods, lease or services thereof, except construction design that is necessary in order to perform the relevant construction work, as well as the contract price for such goods or services as will be supplied or provided to the performer of construction work by the contracting authority.

Section 11. Estimated Contract Price for Mixed Contracts

- (1) If a procurement contract refers to the purchase or lease of specific goods, specific services or parts thereof, specific construction work or parts thereof, then the total estimated contract price of the goods, services and construction work shall be taken into account.
- (2) If a contract provides for the purchase or lease of both goods and services, such contract shall be considered either as a purchase of goods contract or a provision of services contract depending on what constitutes the larger part of the estimated contract price. These conditions shall not apply to construction work.

Chapter III **Description of Work and Technical Specifications**

Section 12. Description of Work

(1) The description of work is a document prepared by the contracting authority or – in the case of construction design – a description of design work prepared by the contracting authority and the designer, in which the set requirements for the necessary services, the purpose of such services and, if necessary, the methods and resources to be utilised are specified, as well as the final result. The tenderer for construction work shall determine the costs of the positions referred to in the list of quantities that is included in the components of the construction design prepared by the designer in relation to the work to be performed, construction material and construction equipment. The description of work and list of the amounts shall be clear so that the tenderer, without additional preparation and unjustified risk, may calculate the cost of services or construction work, and the contracting authority can compare tenders.

(2) A description of work shall be included in the procurement procedure regulations and in the contract.

(3) The description of work may not mention specific materials or processes, nor indicate trade marks, patents and specific origin unless such conditions are crucial for the existence of the subject-matter of the contract. In such case, the specific references shall be used together with the words "vai ekvivalents" [or equivalent].

Section 13. Technical Specifications

(1) Technical specifications are:

- 1) description of goods that includes requirements with respect to quality, quantity, operation, safety, dimensions, terminology, symbols, tests, methods of testing, packaging, marking, labels and other substantiated and objective requirements so that the goods conform to the procurement purpose; and
- 2) a description (list) of standards and quality requirements specified for the intended work and constructions in the construction project.

(2) By means of technical specifications, the contracting authority shall specify the level of requirements that the goods or construction work have to conform to. The technical specifications shall be included in the procurement procedure regulations and the contract. The contracting authority shall give priority to those technical specifications that focus on the result of the operation (function) of the procurement object. If the contracting authority considers that such technical specifications do not conform to the purpose of the contract, the contracting authority may also develop such technical specifications characterizing the appearance of the procurement subject-matter.

(3) The technical specifications may not mention specific materials or processes, nor indicate trademarks, patents and specific origin unless such conditions are crucial for the existence of the procurement subject-matter. In such case, the specific references shall be used together with the words "vai ekvivalents" [or equivalent].

(4) If the procurement object conforms to the relevant standards, the technical specifications shall be prepared in accordance with:

- 1) adapted European standards with the status of Latvian national standards;
- 2) Latvian national standards; and
- 3) other standards of international or regional standardization organizations.

(5) Paragraph four of this Section shall not apply to cases when:

- 1) it is technically not possible to achieve conformity of goods to the standards mentioned therein; or
- 2) to incorporate the standards mentioned therein the contracting authority would have to acquire goods which are incompatible with the goods at their disposal and which the contracting authority is expecting to use together with the goods to be acquired.

Chapter IV **Requirements to be Met by the Tenderers**

Section 14. Selection of Tenderers

The contracting authority shall examine tenders submitted by tenderers, which conform to the requirements stipulated in this Chapter and which have been selected in accordance with the procedures indicated in this Law.

Section 15. Provision of Equal Opportunity for Tenderers

(1) The contracting authority shall provide for all tenderers an equal opportunity to acquire rights to enter into a procurement contract.

(2) Tenderers may join together in groups irrespective of their type of commercial activity and submit a single joint tender if such is provided for in the competition regulations. If the contracting authority has selected such a group and a type of commercial activity has been specified as desired to fulfil a procurement contract, the contracting authority may require the tendering group to form a partnership.

(3) Transparency shall be observed throughout the procurement procedure. If the contracting authority provides additional information, such information shall be sent to all the tenderers as well as to all who have received the competition regulations or the regulations for selection of qualifications in a restricted competition.

(4) Participation of a tenderer in the procurement procedure may not be hindered.

(5) It is prohibited for persons, who themselves or their representatives have participated in the preparation of the competition regulations or parts of such regulations or a request for a price quotation, to participate in the relevant competition or request for a price quotation.

(6) From the time of submission of tenders to the opening thereof and the period of the evaluation of the tenders and the notification of the results, the contracting authority is prohibited to provide information on the existence of other tenders and the process of evaluating tenders.

(7) The contracting authority may require payment for the competition regulations. State institutions shall transfer such payment into the State base budget, local governments and local government institutions – into the budget of the local government that holds the competition. Payment may not exceed:

- 1) LVL 20 if the estimated contract price is up to LVL 50,000;
- 2) LVL 50 if the estimated contract price is up to LVL 120,000;
- 3) LVL 100 if the estimated contract price is higher than LVL 120,000; or
- 4) LVL 200 if the estimated contract price is higher than LVL 4,500,000.

Section 16. Conditions for Excluding Tenderers

(1) A contracting authority shall not examine a tender and shall exclude the tenderer from future participation at any stage of tender evaluations if:

- 1) a tenderer is declared insolvent, is in the process of liquidation, its business activity has been suspended or interrupted, or legal proceedings have been initiated with respect to termination of the activities of the tenderer, insolvency or bankruptcy;
- 2) a tenderer has tax debts or debts with respect to mandatory payments of State social insurance in Latvia or another State in which the tenderer is registered;
- 3) violations of the professional activities of the tenderer have been determined in accordance with procedures prescribed by law;
- 4) the tenderer is not registered in cases prescribed by law and in accordance with procedures prescribed by law;
- 5) the tenderer does not have a certificate of origin of goods, nor a licence for the sale or lease of goods specified in the certificate nor for the provision of services or performance of construction work if such certificates or licences are necessary in accordance with other regulatory enactments;
- 6) the tenderer, in accordance with Paragraph two of this Section, in providing the information required has provided false information or no information at all;
- 7) the tenderer is included in the special list of the Procurement Monitoring Bureau, and which list the Bureau has placed on the Internet. The Internet address shall be published in the newspaper "*Latvijas Vēstnesis*" [official Gazette of the Government of Latvia]. The procedure for establishing the special list shall be regulated by the Cabinet.

(2) In order to evaluate a tenderer in accordance with Paragraph one of this Section, the contracting authority may request:

- 1) a declaration by the tenderer that no violations by the tenderer in its professional activities have been determined in accordance with procedures prescribed by law;

- 2) a statement issued, not earlier than one month prior to the submission of the tender, by the State Revenue Service or other tax administration institution in Latvia or an equivalent tax administration institution in another state in which the tenderer is registered, certifying that the tenderer does not have tax debts or debts with respect to mandatory payments of State social insurance;
- 3) a copy of the registration certificate or a statement which certifies that the tenderer is registered in accordance with procedures prescribed by law, has not been declared insolvent, is not in the process of liquidation, or the tenderer's economic activity has not been suspended or terminated;
- 4) a licence or certificate for the sale or lease of particular goods, for the provision of services or performance of construction work if such certificate or licence is necessary in accordance with other regulatory enactments; and
- 5) information in accordance with Section 19, Paragraph two of this Law.

Section 17. Information regarding the Economic and Financial Standing of a Tenderer

(1) If an open or restricted competition or negotiated procedure is provided for, the contracting authority shall determine the level of requirements or the minimal requirements with respect to the economic and financial standing of tenderers and may, in order to evaluate such standing, require the tenderer to present or submit one or more of the following documents:

- 1) the annual accounts of the tenderer or a certified excerpt from the annual accounts regarding that part of the commercial activity of the tenderer which relates to the expected procurement, but for not more than the previous three years; and
- 2) a statement regarding the tenderer's total financial turnover or financial turnover in respect of the relevant procurement, but for not more than the previous three years;

(2) If in the case of a particular procurement the information referred to in Paragraph one of this Section does not characterise the economic and financial standing of the tenderer, the contracting authority may request other information for characterizing such standing.

Section 18. Information on a Tenderer's Capabilities

(1) In the regulations for an open competition or regulations for selection of candidates in a restricted competition the contracting authority shall indicate how the tenderer will have to confirm their capability to sell or lease goods, provide services or perform construction work.

(2) The contracting authority, or a competent authority in the name of the contracting authority in the state where the tenderer is registered, may carry out an examination in order to determine the tenderer's production capabilities and measures to ensure quality control.

(3) If the expected contract is related to the purchase or lease of goods, the contracting authority may request the tenderer to present or submit one or more of the following supporting documents:

- 1) a list of relevant or similar goods sold where the quantity of goods sold is mentioned, the recipient and the date, and to which copies of approved waybills or equivalent documents or references are attached, but for not more than the previous three years;
- 2) a description of technical equipment owned by the tenderer and a document that confirms the tenderer's capability to ensure the quality of the goods;

- 3) information regarding personnel involved in the sale or lease of goods, especially personnel responsible for quality control;
- 4) samples, descriptions or photographs of the goods to be sold; or
- 5) copy of a certificate, issued by an official quality control institution or other competent body, which certifies the conformity of the goods to standards.

(4) If the expected contract relates to the provision of services, the contracting authority may, taking into consideration the specifics of the services, request the tenderer to present or submit one or more of the following supporting documents:

- 1) information regarding the qualifications of the tenderer or of the education and qualification of the person who is the actual provider of the services;
- 2) a list of services provided, approved by the recipient of the services or the provider of the services, which indicates the amount of services, the recipient and the date of provision of the services, or references from the recipient of such services, but for not more than the previous three years;
- 3) information regarding personnel involved in the provision of services, especially personnel responsible for quality control;
- 4) information regarding the tools necessary for the provision of services, production equipment, and premises owned by or accessible to the tenderer;
- 5) a description of the measures to ensure the quality of the services to be provided; or
- 6) a statement regarding which parts of the contract the tenderer plans to give to subcontractors in accordance with a subcontract.

(5) If the expected contract relates to the performance of construction work, the contracting authority may request the tenderer to present or submit one or more of the following supporting documents:

- 1) information regarding the education and professional qualifications of the persons responsible for the performance of construction work;
- 2) information regarding construction work performed, supplemented with statements and references regarding performance of the more significant work, but for not more than the previous five years. Such statements shall include information regarding the amount of the relevant construction work, the types of constructions, the time-period for performance and location, whether all work has been completed, as well as the name, location, amount and expected date of completion of unfinished objects shall be indicated;
- 3) information regarding the technology and production equipment necessary to perform the construction work and which is owned by or is accessible to the tenderer; or
- 4) information regarding the technical personnel which the tenderer will utilise for the construction work.

(6) If the tenderer indicates that subcontractors will be involved, information shall be requested also regarding such subcontractors.

Section 19. Additional Information

(1) The contracting authority may request the tenderer to explain the information provided in accordance with Sections 16, 17 and 18 of this Law, but such additional information may be requested only within the scope specified in the Sections referred to.

(2) In order to determine whether the cost of a tender received is abnormally low, the contracting authority shall request the tenderer who has submitted the tender with the lowest price to submit a description of the technology necessary for the performance of the procurement, and a description of the specific market factors available only to this tenderer that substantiates the price reduction.

Section 20. Tender Security

(1) The contracting authority may request a tender security from tenderers, observing the following provisions:

- 1) the requirement shall apply to all tenderers equally and without exceptions;
- 2) the competition regulations shall specify what types of tender security and the time-periods that are acceptable to the contracting authority and which institutions or organizations may provide security for tenders;
- 3) the contracting authority does not have the right to refuse a tender security if the security and the tenderer conform to the requirements of the competition regulations and the security is not in conflict with the laws;
- 4) prior to submitting a tender, the tenderer may request from the contracting authority confirmation that the security for tender tendered is acceptable. The contracting authority shall respond to each such request without delay; and
- 5) confirmation that the security for tender tendered is acceptable does not exclude the possibility that the contracting authority may thereafter reject a guarantor who has been declared insolvent.

(2) A tender security shall be in effect for the shortest of the following time-periods:

- 1) the period of validity referred to in the competition regulations for the tender commencing from the day of the opening the tenders, or to any extension of the period of validity of a tender regarding which the tenderer and guarantor have notified the contracting authority in writing; or
- 2) if the contracting authority declares a tenderer as having won the competition, until the day that the winning tenderer submits a contract (obligation) security (if such is provided for in the competition regulations and in the contract).

(3) A tender security shall be in effect and the contracting authority shall not repay the tenderer, or the guarantor shall pay the contracting authority the tender security amount if:

- 1) the tenderer retracts his or her tender during the period while the tender security is in effect;

- 2) the winning tenderer has not submitted to the contracting authority the contract (obligation) security in accordance with the provisions of the mutual agreement, which is in effect at the moment of acceptance of the tender.

Section 21. Exclusion from Participation in the Procurement Process

(1) If the conditions referred to in Section 16, Paragraph one of this Law apply to the tenderer or the tenderer's economic and financial standing and capabilities do not conform to the conditions of Sections 17 and 18 of this Law and the conditions specified in the competition regulations, the contracting authority shall take a decision not to examine the tenderer's tender and to exclude the tenderer from further participation in the procurement procedure.

(2) If a tenderer has submitted an tender of abnormally low cost, the contracting authority shall take a decision regarding exclusion of the tenderer from further participation in the procurement process.

(3) If a tenderer requests the contracting authority to explain the decision that has been taken in accordance with Paragraph one or two of this Section, the contracting authority shall, within a period of three days from receipt of the request, provide a written substantiation of the decision.

Chapter V Procurement Methods

Section 22. Selection of Procurement Method

(1) The procurement method may be an open competition, a restricted competition, a request for a price quotation, or a negotiated procedure.

(2) The contracting authority shall choose the request for price quotation if the expected procurement contract will be entered into for:

- 1) purchase or lease of goods if the estimated contract price is from LVL 1,000 to 5,000;
- 2) provision of services, except the services mentioned in Section 4, Paragraph two, Clause 2 of this Law, if the estimated contract price is from LVL 1,000 to 5,000; or
- 3) performance of construction work if the estimated contract price is from LVL 1,000 to 50,000.

(3) The contracting authority shall choose open competition or the negotiated procedure if the expected procurement contract will be entered into for:

- 1) purchase or lease of goods if the estimated contract price is higher than LVL 5,000; or
- 2) performance of construction work if the estimated contract price is higher than LVL 50,000.

(4) The contracting authority shall choose an open competition, restricted competition or negotiated procedure if the expected procurement contract will be entered into for the provision of services and the contract price is higher than LVL 5,000.

(5) The procedures of an open or restricted competition with respect to the purchase or lease of goods, provision of services or performance of construction work shall be regulated by Cabinet regulations separately for each of the types mentioned.

Section 23. Procurement Commission

(1) The contracting authority shall form a procurement commission for the conduct of the procurement. It shall be comprised of officials of the contracting authority and other institutions (if other institutions are also interested in the procurement or it is prescribed by regulatory enactments). A procurement commission shall be formed separately for each procurement or for a specified time-period, or it can be a body functioning on an ongoing basis that can conduct procurement for the needs of one or more contracting authorities. When applying the request for price quotation, the contracting authority may authorize a competent official for the conduct of procurement with respect to the relevant procurement, which official shall have the same rights and duties as the procurement commission.

(2) In forming a procurement commission, all the members thereof shall have sufficient knowledge in the field of the procurement, but at least three members shall have in-depth knowledge with respect to the procurement for which a contract will be entered into. The procurement commission shall be headed by the chairperson of the commission. If the procurement contract will be entered into for construction work and in the case of a request for a price quotation the estimated contract price is higher than LVL 5,000, the commission shall consist of at least three members of whom at least one is a certified construction specialist, but in the case of an open or restricted competition or a negotiated procedure the commission shall consist of at least five members of whom at least one is a certified construction specialist.

(3) Members of a procurement commission or the authorized official for conduct of the procurement shall not at the same time represent the interests of the contracting authority and the tenderer, and shall not be associated with the tenderer.

(4) A procurement commission shall ensure the preparation of competition regulations, candidate selection regulations or requests for price quotations, record the course of the procurement process, and shall be responsible for course of the procurement procedure.

(5) The procurement commission shall select candidates in accordance with the candidate selection regulations and evaluate tenderers and the tenders submitted thereof in accordance with this Law and other regulatory enactments and the competition regulations. Each member of the commission shall provide an evaluation in writing and the evaluation shall be appended to the minutes of the commission meeting. The decision regarding the results of the procurement procedure shall be taken depending on these evaluations. Remuneration for work performed may be provided for invited procurement commission members and experts.

(6) A decision of a procurement commission is binding on the contracting authority upon the entering into of a procurement contract.

Section 24. Competition Regulations

(1) Prior to announcing an open or restricted competition, competition regulations shall be prepared and approved by the procurement commission and shall contain the following information:

- 1) general information:

- a) procurement identification number that includes the full name of the contracting authority or an abbreviation – first capital letters, the year and increasing sequential number,
 - b) name, address and other prerequisites of the contracting authority,
 - c) subject-matter of the procurement,
 - d) contract performance time and location,
 - e) location, date, time and procedure for submission and opening of tenders,
 - f) period of tender being in effect,
 - g) tender security, if such is provided for, and the procedure for payment,
 - h) requirements with respect to documentation and submission of tenders, and
 - i) other general information;
- 2) information regarding the subject-matter of the contract:
- a) description of the subject-matter of the contract,
 - b) technical specifications or description of work, and
 - c) other information with respect to the subject-matter of the contract;
- 3) requirements regarding information necessary for evaluation of the tenderer in conformity with Section 16 of this Law;
- 4) requirements with respect to the economic and financial standing and technical capabilities of the tenderer for an open competition, and with respect to information to be submitted in accordance with Sections 17 and 18 of this Law;
- 5) criteria for the evaluation and selection of tenders in accordance with Section 30 of this Law. If the economically most advantageous tender is selected, the relevant criteria shall be indicated in sequence of significance thereof, together with the numerical weighting of these criteria, description of the methods of evaluation and formulae utilised in evaluating the tenders, and a statement on whether the tenderer may submit tender variants and how such variants will be evaluated;
- 6) method by which arithmetic errors (except abnormally low cost tenders) allowed by the tenderer shall be evaluated and considered;
- 7) draft procurement contract;
- 8) rights and obligation of the procurement commission; and
- 9) rights and obligations of tenderers.
- (2) Prior to announcing a restricted competition, the contracting authority shall prepare the candidate selection regulations in accordance with Sections 16, 17 and 18 of this Law and it shall indicate:
- 1) name, address and other prerequisites of the contracting authority;
 - 2) identification number of the procurement;
 - 3) subject-matter of the procurement;
 - 4) the location, date and time of tender submission and opening;

- 5) requirements with respect to the economic and financial standing and technical capabilities of the candidate, as well as the criteria for selection of candidates;
- 6) conditions for the exclusion of a candidate from participation in the procurement procedure;
- 7) information to be submitted with respect to the economic and financial standing and technical capabilities of the candidate; and
- 8) other information regarding the selection of candidates.

(3) All persons interested may become acquainted with the competition regulations and the candidate selection regulations.

(4) The contracting authority may amend the competition regulations and candidate selection regulations, but not later than five working days before the end of the time-period for the selection of tenders or applications. All tenderers, candidates and other persons who have expressed interest in participating in the competition by obtaining the competition regulations or candidate selection regulations shall be informed of such changes.

Section 25. Open Competition

(1) If the contracting authority has announced an open competition, all persons interested may submit tenders.

(2) The contracting authority shall send a notice to the Procurement Monitoring Bureau regarding the expected procurement and shall invite possible tenderers to submit tenders.

(3) The notice shall indicate:

- 1) name and address of the contracting authority, the contact person and telephone number;
- 2) identification number of the procurement;
- 3) the procurement procedure selected;
- 4) the subject-matter and amount of the expected contract, as well as the condition that tenderers may submit tenders for a part of the amount (if such is provided for by the regulations);
- 5) the location and time period for performance of the expected contract;
- 6) the location and time for receipt of the competition regulations;
- 7) the time-period for submitting requests for additional information; and
- 8) the location and time-period for submission of tenders, and the location, date and time of opening tenders. Tenders shall be opened immediately after the end of the time-period for tender submission;
- 9) all necessary payments and guarantees; and
- 10) other information that the contracting authority considers necessary.

(4) The Procurement Monitoring Bureau shall place a notice on the Internet within three working days after receiving the notice. The Internet address shall be published in the newspaper *Latvijas Vēstnesis*.

(5) The contracting authority shall publish a notice in the newspaper *Latvijas Vēstnesis* and at least in one other newspaper not less than three working days after sending the notice to the Procurement Monitoring Bureau, or the next day after placement of the notice on the Internet.

(6) If the contracting authority has made amendments to the competition regulations after the notice has been placed on the Internet and published, the contracting authority shall send another notice to the Procurement Monitoring Bureau and it shall be placed on the Internet and published in accordance with the procedure specified in Paragraphs four and five of this Section. The notice shall include information regarding what has been changed compared to the previous notice regarding the competition, as well as the changed time period for submission of tenders.

(7) The contracting authority or the procurement commission shall register to whom and when competition regulations have been issued. The tenderer, upon submitting a tender, may request confirmation that the tender has been received, including an indication regarding the time of receipt of the tender.

(8) The procurement commission upon request by a possible tenderer shall provide additional information regarding the competition regulations if the request is submitted not later than six working days before the end of the time-period for submission of tenders. The procurement commission shall prepare such information within three working days of the receipt of the request. The prepared additional information shall be sent to those possible tenderers who have received the competition regulations, as well as to those tenderers who have already submitted tenders.

(9) The time-period for submission of tenders, after a notice regarding the expected procurement or amendments made to the regulations has been sent to the Procurement Monitoring Bureau, may not be shorter than 52 working days if the estimated contract price for goods and services is higher than LVL 120,000 and for construction work – than LVL 4,500,000. If the estimated contract price for goods and services is less than LVL 120,000 and for construction work – than LVL 4,500,000, the time-period for submission of tenders may not be shorter than 40 working days. If the estimated contract price for goods and services is less than LVL 50,000 and for construction work – than LVL 500,000, the term for submission of tenders may not be shorter than 30 working days.

(10) The procurement commission shall open the submitted tenders immediately after the end of the time-period for submission of tenders, at the location and time specified in the regulations. If a tender is submitted after the specified time-period for the submission of tenders, it shall be returned to the tenderer unopened. All tenderers or representatives thereof may participate at the opening of tenders. The process of opening tenders shall be documented in a report which shall include the given names, surnames, and position held of those present, name of the tenderer, time of submission of the tender, the price tendered and other information that characterizes the tender.

(11) The procurement commission shall select tenderers in accordance with Sections 16, 17 and 18 of this Law, check the conformity of the tenders with the description of work, technical specifications and other requirements specified by the regulations, and after that shall evaluate the tenders which conform to the requirements in accordance with the evaluation criteria and regulations provided in this Law, in other regulatory enactments and the competition regulations.

(12) The procurement commission shall take a decision to enter into a procurement agreement with the tenderer who has appropriate qualifications, whose tender conforms to the description of work and technical specifications and who has been evaluated as the most advantageous in conformity

with the evaluation criteria and procedure specified by the regulations. If no tenders have been submitted for an open competition or the tenders submitted do not conform to the requirements of the regulations, the procurement commission shall take a decision to terminate the competition without selecting a tender.

(13) The procurement commission shall notify the decision in accordance with Section 32 of this Law.

(14) The procurement commission shall document in a report the procedure of the open competition in accordance with Section 34 of this Law.

Section 26. Restricted Competition

(1) If a restricted competition is being organized, all interested persons may submit applications for the selection of candidates. The procurement commission shall select candidates who shall be invited to submit tenders to the notified competition.

(2) The contracting authority shall send a notice to the Procurement Monitoring Bureau regarding the expected procurement and shall invite possible candidates to submit tenders applications for the selection of candidates.

(3) The notice shall include:

- 1) the name and address of the contracting authority;
- 2) identification number of the procurement;
- 3) the expected subject-matter of the contract and amount;
- 4) the location and time period for performance of the expected contract;
- 5) the location and time-period for receipt of candidate selection regulations; and
- 6) the location, date and time-period for submission of applications.

(4) The term for submission of applications after the notice has been sent to the Procurement Monitoring Bureau may not be shorter than 37 working days if the estimated price of the contract is higher than LVL 120,000. If the estimated contract price is less than LVL 120,000, the time-period for submission of applications may not be shorter than 25 working days. If the estimated contract price is less than LVL 50,000, the time-period for submission of applications may not be shorter than 15 working days.

(5) If the notice conforms to Paragraphs three and four of this Section, the Procurement Monitoring Bureau shall place the notice on the Internet within three working days. The contracting authority shall publish a notice in the newspaper *Latvijas Vēstnesis* and in at least one other newspaper not less than three working days after sending the notice to the Procurement Monitoring Bureau, or the next day after placement of the notice on the Internet.

(6) If the contracting authority has made amendments to the candidate selection regulations after the notice has been placed on the Internet and published, it shall send another notice to the Procurement Monitoring Bureau and the notice shall be placed on the Internet and published in accordance with the procedures specified in Paragraph five of this Section. The notice shall include information regarding what has been changed compared to the previous notice on the selection of candidates, as well as the changed time-period for submission of applications. After sending the

notice, the time-period for the submission of applications shall be determined in accordance with Paragraph four of this Section.

(7) The procurement commission shall, within 10 working days of the end of the time-period for the submission of applications, perform a selection of candidates in accordance with the criteria specified in the candidate selection regulations. All interested persons or groups of persons interested may submit applications for the selection of candidates.

(8) The contracting authority or procurement commission shall send, concurrently to all selected candidates, an invitation to submit a tender. The competition regulations or the address where the regulations can be obtained shall be attached to the invitation. The contracting authority or procurement commission shall register to whom and when an invitation was sent and the competition regulations sent or issued. To those who have applied for the selection of candidates but have not been selected in accordance with the candidate selection regulations the procurement commission shall within three days of taking the relevant decision send a notice regarding the decision and substantiation thereof.

(9) An invitation to submit a tender shall include the following information:

- 1) address and time-period during which the competition regulations (if those were not sent together with the invitation) or additional information may be requested;
- 2) conditions and charge for the provision of the competition regulations or additional information if such is requested regarding the provision of the regulations;
- 3) the location, date and time for the submission and opening of tenders. The time-period, after an invitation to submit tenders or a notice of amendments made if such exist in the regulations has been sent to the selected candidates, may not be shorter than 40 working days if the estimated contract price is higher than LVL 120,000. If the estimated contract price is less than LVL 120,000, the time-period for submission of tenders may not be shorter than 25 working days. If the estimated contract price is less than LVL 50,000, the time-period for submission of tenders may not be shorter than 15 working days. The tenders shall be opened immediately after the end of the time-period for the submission of tenders at a location, date and time specified by the regulations; and
- 4) the date when the notice regarding the selection of candidates was placed on the Internet.

(10) The procurement commission pursuant to a request by a candidate shall provide additional information regarding the competition regulations if the request is submitted not later than six working days before the end of the time-period for submission of tenders. The procurement commission shall prepare such information within two working days of the receipt of a request. The prepared additional information shall be sent to those candidates who received the competition regulations, as well as to those tenderers who have already submitted tenders.

(11) Tenders shall be opened at the location and time specified by the regulations. If a tender is submitted after the specified end of the time-period for submission of tenders, it shall be returned to the tenderer unopened. All tenderers or representatives thereof may participate in the opening of tenders. The process of opening tenders shall be documented in a report which shall include the given names, surnames, and positions held of the persons present, name of the tenderer, time of submission of the tenders, the price tendered and other information that characterizes the tenders.

(12) The procurement commission shall examine the conformity of tenders to the description of work, technical specification and other requirements referred to in the regulations and after that shall evaluate the tenders that conform to the requirements in accordance with the evaluation criteria and provisions indicated in this Law, in other regulatory enactments and in the competition regulations. The procurement commission shall take a decision regarding selection of the most suitable tender. If no tenders have been submitted for a restricted competition or the tenders submitted do not conform to the requirements of the competition regulations, the procurement commission shall take a decision to terminate the competition without selecting a tender.

(13) The procurement commission shall notify the decision in accordance with Section 32 of this Law.

(14) The procurement commission shall document in a report the procedures of the restricted competition in accordance with Section 34 of this Law.

Section 27. Conditions for Selecting the Negotiated Procedure

The procurement commission may apply the negotiated procedure if:

- 1) in the previously published open or restricted competition no tenders were submitted or the tenders did not conform to the requirements of the competition regulations, or for the previously published restricted competition no applications were submitted for the selection of candidates. All tenderers who submitted tenders for the open or restricted competition shall be invited for negotiations. The regulations for the expected procurement contract shall not differ from the expected procurement contract regulations in the previously published open or restricted competition;
- 2) due to unforeseen circumstances (fire, natural disaster, war, epidemic, accident, or other extraordinary circumstances which the contracting authority could not have foreseen) that are unrelated to the procurement, a situation has arisen where as a result of time restrictions it is not possible to conduct an open or restricted competition;
- 3) the contracting authority needs to partially exchange or to supplement goods already at the disposal of the contracting authority. In purchasing goods from other than the original supplier, the contracting authority would have to purchase goods with different technical characteristics. Such goods would then be technically incompatible with the goods already at the disposal of the contracting authority or also difficulties would result in the use or maintenance of goods at their disposal. The time-period for such procurement contract may not exceed three years;
- 4) the contracting authority needs to receive additional services or to perform additional construction work that were not previously foreseen but which are essential for the performance of an open or restricted competition procurement contract entered into. If such additional services or construction work may not be technically or economically separated from the services or construction work specified in a procurement contract already entered into or are necessary to perform the procurement contract already entered into, such services shall be provided or construction work shall be performed by the performer of the procurement contract already entered into. The total value of a supplementary procurement contract may not be higher than 10 per cent of the value of the procurement contract already entered into; or

- 5) the contracting authority needs to continue receiving services that are already being provided in accordance with a procurement contract entered into as a result of an open or restricted competition. Such a procedure may be applied for not longer than three years from entering into of the first procurement contract. The conditions of the procurement contract shall not differ from the conditions of the previous procurement contract and the total value of the procurement contract may not be higher than 50 per cent larger than the value of the previously signed procurement contract.

Section 28. Negotiated Procedure

(1) If the negotiated procedure is chosen, the procurement commission shall send a notice to the Procurement Monitoring Bureau accompanied with a substantiation for choosing the negotiated procedure.

(2) The notice shall include:

- 1) identification number of the procurement;
- 2) description of the expected subject-matter of the contract and amount thereof;
- 3) the location and time-period for performance of the expected contract;
- 4) candidates; and
- 5) location and time-period for submission of tenders.

(3) The time-period for submitting applications may not be shorter than 37 working days from the date of sending the notice to the Procurement Monitoring Bureau if the estimated contract price for goods and services is higher than LVL 120,000 and for construction work – than LVL 4,500,000. If the estimated contract price for goods and services is less than LVL 120,000 and for construction work – than LVL 4,500,000, the time-period for submission of tenders shall may not be shorter than 25 working days. If the estimated contract price for goods and services is less than LVL 50,000 and for construction work – than LVL 500,000, the time-period for submission of tenders may not be shorter than 15 working days.

(4) The Procurement Monitoring Bureau shall evaluate within a period of three working days the substantiation for selecting the negotiated procedure. If the substantiation for the selection conforms to the conditions of Section 27 of this Law, the Procurement Monitoring Bureau shall place the notice on the Internet. If it does not conform to the conditions of Section 27 of this Law, the Procurement Monitoring Bureau shall notify the procurement commission thereof and the commission shall choose another procedure referred to in this Law.

(5) If the negotiated procedure is used in accordance with Section 27, Clauses 1 and 2 of this Law, the procurement commission shall commence negotiations with the tenderers immediately after the notice is placed on the Internet without observing the time-periods specified in Paragraph three of this Section.

(6) If the Procurement Monitoring Bureau has permitted the application of the negotiated procedure, the procurement commission shall send an invitation for candidates to participate in negotiations, as well as the draft of the expected procurement contract.

(7) The procurement commission shall conduct negotiations with candidates who have submitted applications to participate in the negotiated procedure, and shall take a decision regarding selection of the most suitable tender.

(8) The procurement commission shall notify the decision in accordance with Section 32 of this Law.

(9) The procurement commission shall document in a report the negotiated procedure in accordance with Section 34 of this Law.

Section 29. Request for a Price Quotation

(1) If a request for a price quotation is selected, the procurement commission shall select such possible candidates regarding whose qualifications and reliability the commission has no reservations.

(2) The procurement commission shall send to at least three possible tenderers an invitation to submit a tender to sell or lease goods, provide services or perform construction work in accordance with the requirements, technical specifications and description of work referred to in the invitation. The price of goods, services or construction work may include expenditures after the expiry of the guarantee time-period, the cost of delivery and installation, cost of training personnel and other expenditures.

(3) In the invitation, the procurement commission shall indicate the time-period for submission of a tender, which may not be shorter than five working days after the sending the invitation.

(4) The procurement commission shall examine the conformity of a tender with the invitation requirements, technical specifications and description of work, and evaluate the conforming tenders in accordance with the requirements of, Section 30, Paragraph six of this Law and take a decision regarding the selection of a tender.

(5) The procurement commission shall make a report of the procedure of the request for a price quotation. The report shall include the following information:

- 1) identification number of the procurement and the date of the report;
- 2) the name of the contracting authority;
- 3) the name and amount of required goods, services or construction work, technical specifications or description of work;
- 4) the names of tenderers, the tenders and the prices thereof;
- 5) other information that the commission considers necessary; and
- 6) decision regarding the selection of a tender.

Chapter VI Selection of Tenders

Section 30. Criteria for Selection of Tenders

(1) The contracting authority shall indicate the criteria for selection of tenders in the regulations of an open or restricted competition or in an invitation for a price quotation.

(2) In the case of a competition, if the contracting authority expects to enter into a contract for the receipt of services or a joint contract for construction design and construction work, the procurement commission shall select the economically most advantageous tender which conforms to the description of work provided in the regulations.

(3) In the case of a competition where the contracting authority expects to enter into a contract for the purchase or lease of goods, the procurement commission shall select the tender with the lowest price that conforms to the requirements and technical specifications referred to in the regulations. The lowest price shall be determined in accordance with the provisions of Section 31, Paragraphs three and four of this Law.

(4) In the case of a competition where the contracting authority expects to enter into a contract for construction work and the estimated contract price exceeds LVL one million, the procurement commission shall select the tender with the lowest price.

(5) In the case of a competition where the contracting authority expects to enter into a contract for construction work and the estimated contract price is from LVL 50,000 to one million, the procurement commission shall select the tender with the lowest price or the relatively lowest price.

(6) In the case of a request for a price quotation the procurement commission shall select the tender with the lowest price that conforms to the requirements and technical specifications indicated in the invitation.

(7) The tender with the relatively lowest price shall be determined by calculating the average price of all tenders, then rejecting tenders the price of which is lower than the average price that has been reduced by the percentage difference from the average price, and selecting from the remaining tenders the tender with the lowest price. The percentage difference from the average price shall be specified in the competition regulations and it may not be less than 10 per cent of the average price.

Section 31. Additional Provisions for the Selection of Tenders

(1) If the contracting authority expects to enter into agreement for construction work and the contract price exceeds LVL one million, the procurement commission shall examine the price structure of the tender. If the lowest price tendered or the two lowest prices differ significantly from the next lowest price tendered, the procurement commission may ascertain whether one or two tenders respectively may not be abnormally low priced. Differences shall be considered significant if the prices differ by more than eight per cent.

(2) If the contracting authority expects to enter into agreement for construction work and the estimated contract price is from LVL 50,000 to one million, in selecting the tender with the lowest price the procurement commission shall examine the price structure of the tender with the lowest price and ascertain whether a tender has been received with an abnormally low price.

(3) If the contracting authority expects to enter into agreement for the purchase or lease of goods, in evaluating the prices of the tenders the procurement commission may take into account one or more of the following indicators:

- 1) the price of goods that conform to the level of requirements indicated in the technical specifications;
- 2) the possible expenditures that will arise in using the goods for the duration of expected useful life thereof, but not more than four years after the goods are put into use. The planned expenditures for reserve parts, post-guarantee maintenance costs

and personnel training costs, as well as other expenditures associated with the utilisation of the goods shall be added to these expenditures; and

- 3) the value of the goods or their possible alienation value at the end of the expected utilisation period of the goods, but not later than four years after the goods are put in use.

(4) The indicators referred to in Paragraph three of this Section and the procedure for their utilisation shall be determined in the competition regulations.

Section 32. Notice regarding Taking of a Decision

(1) The contracting authority, when utilising an open or restricted competition or the negotiated procedure, shall, within three working days after a decision has been taken, enter into a procurement contract or terminate the competition without selecting a tender, send a notice to the Procurement Monitoring Bureau and to all the tenderers.

(2) The notice to enter into a procurement contract or to terminate a competition without selecting any tender, shall include the following information:

- 1) the name and address of the contracting authority;
- 2) identification number of the procurement;
- 3) date when the procurement was notified on the Internet;
- 4) date of the decision;
- 5) method of procurement;
- 6) subject-matter of the contract and short description thereof;
- 7) number of tenders received;
- 8) name and address of the tenderer with whom a contract will be entered into;
- 9) substantiation for the decision if a decision has been taken to terminate a competition without selecting a tender;
- 10) reasons for rejecting the tenders of the rejected tenderers;
- 11) contract price tendered;
- 12) date of sending the notice; and
- 13) other information that the contracting authority wishes to notify.

(3) The Procurement Monitoring Bureau shall within three working days put a notice on the Internet.

(4) The contracting authority shall publish a notice in the newspaper *Latvijas Vēstnesis* not earlier than after six working days from sending the notice to the Procurement Monitoring Bureau or the next working day after such notice is placed on the Internet.

Section 33. Procurement Contract

- (1) A procurement contract shall determine all legal relations between the contracting authority and the seller or lessor of goods, the provider of services or performer of construction work.
- (2) The contracting authority shall prepare a procurement contract which shall specify:
 - 1) name of the contracting party;
 - 2) name of the performer (seller or lessor of goods, the provider of services or performer of construction work);
 - 3) subject-matter of the contract, amount thereof, quality requirements and other necessary information;
 - 4) procedures for payment;
 - 5) time-period for performance of the contract, the location and conditions;
 - 6) liability of the contracting parties for failure to perform the contract;
 - 7) procedures for amending the contract and procedures to permit withdrawal from the contract; and
 - 8) other conditions.
- (3) A procurement contract for construction design and construction work shall be prepared in accordance with Latvian national standards.
- (4) A procurement contract for receipt of services and leasing of good shall be entered into for a period of time not longer than four years. A procurement contract shall not be entered into earlier than 10 working days from the taking of a decision and not later than the period of validity of the tender.

Chapter VII Documentation and Reports

Section 34. Procurement Procedure Final Report

- (1) The final report on the procedures of an open or restricted competition shall have two separate parts, and shall be accompanied by the competition regulations and the tenders of tenderers. The report shall be signed by all members of the procurement commission.
- (2) The first part of the final report of an open or restricted competition shall include such basic information as is publicly accessible only after the contracting authority has entered into a contract with the tenderer or after the competition has been terminated without selecting a tender.
- (3) The first part of the final report of an open or restricted competition shall include the following information:
 - 1) the identification number of the procurement;

- 2) the date when the notice was placed on the Internet;
- 3) the name of the contracting authority;
- 4) the composition and substantiation for the formation of the procurement commission;
- 5) the subject-matter of the contract and short description thereof;
- 6) the criteria for the selection of candidates;
- 7) the criteria for the selection of tenders;
- 8) the location and time-period for submission of tenders and period of validity of the tender;
- 9) the location, date and time of opening tenders;
- 10) the substantiation for the application of the restricted competition procedure;
- 11) the location and time-period for submission of applications;
- 12) the names of persons who applied for the selection of candidates;
- 13) the names of persons who were selected, in accordance with the selection conditions, and invited to submit tenders;
- 14) the given names, surnames and positions held of persons present at the opening of tenders;
- 15) list of submitted tenders, which list shall indicate the name of each tenderer, date and time of submission of tender, price tendered and other information that characterizes the tender;
- 16) name of the tenderer who was awarded the right to perform the procurement;
- 17) substantiation for the decision if the contracting authority has rejected all tenders and has taken a decision to terminate the competition without selecting any tender;
- 18) substantiation for the decision if the tenderer who was awarded the right to perform the procurement no longer participates in the competition or has not signed the procurement contract and the contracting authority has taken a decision to award the right to perform the procurement to the tenderer whose tender is the next economically most advantageous tender or the tender with the lowest price;
- 19) the formula for evaluating tenders if the regulations provide for accepting the economically most advantageous tender;
- 20) requests received to explain the competition regulations or the tenderer selection regulations, the answers provided, as well as evidence that all tenderers or candidates were informed about the questions and answers;
- 21) if a tender has been declared as not conforming with the requirements referred to in the regulations or the tenderer has been refused participation in the competition, – the cause and substantiation for such decision; and

- 22) if a decision has been taken to enter into a procurement contract or to terminate a competition without selecting a tender, – a more detailed substantiation for such decision.
- (4) Information included in the second part of the final report of an open or restricted competition with respect to the procurement and the procurement evaluation process shall be accessible as restricted information in accordance with the Freedom of Information Law.
- (5) The second part of the final report of an open or restricted competition shall also include information regarding the economic and financial standing of the tenderer and the capability of the tenderer to perform the procurement, and an evaluation of such information.
- (6) A report of a negotiated procedure shall be publicly accessible after the contracting authority has entered into a procurement contract with the candidate who was awarded the right to perform the procurement, or when the contracting authority has taken a decision to terminate the negotiated procedure without selecting any tender. A report of a negotiated procedure shall include the following information:
 - 1) the identification number of the procurement;
 - 2) the date when the notice was placed on the Internet;
 - 3) the composition and substantiation for the formation of the procurement commission;
 - 4) the name of the contracting authority;
 - 5) the subject-matter of the contract and short description thereof;
 - 6) the substantiation for using the negotiated procedure;
 - 7) the names of the candidates;
 - 8) the location and time-period for the submission of tenders;
 - 9) the names of those candidates who submitted an application to participate in the negotiated procedure;
 - 10) the criteria for the selection of tenders;
 - 11) a short description of the negotiations, indicating the tenders and prices thereof;
 - 12) the name of the candidate who was awarded the right to perform the procurement;
and
 - 13) if the candidate who was awarded the right to perform the procurement has not signed the procurement contract or the contracting authority has taken a decision to terminate the negotiated procedure without selecting a tender, – a description of this course.
- (7) Contracting authorities after entering into a procurement contract shall keep reports of negotiated procedures, final reports of competitions, reports on requests for price quotations, the competition regulations and tenders of tenderers for 10 years.

Section 35. Statistical Reports

The contracting authority shall submit to the Procurement Monitoring Bureau a report regarding the number of contracts entered into, amounts thereof, the performers of construction work, suppliers of goods, lessors or providers of services and the procurement procedures utilised. The report shall be submitted each calendar half year within a period of three months after the end of the reporting period.

Chapter VIII Monitoring and Control

Section 36. Monitoring

Monitoring of the observance of regulatory enactments in the area of procurements shall be performed by the Procurement Monitoring Bureau and other authorities in accordance with regulatory enactments.

Section 37. Liability of the Contracting Authority

For the implementation of this Law in accordance with their competence the contracting authority, procurement commission, or authorized official who responsible for the performance of the procurement shall be liable.

Chapter IX Procurement Monitoring Bureau

Section 38. Legal Status of the Procurement Monitoring Bureau

- (1) The Procurement Monitoring Bureau is a State administrative authority supervised by the Ministry of Finance and operating in accordance with this Law, with the by-laws of the Procurement Monitoring Bureau and with other regulatory enactments.
- (2) The Procurement Monitoring Bureau is a legal person. It shall have a seal with the image of the supplemented lesser State coat of arms and the full name of the Bureau.
- (3) The operations of the Procurement Monitoring Bureau shall be financed from the State budget.

Section 39. Rights and Duties of the Procurement Monitoring Bureau

- (1) The Procurement Monitoring Bureau shall have the following rights:
 - 1) to monitor the conformity of the procurement procedures with the requirements of the Law;
 - 2) in conformity with its competence to cooperate with relevant foreign authorities;
 - 3) to publish its decisions, views and recommendations;

- 4) to request and receive without hindrance at any stage of a procurement procedure and free of charge information necessary for the implementation of this Law;
 - 5) to invite independent experts;
 - 6) to compile and analyse the statistical information on procurement in the State;
 - 7) to provide methodological assistance and consultations, and to organize training for institutions that are parties to contracts, for sellers of goods, lessors, providers of services and performers of construction work; and
 - 8) to conduct other activities permitted by regulatory enactments in order to fulfil the tasks provided for by this Law;
- (2) The Procurement Monitoring Bureau shall have the following duties:
- 1) to make sure that complaints with respect to violations of procurement procedures are examined;
 - 2) to prepare reports of procurements in the State; and
 - 3) to develop a special list of undertakings.

Section 40. Complaints Examination Commission

(1) In order to examine complaints, the Procurement Monitoring Bureau shall form a complaints examination commission (hereinafter — commission) consisting of not less than three members. At least one member of the commission shall have higher legal education, and one shall be an invited procurement expert or an authorized public organization representative from the sector.

(2) Members of such commission may not be persons who have previously provided consultations with respect to the procurement mentioned in the complaint or be interested in obtaining the right to perform the procurement.

(3) The work of the commission shall be led by a chairperson appointed by the Procurement Monitoring Bureau from among the commission members. The commission shall have a quorum if at least one half of the commission members participates in the examination of a relevant question. The commission shall take decisions by voting. A decision shall be considered taken if a majority of the commission votes for it. In the event of a tied vote, the vote of the committee chairperson shall be decisive.

Chapter X Procedure for Examination of Complaints

Section 41. Right to Submit a Complaint

(1) Tenderers, candidates, sellers of goods, lessors, providers of services or performers of construction work (hereinafter – submitter of a complaint) shall have the right to submit to the Procurement Monitoring Bureau complaints regarding the actions of the contracting authority with respect to the legality of the procedures of open or restricted competition or negotiated procedure (hereinafter – procurement procedures) if the submitter considers that the contracting authority or the procurement commission has not observed the requirements of regulatory enactments which regulate

procurement and in so doing have violated the lawful rights and interests of the submitter of the complaint.

(2) Complaints regarding the questions referred to in Paragraph one of this Section may be submitted up to the time of entering into a procurement contract. After a procurement contract has been entered into, the submitter of a complaint may appeal decisions of the contracting authority to a court only in accordance with procedures prescribed by law.

(3) If a complaint has been submitted to the Procurement Monitoring Bureau prior the entering into a procurement contract, the Procurement Monitoring Bureau shall notify the contracting authority thereof and the contracting authority shall not enter into a procurement contract without a decision of the complaints examination commission that permits to enter into such contract.

(4) The Procurement Monitoring Bureau shall not accept a complaint if:

- 1) during the period of the procurement procedures the complainant has known about the violation of the procurement procedures but has not informed the contracting authority thereof without delay; or
- 2) if a complaint with respect to the procurement procedures in connection with the same subject and on the same grounds has already been submitted and examined.

(5) If a complaint is submitted regarding activities of a contracting authority with respect to the legality of the procurement procedures and a complaint regarding the same procurement procedures has already been submitted earlier by another submitter of a complaint but such complaint has not yet been examined, such complaints may be combined and examined together.

(6) Complaints shall be submitted in writing and shall include the following information:

- 1) the name and address of the submitter of the complaint;
- 2) the name and address of the contracting authority regarding which the complaint has been submitted;
- 3) the facts regarding which the complaint is being submitted, indicating the violation; and
- 4) the claim of the submitter of the complaint with respect to this complaint.

Section 42. Examination of Complaints

(1) The commission shall examine a complaint within a period of one month from receipt of the complaint in the Procurement Monitoring Bureau.

(2) The commission shall permit entering into a contract if the complaint is:

- 1) unfounded;
- 2) founded, but the commission has taken a decision regarding measures to be performed by the contracting authority to rectify the causes of the complaint, and those have been rectified; or
- 3) founded, but the violations determined by the commission are not significant and cannot influence the decision regarding the awarding of the procurement right.

- (3) The commission shall invite to the meeting for examination of a complaint the submitter of the complaint, the contracting authority and the tenderers or candidates (hereinafter – participants) whose interests could be affected by the decision taken by the commission. The commission shall, at least 10 working days before a meeting, invite participants to the meeting for examination of the complaint.
- (4) All participants have the right to express their views. After hearing the participants, the commission shall continue work without the presence of the participants.
- (5) The commission shall evaluate complaints on the basis of the facts presented by the submitter of a complaint and the participants, and explanations of the contracting authority. If the participants do not attend the examination of the complaint, the commission shall examine the complaint based on the facts accessible to it. The commission shall take a decision with respect to the submitted complaint and shall, within a period of three working days from taking the decision, send the decision to all participants.
- (6) Participants may appeal the decision of the commission in court.
- (7) The commission shall document in a report the course of examining the complaint and shall keep the report and information obtained during the examination for 10 years.

Transitional Provisions

1. With the coming into force of this Law, the Law on State and Local Government Procurement (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1996, No. 23; 1998, No. 15; 2000, No. 9) is repealed.
2. If a State contracting authority has published an auction or competition for the awarding of a State procurement or has begun examining one tender before the coming in force of this Law comes, the published auction, competition or examination of one tender shall be concluded within a period of three months in accordance with the Law "On State and Local Government Procurement" and Cabinet Regulation No. 98 of 18 March 1997, "Regulations on Tenders and Competitions for the Awarding of State and Local Government Procurements" insofar as such is not in contradiction with this Law.
3. The Cabinet shall by 1 December 2001 prepare the regulations referred to in Section 16, Paragraph one, Clause 7 of this Law and Section 22, Paragraph five of this Law.

This Law shall come into force on 1 January 2002.

This Law has been adopted by the *Saeima* on 5 July 2001.

President
Riga, 20 July 2001

V. Viķe-Freiberga

WORLD TRADE ORGANIZATION

GPA/55
19 September 2001

(01-4440)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL LEGISLATION OF ESTONIA

Communication from Estonia

The following communication has been received from the Permanent Mission of Estonia with the request that it be circulated to the Committee on Government Procurement.¹

With reference to the accession of Estonia to the Agreement on Government Procurement, I have pleasure in submitting attached herewith an English translation of the revised Public Procurement Act of 19 October 2000 which entered into force on 1 April 2001.²

¹ In English only.

² Available for consultation on the government procurement page on the WTO web site (<http://www.wto.org/wto/govt>).

PUBLIC PROCUREMENT ACT

Passed 19 October 2000
(RT I 2000, 84, 534),
entered into force 1 April 2001,
amended by the following Act:
21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189.

Chapter 1

General Provisions

§1. Scope of application of Act

This Act provides for the public procurement procedures, the rights and obligations of subjects involved in public procurement and their liability for violation of this Act, and the procedure for the exercise of state supervision.

§2. Definition and objects of public procurement

(1) For the purposes of this Act, "public procurement" means purchasing of goods, contracting for construction work and services, granting of construction work concessions, and contracting for design solutions by contracting authorities specified in subsection 5 (1) of this Act.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) Purchasing of goods or contracting for services from state agencies, city or rural municipality governments or local government agencies by the Bank of Estonia or contracting authorities specified in clause 5 (1) 1) of this Act, purchasing of goods or contracting for services by the Bank of Estonia for the performance of the functions specified in §2 of the Bank of Estonia Act (RT I 1993, 28, 498; 30, correction notice; 1994, 30, 463; 1998, 64/65, 1006; 1999, 16, 271), and contracting for health services or health promotion or disease prevention services, except for purchasing of medicinal products or purchasing or commercial lease of medical technology and related rights, by the Estonian Health Insurance Fund is not public procurement.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) The objects of public procurement are goods, including proprietary rights, and services, construction work, construction work concessions and design solutions.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) "Construction work" means any work related to construction or to demolition of structures or parts thereof. Performance of geotechnical or geodetic site investigations, construction design, construction supervision, expert assessment of building designs and structures, and construction management for organizing construction work are deemed to be services.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(5) "Construction work concession" means the exclusive right to exploit a structure, received as consideration for the performance of construction work provided for in subsection (4) of this section. For a construction work concession, the state agency must obtain a permission relating to the construction work concession from the Government of the Republic.

(6) For the purposes of this Act, "design solution" means a project submitted by a participant in a design contest in the field of design and meeting the requirements specified in the design contest notice (hereinafter project).

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(7) The procedure provided for in this Act applies to public procurements the estimated value of which (the annual sum together with value added tax) is:

- 1) EEK 100,000 or more upon purchasing of goods or contracting for services;
- 2) EEK 500,000 or more upon contracting for construction work;
- 3) EEK 500,000 or more upon contracting for draft legislation;
- 4) EEK 500,000 or more upon purchasing of goods or contracting for services by a contracting authority specified in clause 5 (1) 1) of this Act from a penal institution or a company founded by the state for the administration of the production units of a penal institution;
- 5) EEK 100,000 or more upon contracting for a design solution, including all contest awards and other amounts payable to the participants in the design contest;
- 6) EEK 2 million or more upon purchasing of goods or contracting for services or design solutions by a contracting authority specified in clause 5 (1) 6) of this Act whose net turnover during the previous financial year exceeded EEK 500 million;
- 7) EEK 4 million or more upon contracting for construction work by a contracting authority specified in clause 5 (1) 6) of this Act whose net turnover during the previous financial year exceeded EEK 500 million.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§3. Public procurements consisting of several constituent elements

(1) If an intended public procurement contains several objects of public procurement as defined in §2 of this Act, the public procurement shall be classified according to the object the value of which is expected to exceed one-half of the total value of the public procurement. If the value of any of the objects of public procurement as defined in §2 of this Act does not exceed one-half of the total value of the public procurement, the public procurement shall be classified according to its main objective.

(2) Goods and services which are not necessary for performing particular construction works may be purchased or contracted for separately.

(3) A contracting authority specified in subsection 5 (1) of this Act may purchase goods or contract for services in the same procedure with contracting for construction work only if the procedural requirements applied to the contracting for such construction work are as strict as those applied in the case of purchasing of goods or contracting for services in a separate procedure. If, in the case of purchasing of goods or contracting for services in a separate procedure, the value of the goods or services equals or exceeds the international value threshold, goods may be purchased and services contracted for in the same procedure with the contracting for construction work only if, as a result of such combination, the value of the public procurement equals or exceeds the international value threshold established for contracting for construction work.

§4. Exceptions

(1) A contracting authority is not required to apply the procedure provided for in this Act to the following:

- 1) public procurements in the case of which adherence to the procedure provided for in this Act results in the disclosure of a state secret;
- 2) contracting for water, electricity, gas, thermal energy, cable distribution and telecommunications services, if such services can be provided by only one person;
- 3) purchasing of weapons, ammunition, battle equipment and training equipment related thereto, and contracting for the related services;
- 4) contracting for arbitration or conciliation services;
- 5) contracting for financial services relating to the issue, sale, purchasing or assignment of securities or other financial instruments, or contracting for services provided by the Bank of Estonia; similarly, the Bank of Estonia is not required to apply the procedure provided for in this Act upon purchasing of goods or contracting for services the purpose of which is to ensure the security of the Bank or compliance with the confidentiality requirements established with regard to information not subject to disclosure;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 6) contracting for scientific research unless the results of the research are used by the contracting authority only in its own interests and for the purposes of its activities;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 7) purchasing of immovables, existing structures or parts thereof as movables, or of rights relating thereto;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 8) contracting for services by broadcasting organizations for the acquisition, development, production or co-production of a programme or a part thereof, and contracting for broadcasting time;
- 9) entry into an employment contract;
- 10) services which a contracting authority specified in clause 5 (1) 6) of this Act contracts from an affiliated undertaking;
- 11) purchasing of goods or contracting for construction work or services, if the procurement contract is entered into by the construction work concessionaire and the affiliated undertaking whom the concessionaire has entered in the list annexed to the tender submitted in order to obtain the construction work concession;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 12) purchasing of museum objects, records, data media or licences for the use of data media, the estimated value of which is lower than the international value threshold provided for in §16 or this Act, if the purchaser is a museum, archives or library;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

- 13) contracting for the performance of special audits for the purposes of exercising state supervision, if the right of the state supervision authority to order such special audits has been provided by law;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 14) public procurements in the case of which the procurement contract is entered into according to a mandatory special procedure of an international organization;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 15) contracting for telecommunications services provided by a person engaged in creation or operation of public telecommunications networks specified in clause 5 (1) 6) of this Act, if other persons are free to provide the same services in the same geographical area and under similar conditions;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 16) purchasing of goods if the contracting authority specified in clause 5 (1) 6) of this Act purchases the goods in order to sell or lease them to third persons and the contracting authority enjoys no special or exclusive right for selling or leasing the goods and other persons have the right to sell or lease such goods under the same conditions as the contracting authority;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 17) purchasing, by an energy undertaking, of electricity or fuel necessary for the production of electricity.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) For the purposes of this Act, an affiliated undertaking is an undertaking whose annual accounts are consolidated with the annual accounts of the contracting authority, or an undertaking over which the contracting authority may exercise, directly or indirectly, dominant influence or which may exercise dominant influence over the contracting authority or which, together with the contracting authority, is subject to the dominant influence of one and the same undertaking whereas at least 80 per cent of the average turnover of the undertaking during the last three years or during the whole period of activity in case the latter is shorter than three years has been created through the provision of the abovementioned services to the undertakings with whom the undertaking is affiliated. If the same or a similar service is provided by more than one undertaking affiliated with the contracting authority, the consolidated turnover of the services provided by such undertakings shall be taken into account.

§5. Contracting authority

- (1) For the purposes of this Act, a contracting authority is:
 - 1) a state agency, city or local government, or a local government agency;
 - 2) a legal person in public law or a body of a legal person in public law;
 - 3) a legal person in private law which is not a company and all the founders or members of which are, jointly or separately, the state, a local government and/or a legal person in public law;
 - 4) a legal person in private law which is not a company and which, to the extent of more than 50 per cent, is financed or more than one-half of the members of the supervisory

board or management board of which are appointed jointly or separately by the state, a local government and/or a legal person in public law;

- 5) an undertaking if it has received a construction work concession from the state, a local government or a person specified in clauses 2)–4) of this subsection and enters into procurement contracts for construction work on the basis of such concession, or if the state, a local government or persons specified in clauses 2)–4) of this subsection jointly or separately finance the actual or all of the activities of the undertaking to the extent of more than 50 per cent, or if the state and a local government jointly or separately hold a majority of the votes or more than 50 per cent of the shares in the undertaking either directly or through other persons;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 6) an undertaking if the state or a local government has granted a special or exclusive right to the undertaking pursuant to the Competition Act (RT I 1998, 30, 410; 1999, 89, 813; 2000, 53, 343; RT III 21, 232) and if the purchasing of goods or contracting for services or construction work is necessary for the exercise of the special or exclusive right, or if the state, a local government or persons specified in clauses 2)-4) of this subsection jointly or separately hold a majority of votes or more than 50 per cent of the shares in the undertaking directly or through other persons and if the area of activity of the undertaking is either the construction or operation of permanent networks with the intention to provide services relating to the production, transportation, transmission or distribution of water, gas, electricity or thermal energy to the public, or the use of a geographic area in order to prospect for or extract fuels or enable air or water transport undertakings to use an airport, port or other terminal structure, or the operation of networks enabling the public to use services relating to railway, tramway, trolleybus or bus transport, automatic systems or cable distribution, or the construction or operation of public telecommunications networks for ensuring one or more telecommunications services.

(2) Production, transportation, transmission or distribution of water, gas, electricity or thermal energy by an undertaking to networks servicing the public is not deemed to be an activity specified in clause (1) 6) of this section if consumption of water or electricity is necessary for activities other than those specified in clause (1) 6) of this section, or if the supply of the public network depends solely on consumption by the undertaking and does not exceed 30 per cent of the average overall production of water or electricity by the undertaking during the last three years, or if production of gas or thermal energy by the undertaking results inevitably from activities other those specified in clause (1) 6) of this section, or if the public network is supplied with a surplus of gas or thermal energy for the purposes of the economic use thereof and such surplus does not exceed 20 per cent of the average turnover of the undertaking during the last three years.

§6. Equal treatment of persons

A contracting authority shall treat all persons participating in a public procurement tendering procedure (hereinafter tenderers) equally.

§7. Intention to enter into procurement contract

A contracting authority shall organize a public procurement tendering procedure (hereinafter tendering procedure) only in order to use financial resources economically and rationally and enter into a public procurement contract (hereinafter procurement contract).

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§8. Commencement and termination of tendering procedure

(1) A tendering procedure commences with the submission of an invitation to tender, design contest notice or a notice announcing a negotiated tendering procedure without prior publication of a tender notice to the register.

(2) The bases for termination of a tendering procedure are:

- 1) entry into a procurement contract or ascertaining the winner of a design contest;
- 2) rejection of all tenders;
- 3) cancellation of the tendering procedure;
- 4) no tenders or applications for participation in the tendering procedure are submitted;
- 5) expiry of the term of validity of the tenders and failure to enter into a procurement contract due to reasons attributable to the tenderer.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§9. Confidentiality

(1) Unless otherwise provided by this Act, a contracting authority shall not disclose information received from tenderers or from persons applying for participation in a tendering procedure (hereinafter applicant) concerning their business activities, nor the content of the tenders or negotiations, and tenderers and applicants shall not disclose information received from a contracting authority concerning the business activities thereof, nor the content of the tenders or negotiations.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) Notices, decisions and other documents which are referred to in this Act shall be prepared in a format ensuring full preservation of their content and shall be preserved by the contracting authority pursuant to law.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§10. Organization of tendering procedure

(1) A tendering procedure shall be organized by a contracting authority who shall designate an official responsible for the public procurement.

(2) A contracting authority has the right to authorize other persons to organize a tendering procedure and perform acts relating to the tendering procedure pursuant to the provisions of this Act.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) The Government of the Republic shall approve the list of the objects of public procurement in the case of which consolidated public procurement is applied, and the bodies organizing tendering procedures for such public procurements.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) The Government of the Republic has the right to require government agencies and state agencies administered by government agencies to organize a tendering procedure through an organizer of tendering procedures specified in subsection (3) of this section if the corresponding public procurement has been entered in the list specified in subsection (3) of this section.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(5) State agencies and profit-making state agencies are required to organize and local governments and local government agencies may organize a tendering procedure through an organizer of tendering procedures specified in subsection (3) of this section on the basis of a contract in the case of an object of public procurement entered in the list specified in subsection (3) of this section.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(6) If a tendering procedure is organized in order to enter into a framework contract through an organizer of tendering procedures specified in subsection (3) of this section, such organizer of tendering procedures is deemed to be a contracting authority within the meaning of this Act. If a tendering procedure is organized in order to enter into a procurement contract which is not a framework contract through an organizer of tendering procedures specified in subsection (3) of this section, such organizer of tendering procedures is deemed to be a contracting authority within the meaning of this Act for the duration of the tendering procedure until entry into a procurement contract.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(7) The rules for organizing public procurement of construction work or construction design shall be established by the Minister of Economic Affairs.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§11. Public Procurement Office

The Public Procurement Office (hereinafter Office) shall:

- 1) exercise state supervision to verify compliance of public procurements with the requirements established by legislation;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 2) implement an information system relating to public procurement and organize the activities of the state register of public procurements (hereinafter register);
- 3) provide information relating to public procurements to international organizations pursuant to international agreements entered into by the Republic of Estonia;
- 4) assess the functioning of the public procurement system and submit proposals for improving the system;
- 5) consult on issues relating to public procurement;
- 6) review protests;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 7) have the right to receive all necessary information concerning a public procurement and the originals or copies of documents relating to a public procurement from the contracting authority in the exercise of state supervision.

Chapter 2

Calculation of Value of Public Procurement

§12. Principles of calculation of value of public procurement

(1) If a public procurement is divided into parts, the value of each part shall be taken into account in calculating the estimated total value of the public procurement. Each part of a public procurement shall be purchased or contracted for pursuant to the tendering procedure applicable to the estimated total value of the public procurement.

(2) A contracting authority shall not divide a public procurement into parts with the intention of avoiding application of the procedures or requirements established for public procurements.

(3) If a tendering procedure is conducted for purchasing of goods or contracting for services or construction work within a specified term, the maximum estimated total value of all goods purchased and all services and construction work contracted for in such manner is deemed to be the estimated value of the public procurement.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§13. Framework contract

(1) A framework contract may be entered into for a term of up to four years, except in the case specified in subsection (2) of this section.

(2) In the case of a public procurement of construction work for which there are insufficient funds upon entry into the procurement contract, a framework contract may be entered into concerning the object of the public procurement.

(3) The contracting authority shall indicate its intention to enter into a framework contract in the invitation to tender.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§14. Additional conditions

If according to the conditions of an intended procurement contract the contracting authority acquires the right to purchase goods or contract for construction work or services in addition to the goods, construction work or services concerning the purchasing of or contracting for which the procurement contract is entered into, the value of the goods, construction work or services purchased or contracted for additionally shall be taken into account in calculating the value of the public procurement.

§15. Calculation of value of public procurement

(1) In the case of contracting for services on the basis of an intended procurement contract for an unspecified term or a procurement contract with a term of more than 48 months, the estimated value of the public procurement shall be calculated on the basis of the value of the services to be provided during one month, multiplied by 48.

(2) In the case of contracting for insurance services, the amount of insurance premiums to be paid, and in the case of contracting for banking or other financial services, the interests, service charges and other types of payment shall be taken into account in calculating the estimated value of a public procurement.

(3) If a public procurement prescribes purchasing of goods together with contracting for services, the estimated value of the public procurement shall be calculated on the basis of the total cost of purchasing the goods and contracting for the services.

(4) If goods are purchased or services contracted for on the basis of a framework contract or a recurring procurement contract, the estimated value of the public procurement shall be calculated:

- 1) on the basis of the total value of similar procurement contracts entered into during the previous calendar year or the last twelve months, adjusted, if possible, by the changes expected to occur in the quantities or prices of the goods or services in the forthcoming twelve months, or
- 2) on the basis of the total value of all contracts entered into during the 12 months following the entry into the previous procurement contract or during the entire period of validity of the current procurement contract if such period is longer than 12 months, depending on which method yields the largest amount.

(5) In the case of contracting for construction work, the estimated value of the public procurement shall be calculated on the basis of the total value of all different types of construction work to be performed.

(6) A contracting authority shall include in the estimated value of construction work the estimated value of the goods and services which are necessary and made available to the tenderer by the contracting authority.

(7) The estimated value of a construction work concession shall be calculated on the basis of the amount which the contracting authority would have to pay for the construction work if, instead of granting the construction work concession, the contracting authority contracted for the performance of construction work.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§16. International value thresholds

(1) In the case of purchasing of goods or contracting for services, the international value thresholds for public procurements are as follows:

- 1) in the case of a state agency, €130,000;
- 2) in the case of any other contracting authority, except a contracting authority specified in clause 5 (1) 6) of this Act, €200,000;
- 3) in the case of a contracting authority specified in clause 5 (1) 6) of this Act, except an undertaking providing cable distribution or telecommunications services to the public, €400,000;
- 4) in the case of an undertaking specified in clause 5 (1) 6) of this Act which provides cable distribution or telecommunications services to the public, €600,000.

(2) In the case of contracting for construction work, the international value threshold is €5 million.

(3) In order to decide whether the estimated value of a public procurement reaches an international value threshold provided for in subsections (1) and (2) of this section, the estimated value of the public procurement shall be calculated net of value added tax, whereas:

- 1) upon purchasing of goods, calculation of the estimated value of the public procurement shall, in the case of an intended procurement contract for a specified term, be based on the estimated total value of the procurement contract during the entire period of validity of the procurement contract, and in the case of an intended procurement contract for an unspecified term or a procurement contract with a resolutive condition or in the case it is not possible to determine the exact term of a procurement contract, on the estimated total value of the procurement contract during the first 48 months;
- 2) upon contracting for services without indicating the total value, calculation of the estimated value of the public procurement shall, in the case of an intended procurement contract for a term of up to 48 months, be based on the total value of the services to be provided for during the entire period of validity of the procurement contract.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§17. Division of public procurement into parts in one tendering procedure

(1) A contracting authority may divide a public procurement conducted in one tendering procedure into parts, whereas such division may be effected according to the objects or the quantity or both the objects and the quantity.

(2) If a contracting authority divides a public procurement into parts, the permissible sizes of the parts shall be clearly indicated in the invitation to tender or tender documents.

Chapter 3

Notices

§18. Prior notices

(1) If the estimated value of a public procurement in the case of purchasing of goods or contracting for services is €750,000 or more or, in the case of contracting for construction work, €5 million or more, and the contracting authority intends to organize the public procurement during the forthcoming 12 months, the contracting authority shall communicate the following by means of a prior notice submitted at the beginning of the financial year:

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

- 1) in the case of purchasing of goods, the estimated value of the public procurement, broken down by the types of the goods;
- 2) in the case of contracting for services, the estimated value of the public procurement, broken down by the types of the services;

- 3) in the case of contracting for construction work, the estimated value and essential characteristics of the public procurement.
- (2) A contracting authority shall submit a prior notice to the register in Estonian and shall add a translation of the notice into English.
- (3) A prior notice shall contain the information provided for in clauses (1) 1), 2) or 3) of this section and 19 (1) 1), 2) and 3) of this Act.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (4) The formal requirements for prior notices and the procedure for submission of prior notices shall be established by the Minister of Economic Affairs.

§19. Notice of invitation to tender

- (1) In the case of a public procurement by open tendering procedure, restricted tendering procedure or negotiated tendering procedure with prior publication of a tender notice, the contracting authority shall submit an invitation to tender to the register for publication and the notice shall contain at least the following information:
 - 1) the name, address and other details of the contracting authority, and the registry code thereof if it has a registry code;
 - 2) the name and characteristics of the object of the public procurement and the code or codes of the standard classification of objects of public procurements corresponding to the object of public procurement as precisely as possible;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 3) the type of the tendering procedure;
 - 4) the name, official title and details of the person responsible for the public procurement;
 - 5) the due date for the performance of the procurement contract;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 6) in the case of an open tendering procedure, the place and conditions of issuing the tender documents;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 7) in the case of an open tendering procedure, the minimum qualification requirements for the economic and technical conditions of the tenderers;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 8) whether a tender security is required and the amount thereof;
 - 9) the amount to be paid for the tender documents;
 - 10) in the case of an open tendering procedure, the place, due date and time for the submission of tenders;

- 11) in the case of a restricted tendering procedure or a negotiated procedure with prior publication of a tender notice, the place, due date and time for submission of written applications for participation in the tendering procedure;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 12) in the case of a restricted tendering procedure or a negotiated tendering procedure with prior publication of a tender notice, the qualification requirements for the applicants and a notation indicating the information and documents to be annexed to a written application for participation in the tendering procedure for the purposes of evaluation of the qualifications of the tenderers;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 13) in the case of a restricted tendering procedure, objective selection criteria for the tenderers.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (2) Invitations to tender shall be submitted in Estonian.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (3) In the case of a public procurement the value of which equals or exceeds an international value threshold, the contracting authority shall submit a translation of the invitation to tender into English, in other cases a summary of the invitation in English may be annexed. A summary of an invitation to tender in English shall contain at least the information provided for in clauses (1) 1), 2) and 6) and 10) or 11) and 12) of this section.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (4) In the case of an open tendering procedure, restricted tendering procedure or negotiated procedure with prior publication of a tender notice, the contracting authority shall not make the invitation to tender public before the invitation has been entered in the register. If an invitation to tender is amended, the name of the object and characteristics of the public procurement and, in the case of an opening tendering procedure, the minimum qualification requirements for the economic and technical conditions of the tenderers, and the requirement of a tender security and the amount thereof shall not be changed.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (5) If a code of the standard classification of objects of public procurements is allocated to an object of public procurement, such allocation shall be effected pursuant to the subdivision of the standard classification of objects of public procurements which corresponds to the object of public procurement as precisely as possible.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (6) The standard classification of objects of public procurements shall be approved by the Minister of Economic Affairs.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (7) The formal requirements for invitations to tender and the procedure for submission thereof shall be established by the Minister of Economic Affairs.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§20. Declarations

(1) Within ten days after the end of a tendering procedure, the contracting authority shall submit a public procurement declaration (hereinafter declaration) to the register.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) Within 10 days after deciding the winner of a design contest, the contracting authority shall submit a corresponding declaration to the register.

(3) Declarations submitted by contracting authorities specified in clause 5 (1) 6) of this Act shall not contain information the disclosure of which may be contrary to the public interest or damage the lawful business interests of other persons or free competition.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) A declaration shall set out:

1) the name, address and other details of the contracting authority, and the registry code thereof if it has a registry code;

2) the name and characteristics of the object of the public procurement and the code or codes of the standard classification of objects of public procurements corresponding to the object of public procurement as precisely as possible;

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

3) the type of the tendering procedure;

4) the name, official title and details of the person responsible for the public procurement;

5) the names, addresses and other details of the tenderers who submitted tenders, and the registry codes thereof if they have a registry code;

6) the names, addresses and other details of the qualified tenderers, and the registry codes thereof if they have a registry code;

7) the due date for entry into the procurement contract, the value of the procurement contract and other essential conditions;

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

8) the values of all tenders declared to be in conformity or, in the case several evaluation criteria are applied, the values of all tenders declared to be in conformity and the value points attained according to the evaluation criteria or other evaluation results and the names and registry codes (if they exist) of the tenderers who submitted the corresponding tenders;

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

9) information concerning appeals filed with a court in the course of the tendering procedure;

10) in the case of cancellation of the tendering procedure or rejection of all tenders, the reasons why and the basis on which this was done;

- 11) if open tendering is not used, the grounds for the selection of the tendering procedure.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (5) A declaration of a design contest shall set out:
 - 1) the name, address and other details of the contracting authority, and the registry code thereof if it has a registry code;
 - 2) the subject and characteristics of the design contest;
 - 3) the names and addresses of the participants in the design contest;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 4) the name and address of the person who submitted the award-winning project;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 5) information concerning the qualifications required of the participants in the design contest or confirming the lack thereof;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 6) the total value of the design contest awards and other amounts payable to the participants in the contest;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 7) a summary of the evaluation and comparison of the projects.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (6) The formal requirements for declarations and the procedure for submission thereof shall be established by the Minister of Economic Affairs.

§21. Public procurement report

- (1) Within 10 days after the date of expiry of a procurement contract, the contracting authority shall prepare a written public procurement report which shall set out:
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 1) the name, address and other details of the contracting authority, and the registry code thereof if it has a registry code;
 - 2) the name and characteristics of the object of the public procurement and the code or codes of the standard classification of objects of public procurements corresponding to the object of public procurement as precisely as possible, and the total value of the public procurement;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 3) amendments to the essential conditions of the procurement contract;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 4) complaints filed in the course of performance of the procurement contract.
- (2) A public procurement report shall be preserved until the end of the fourth year following expiry of the procurement contract.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) A contracting authority shall submit a public procurement report to the register promptly after completion of the report.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) The formal requirements for public procurement reports and the procedure for submission thereof shall be established by the Minister of Economic Affairs.

§22. Register

(1) Information concerning prior notices, notices, invitations to tender, design contest notices, declarations, public procurement reports and protests shall be entered in the register.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) The register shall be established and the statutes for the maintenance of the register shall be approved by the Government of the Republic.

(3) The Office is the chief and authorized processor of the register.

(4) The register shall be maintained in the form of a computer database.

(5) Prior notices, notices, invitations to tender, design contest notices, declarations, public procurement reports and information concerning protests shall be submitted to the register in electronic form.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(6) The main functions of the register are:

1) entry of information concerning prior notices, notices, invitations to tender, design contest notices, declarations, public procurement reports and protests in the register;

2) processing of information concerning prior notices, notices, invitations to tender, design contest notices, declarations, public procurement reports and protests entered in the register.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(7) Contracting authorities, except for those specified in clause 5 (1) 1) of this Act, shall pay a state fee for entry of information concerning a prior notice, invitation to tender or design contest notice in the register.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(8) Persons who submit information to the register shall be responsible for the correctness of such information.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§23. Disclosure of information entered in register

(1) The register shall be public.

(2) Information concerning the following items in the register shall be published on the web site of the register:

1) prior notices;

- 2) notices;
- 3) invitations to tender;
- 4) design contest notices;
- 5) declarations;
- 6) public procurements reports;
- 7) protests.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) The register shall ensure access to information entered in the register for five years after expiry of the corresponding procurement contract or end of the corresponding design contest.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

Chapter 4

Tender Documents

§24. Tender documents

- (1) Tender documents shall contain at least the following information:
 - 1) the due date for the performance of the procurement contract;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 2) the technical specification;
 - 3) the evaluation criteria which will be used for selecting successful tenders and which may be either the lowest price only or the economically most advantageous tender which, depending on the specific object of the public procurement, may be determined on the basis of different criteria allowing for objective evaluation, and of their relative proportion in percent or value points;
 - 4) the terms and conditions of the procurement contract to the extent that the contracting authority is able to submit at the moment;
 - 5) the conditions of payment;
 - 6) the amount of tender security if the contracting authority demands submission of tender security;
 - 7) the language or languages in which the tender is to be submitted;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 8) the currency unit or units in which the value of the tenders is to be submitted;
 - 9) the address to which the tenders are to be sent or delivered;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

- 10) instructions for the marking of the envelope in which the tenders are to be submitted;
- 11) the due date and time for the submission of tenders;
- 12) the address from which additional information concerning the public procurement and the content of the tender documents can be obtained, and other details;
- 13) the tender validity period;
- 14) the place, date and time of opening the tenders;
- 15) in the case of open tendering, the qualification requirements for tenderers and a notation indicating the information and documents to be annexed to the tender for the purposes of evaluating the qualifications of the tenderers;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 16) if the contracting authority prescribes the possibility of rejecting all tenders, a notice concerning the conditions under which the contracting authority reserves the right to do so;
- 17) the possibility of and the procedure for submitting a joint tender if the contracting authority prescribes such possibility;
- 18) the structure of the tender.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) In tender documents, the contracting authority may require the tenderers to indicate in their tenders the share of the contract which they intend to perform themselves and the share of the contract which they intend to subcontract to third parties, whereas subcontracts shall not reduce the liability of the tenderer.

(3) A contracting authority may charge a fee for tender documents if the amount of the fee has been indicated in the invitation to tender. The amount of the fee shall not exceed the cost for the photocopying and delivery of the tender documents.

(4) If an invitation to tender prescribes a fee for the tender documents, the contracting authority shall issue the tender documents after payment of the fee indicated in the invitation.

(5) A contracting authority shall enable persons interested in participation in a tendering procedure to access tender documents at the contracting authority without charge.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(6) In the case of a negotiated tendering procedure with prior publication of a tender notice or negotiated tendering procedure without prior publication of a tender notice, the contracting authority shall submit the information specified in subsection (1) of this section in the tender documents to the extent it considers necessary.

§25. Amendments to tender documents

A contracting authority may make amendments to tender documents on the condition that such amendments be sent during one and the same day of the first half of the term for submission of tenders to all tenderers who received the tender documents. If a protest or appeal is filed, the contracting authority may extend the term for submission of tenders.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§26. Technical specification

(1) A technical specification is a list of characteristics or a description of the process affecting the characteristics of goods purchased or construction work or services contracted for by way of public procurement. In the case of contracting for construction work, the technical specification consists in building design documentation containing corresponding drawings, explanations, qualification requirements and other necessary documents to the extent permitting contracting for construction work.

(2) A technical specification shall not create advantages to certain tenderers over their competitors and give rise to barriers to international trade.

(3) In the preparation of a technical specification, the contracting authority shall not use the advice of persons who may have business interests with regard to the public procurement.

§27. Preparation of technical specification

(1) A technical specification may be prepared on the basis of a technical regulation or standard.

(2) Goods of a specific make or obtainable from a specific source or through a specific process, which would favour or eliminate the participation of certain tenderers may be listed in a technical specification only if such specification is unavoidable due to the special character of the object of the public procurement.

(3) Information concerning specific origins or methods of production, types, trademarks or patents shall be listed or referred to in a technical specification only if such list or reference is accompanied by the words "or equivalent" or if the characteristics of the object of the public procurement are otherwise not sufficiently precise and intelligible to all parties.

§28. Standards

(1) A technical specification may refer to international standards if these have not been introduced as Estonian standards.

(2) Contracting authorities may derogate from the requirements provided for in subsection 27 (1) of this Act and subsection (1) of this section if:

- 1) the object of the public procurement does not conform to the specified standards;
- 2) the use of such standards would oblige the contracting authority to purchase goods which are not compatible with the goods already in use or would entail disproportionate additional costs or technical difficulties;

- 3) such standards are not suitable for the application in question and do not take into consideration the technical innovations which have occurred after the introduction of the standards;
- 4) the object of the public procurement is of a genuinely innovative nature and therefore the application of existing standards is not possible;
- 5) the technical regulations or standards contradict each other.

(3) On the basis of a corresponding request, a contracting authority shall provide tenderers with the opportunity to access the technical regulations or standards which are referred to in the tender documents or which the contracting authority intends to use for the public procurement referred to in the prior notice. If a technical specification is based on documents accessible to the tenderers, a reference to such documents is sufficient.

Chapter 5

Tenderers and Applicants

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§29. Tenderers and applicants

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(1) Legal persons in private law, legal persons in public law and natural persons may be tenderers or applicants.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) If several tenderers or applicants submit a joint tender or application for participation in a tendering procedure, such tenderers or applicants shall authorize a representative from among themselves for the performance of the subsequent acts relating to the tendering procedure and entry into and performance of the procurement contract. The authorization document shall be submitted together with the joint tender or application for participation in the tendering procedure.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§30. Qualification of tenderers or applicants

(1) Contracting authorities are required to verify the qualifications of tenderers and applicants.

(2) Upon verification of the qualifications of an applicant in the case of a restricted tendering procedure or negotiated tendering procedure with prior publication of a tender notice, the qualification requirements prescribed for tenderers shall be applied to the applicant.

(3) In the case of an open tendering procedure, the contracting authority shall verify the qualifications of the tenderers before reviewing the contents of the tenders.

(4) In the case of a restricted tendering procedure or negotiated tendering procedure with prior publication of a tender notice, the contracting authority shall verify the qualifications of an applicant before submission of the tender documents. A tenderer may be subsequently disqualified only if the contracting authority becomes aware of new circumstances.

(5) In the case of a negotiated tendering procedure without prior publication of a tender notice, the contracting authority shall verify the qualifications of tenderers either before or after submission of tender documents upon purchasing of goods or contracting for services and before submission of tender documents upon contracting for construction work.

(6) The qualifications of tenderers who submit a joint tender shall be verified separately, whereas:

- 1) the indicators resulting from adding the corresponding indicators of the tenderers shall comply with the requirements set out in the tender documents;
- 2) in the case of a joint tender submitted upon contracting for construction work with the estimated value of more than EEK 3 million, the corresponding indicators of one tenderer shall, in addition to the provisions of clause 1) of this subsection, comply with at least 40 per cent of the requirements specified in the tender documents.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§31. Verification of qualifications of tenderers

(1) Upon verification of the qualifications of a tenderer, the contracting authority shall verify whether:

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

- 1) the financial status and technical competence of the tenderer comply with the specified requirements;
- 2) the tenderer is solvent, the tenderer's assets are not sequestered, and no liquidation proceeding has been initiated and no bankruptcy order has been issued with respect to the tenderer;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 3) the tenderer has performed all the obligations thereof with respect to state and local taxes, has submitted information to the contracting authority concerning the amount of social tax paid by the tenderer on the remuneration paid to the employees thereof during the last three calendar years or concerning the amount of social security charge applicable in the home country of the tenderer and has granted written consent to submission of a corresponding inquiry to the Tax Board or other competent institution.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 4) the tenderer has, during the last three years, performed all public procurement contracts as required.

(2) A contracting authority may require a tenderer to submit only the information necessary for verifying the qualifications of the tenderer, and shall take into consideration the legitimate interests of the tenderer relating to the protection of the business secrets thereof.

§32. Entry of tenderer in commercial or professional register

(1) A contracting authority may require a tenderer to prove that the tenderer is entered in a commercial or professional register according to the laws of the home country of the tenderer, or to submit confirmation that the tenderer has taken a corresponding oath of office.

(2) If a tenderer is required to hold an activity licence or be a member of a corresponding organization in order to perform a public procurement in the home country of the tenderer or in Estonia, the contracting authority may require the tenderer to submit proof concerning such activity licence or membership.

§33. Financial status of tenderer

(1) In order to verify whether the financial status of a tenderer meets the requirements set by the contracting authority, the contracting authority shall, taking into account the nature, amount and purpose of the goods to be purchased or construction work or services to be contracted for, require submission of one or several of the following documents:

- 1) the annual report or an extract from the annual report, if publication of the annual report is required under the law of the home country of the tenderer;
- 2) an extract indicating the net turnover of the tenderer during the last three financial years as concerns the object of the public procurement in question;
- 3) in the case of contracting for services, confirmation concerning the corresponding professional liability insurance.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) If submission of the documents specified in subsection (1) of this section is not possible, the contracting authority may require the tenderer to submit other data and documents necessary for assessing the financial status of the tenderer.

(3) If, for good reason, a tenderer is unable to submit the documents required by the contracting authority, the tenderer may prove its financial status by any other documents accepted by the contracting authority.

§34. Technical competence of tenderers

(1) In order to assess the technical competence of a tenderer, the contracting authority shall, depending on the nature, amount and purpose of the goods to be purchased or construction work or services to be contracted for, require submission of one or several of the documents listed in subsections (2)–(4) of this section.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) In the case of purchasing of goods, the contracting authority may require a tenderer to submit:

- 1) a list of similar transactions for the purchase and sale of goods in which the tenderer has participated during the last three years, together with the values, due dates and indication of contracting authorities;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 2) a description of the technical capacity, measures for ensuring quality, and research and scientific capacity of the tenderer, accompanied, if necessary, by proof;
- 3) information concerning the technical staff or technical units whom the tenderer intends to use in the performance of the public procurement contract;
- 4) samples, descriptions or photographs of the goods being purchased, whereas the authenticity thereof shall be proved if the contracting authority so requires;

5) documents to prove that the goods comply with specific regulations or standards.

(3) In the case of contracting for construction work, the contracting authority may require a tenderer to submit:

- 1) proof of the professional qualifications of the tenderer's specialists and persons responsible for performing the construction work;
- 2) a list of similar construction work, if any, performed during the last three years and information concerning the value, time, site and the authorities contracting for the construction work and confirmation that the construction work was performed properly and according to good building practice;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 3) a statement that the tenderer has the tools, equipment and machinery necessary to perform the construction work;
- 4) a statement of the average number of employees of the tenderer during the last three years;
- 5) information concerning the technical staff or technical units whom the tenderer intends to use in the performance of the construction work;
- 6) a statement of the measures for ensuring quality, used by the tenderer;
- 7) data concerning the subcontractors which the tenderer intends to use in the performance of the procurement contract.

(4) In the case of contracting for services, the contracting authority may require a tenderer to submit:

- 1) proof of the professional qualifications of the tenderer's specialists and persons responsible for providing the services;
- 2) a list of similar services, if any, provided during the last three years, and documents indicating the value, time of provision and the authorities contracting for the services;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 3) information concerning the technical staff or technical units whom the tenderer intends to use in the provision of the services;
- 4) a statement of the average number of employees of the tenderer during the last three years;
- 5) a statement that the tenderer has the tools, equipment and machinery necessary to provide the services;
- 6) a description of the technical capacity, measures for ensuring quality, and research and scientific capacity of the tenderer, accompanied, if necessary, by proof;
- 7) data concerning the subcontractors which the tenderer intends to use in the performance of the procurement contract.

§35. Removal of tenderer from tender

(1) A contracting authority is required to exclude a tenderer from a tender at any time if it becomes evident that the tenderer has submitted false information or falsified documents.

(2) A tenderer is disqualified if:

- 1) the tenderer is bankrupt or undergoing liquidation, the business activities thereof are suspended or it is in any other similar situation pursuant to the law of the home country of the tenderer;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 2) compulsory liquidation or other similar proceedings have been initiated with regard to the tenderer pursuant to the law of the home country of the tenderer;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 3) the tenderer has not performed the obligations thereof regarding payment of state or local taxes;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 4) a court judgment which has entered into force proves that the tenderer has, during the last three years, failed to perform as required a procurement contract entered into with the tenderer as a result of a tendering procedure;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 5) the tenderer has failed to submit the data or documents required by the contracting authority on the basis of this Act;
- 6) the tenderer does not meet the requirements prescribed by legislation for operating in the corresponding field of activity or the financial status or technical competence of the tenderer is not in compliance with the requirements set by the contracting authority.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) In the cases listed in clauses (2) 1)–4) of this section, documents issued by a competent authority are considered as acceptable proof.

(4) If the home country of a tenderer does not issue the relevant documents, they may be replaced by a declaration made by the person concerned before a notary or other such competent official of the home country of the tenderer.

§36. Registration of tenderers

(1) A tenderer whose seat is within a State Party to the European Economic Area Agreement, may, in order to prove the qualifications of the tenderer according to the requirements provided for in clauses 31 (1) 1) and 2) and §32 of this Act, provide the contracting authority with a registration certificate issued by a competent body of the home country of the tenderer concerning the entry of the tenderer in the official list of tenderers. A registration certificate shall contain references to the basis for registration and the classification of the tenderer.

(2) A contracting authority may require all tenderers registered in an official list to submit additional confirmation concerning payment of social tax in addition to the registration certificate specified in subsection (1) of this section.

§37. System for qualifying tenderers

(1) Contracting authorities specified in clause 5 (1) 6) of this Act may use a qualifying system for tenderers both in the case of public procurements the estimated value of which is lower than an international threshold and public procurements the value of which equals or exceeds an international value threshold. Contracting authorities specified in clauses 5 (1) 1) –5) of this Act may use a qualifying system for tenderers in the case of a negotiated tendering procedure without prior publication of a tender notice and in the case of a public procurement the estimated value of which is lower than an international value threshold.

(2) A contracting authority may establish a system for qualifying tenderers, based on objective criteria and the provisions of this Act.

(3) Contracting authorities who establish a system for qualifying tenderers based on qualification criteria and rules shall ensure that it is possible, at all times, for interested persons to:

- 1) access the criteria and rules for qualifying tenderers, whereas interested persons shall be notified of amendments to such criteria or rules;
- 2) apply for qualification.

(4) A contracting authority may use lists of qualified tenderers compiled by other persons on the condition that the qualification systems used are in accordance with the requirements of the contracting authority and the provisions of this Act. In such case, the contracting authority shall notify interested persons of the names of the persons who compiled the lists of qualified tenderers.

(5) A contracting authority shall inform applicants of the decision concerning qualification. If the decision concerning qualification cannot be made within two months, the contracting authority shall inform applicants of the reasons for the delay and notify them of the date on which the decision is to be made within two weeks after submission of the applications.

(6) Applicants who are disqualified shall be informed of the corresponding decision and grounds for disqualification. The grounds for disqualification shall be based on the criteria for qualifying tenderers, specified in subsection (2) of this section.

(7) A contracting authority shall not require tenderers to submit documents which duplicate documents already submitted to such contracting authority by the corresponding tenderer.

(8) Written records shall be kept of qualified tenderers. The corresponding list may be subdivided into categories according to the object of public procurement to which the qualification applies.

(9) Contracting authorities may disqualify of a tenderer only on grounds arising from criteria for qualification specified in subsection (2) of this section. A tenderer shall be notified of disqualification and the reason therefor shall be indicated.

(10) A contracting authority shall submit a notice concerning the establishment of a system for qualifying tenderers to the register and the notice shall contain at least the following information:

- 1) the name, address and other details of the contracting authority, and the registry code thereof if it has a registry code;
- 2) the time of establishing the criteria and rules for qualifying tenderers;
- 3) the place and time for accessing the criteria and rules for qualifying tenderers.

(11) The formal requirements for the notice specified in subsection (10) of this section and the procedure for submission thereof shall be established by the Minister of Economic Affairs.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§38. Security

(1) A contracting authority may demand security from a tenderer in order to ensure compensation for damage in full or in part in the case the tenderer fails to perform the obligations thereof.

(2) The existence of security shall be certified by a guarantee document issued by a credit or financial institution or an insurance agency or by depositing a sum of money in the bank account of the contracting authority or organizer of tendering procedures specified in subsection 10 (3) of this Act.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) In the case of purchasing of goods or contracting for construction work or services, the security demanded shall not exceed one per cent of the estimated value of the public procurement according to the assessment of the contracting authority.

(4) The same amount of tender security shall be demanded from all tenderers.

(5) A contracting authority is not required to return tender security to a tenderer if:

- 1) the tenderer withdraws the tender within the tender validity period;
- 2) the tenderer refuses to enter into a procurement contract in accordance with the tender submitted by the tenderer.

(6) Tender security shall be returned to a tenderer within three working days:

- 1) after expiry of the tender validity period or after entry into force of the procurement contract specified in clause 2) of this subsection if the entry into force precedes the expiry of the tender validity period, except in the case specified in clause (5) 2) of this section;
- 2) after the entry into force of the procurement contract, in the case of the tenderer who submitted the successful tender;
- 3) in the case of cancellation of the tendering procedure;
- 4) upon disqualification of the tenderer;
- 5) upon withdrawal of the tender before the due date for submission of tenders;
- 6) if tenders are rejected on the grounds provided for in subsection 43 (4) or 44 (1) of this Act.

(7) In the case of a public procurement of construction work, the security for the performance period shall be 10 per cent and the security for warranty period two per cent of the value of the tender.

Chapter 6

Submission, Amendment, Withdrawal, Opening, Declaration of Suitability and Rejection of Tenders

§39. Submission, amendment and withdrawal of tenders

(1) A tender shall comply with the requirements set out in the tender documents and shall be in no way misleading.

(2) A tender shall be submitted in writing and in a sealed envelope containing a separate sealed and marked envelope with the value of the tender.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) The contracting authority shall provide a tenderer with a certificate concerning receipt of a tender and the date and time of receipt of the tender shall be indicated in the certificate.

(4) Tenderers may submit a joint tender if such opportunity is prescribed in the tender documents.

(5) A tenderer may amend a tender by submitting a new tender or withdraw a tender, whereas the corresponding written notice shall be submitted to the contracting authority before the due date for submission of tenders.

§40. Term for submission of tenders and applications for participation in tendering procedure

(1) In open tendering procedures, the period of time between the publication of an invitation to tender and the due date for submission of tenders shall be, in the case of procurement contracts the value of which:

1) is lower than an international value threshold, not less than 14 days upon purchasing of goods or contracting for services, and not less than 30 days upon contracting for construction work;

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

2) equals or exceeds an international value threshold, generally not less than 52 days or not less than 36 days, whereas due to time constraints or in simpler cases not less than 22 days, if the contracting authority has, in the prior notice, indicated all necessary information concerning the open tendering procedure which is known at the time, on the condition that the prior notice was published at least 52 days but not more than 12 months before publication of the invitation to tender.

(2) In restricted tendering procedures, the period of time between the publication of the invitation to tender and the due date for submission of applications for participation in the tendering procedure shall be, in the case of procurement contracts the value of which:

1) is lower than an international value threshold, not less than 14 days;

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

- 2) equals or exceeds an international value threshold, generally not less than 37 days or not less than 15 days in cases where time constraints render compliance with the requirement of 37 days impossible.

(3) In negotiated tendering procedures with prior publication of a tender notice, the period of time between the publication of the invitation to tender and the due date for submission of applications for participation in the tendering procedure shall be, in the case of procurement contracts the estimated value of which:

- 1) is lower than an international value threshold, not less than 14 days;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 2) equals or exceeds an international value threshold, generally not less than 37 days or not less than 15 days in cases where time constraints render compliance with the requirement of 37 days impossible, or not less than 52 days if the procurement contract to be negotiated is a construction work concession contract.

(4) In restricted tendering procedures, the period of time between the issue of the tender documents and the due date for submission of tenders shall be, in the case of procurement contracts the estimated value of which:

- 1) is lower than an international value threshold, not less than 14 days upon purchasing of goods or contracting for services, and not less than thirty days upon contracting for construction work;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 2) equals or exceeds an international value threshold, not less than 40 days, or not less than 26 days if the contracting authority has, in the prior notice, indicated all information necessary for the restricted tendering procedure which is known at the time, on the condition that the prior notice was published at least 52 days but not more than 12 months before the notice of the restricted tendering procedure, or not less than 10 days in cases where time constraints render compliance with the requirement of 40 or 26 days impossible, or not less than 24 days in the case of contracting authorities specified in clause 5 (1) 6) of this Act if the contracting authority does not reach an agreement with the selected tenderers concerning a shorter time limit, on the condition that all tenderers are afforded the same amount of time for the preparation and submission of tenders.

(5) In negotiated tendering procedures with prior publication of a tender notice, the period of time between the issue of the tender documents and the due date for the submission of tenders shall be not less than 14 days upon purchasing of goods or contracting for services, and not less than 30 days upon contracting for construction work.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(6) A contracting authority may extend the time-limit for submission of tenders. Upon extension of the time-limit for submission of tenders in the case of an open tendering procedure, the contracting authority shall amend the invitation to tender and the tender documents. Upon extension of the time limit for submission of tenders in the case of a restricted tendering procedure or negotiated tendering procedure with prior publication of a tender notice, the contracting authority shall amend the tender documents. Upon amendment of an invitation to tender, the contracting authority shall notify the register of extension of the time-limit. Upon amendment of tender documents, the contracting authority shall take into account the provisions of §25 of this Act.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(7) A contracting authority may extend the time-limit for submission of applications for participation in a tendering procedure. Upon extension of the time-limit for submission of applications for participation in a restricted tendering procedure or negotiated tendering procedure with prior publication of a tender notice, the contracting authority shall amend the invitation to tender. Upon amendment of an invitation to tender, the contracting authority shall notify the register of extension of the time-limit.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§41. Tender validity period

(1) A tender shall be valid during the term indicated in the tender documents. The tender validity period commences on the due date for submission of tenders and shall not exceed 90 days.

(2) Suspension of a tendering procedure does not extend tender validity periods.

(3) A contracting authority may make a reasoned proposal for extending a tender validity period to the tenderers not later than 10 days before expiry of the tender validity period. If a tenderer refuses to extend the tender validity period, the validity shall terminate on the predetermined date.

(4) A contracting authority shall not require a tenderer to extend the validity of tender security.

§42. Opening of tenders

(1) Tenders shall be opened at the place and time specified in the tender documents or, in the case of extension of the tender validity period, at the time specified by the contracting authority.

(2) All tenderers have the right to participate in the opening of tenders personally or through their authorized representatives.

(3) At the opening of tenders, the names and registry codes of the tenderers shall be made known and the conformity of the submitted documents with the requirements set out in the tender documents shall be verified. Envelopes containing the values of the tenders shall not be opened and the contracting authority shall ensure that the envelopes remain sealed until opening of the values of tenders. A report on the opening of the tenders shall be prepared.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) A copy of a report on the opening of tenders shall be sent to the tenderers within three working days after the date of opening the tenders.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(5) In the case of rejection of a tender pursuant to subsection 43 (4) or 44 (1) of this Act, the envelope containing the value of the tender shall not be opened and shall be returned to the tenderer on the date following the expiry of the tender validity period.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(6) The contracting authority shall notify tenderers of the place, date and time of opening the values of the tenders at the opening of the tenders or together with the notice announcing the declaration of conformity or rejection of the tenders.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§43. Declaration of conformity of tenders and rejection of tenders

- (1) Contracting authorities shall verify the compliance of submitted tenders with the requirements set out in the tender documents.
- (2) A tender shall be declared to be in conformity if it complies with all the requirements set out in the tender documents.
- (3) A tender may be declared to be in conformity if it contains no substantive deviations from the conditions set out in the tender documents.
- (4) A contracting authority shall reject a tender if:
 - 1) the tenderer is not qualified pursuant to the provisions of this Act;
 - 2) the tender does not comply with the requirements set out in the tender documents.
- (5) A notice concerning declaration of tenders as being in conformity or rejection of tenders, and the reasons therefore shall be sent to the tenderers in writing within three working days after the making of the corresponding decision.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§44. Rejection of all tenders

- (1) A contracting authority may reject all tenders before entry into a procurement contract if the tender documents prescribe such possibility and the grounds therefor.
- (2) A contracting authority shall immediately send a notice concerning rejection of all tenders to all tenderers to whom tender documents were issued.
- (3) At the request of a tenderer, the contracting authority shall notify the tenderer of the grounds for rejection of all tenders.
- (4) Upon rejection of all tenders, the contracting authority shall refund the fee charged from tenderers for the tender documents.

Chapter 7

Comparison, Evaluation and Acceptance of Tenders

§45. Comparison and evaluation of tenders

- (1) A contracting authority shall compare and evaluate all tenders which have not been rejected. In the comparison and evaluation of tenders, only the criteria set out in the tender documents shall be considered.
- (2) The successful tender is a tender which, in terms of the evaluation criteria set out in the tender documents, is the most advantageous among the tenders declared suitable, whereas the success of the tender shall be objectively justifiable.

(3) The economically most advantageous tender shall be determined on the basis of the value points or other evaluation results ascribed according to the evaluation criteria to tenders declared to be in conformity. Value points or other evaluation results shall be ascribed according to the evaluation criteria as follows:

- 1) before opening the values of the tenders, the tenders shall be ranked according to the evaluation criteria, except for the value, set out in the tender documents or on the basis of the value points or other evaluation results ascribed to the tenders;
- 2) immediately after opening the values of the tenders, the value points or other evaluation results ascribed according to the value of a tender shall be added to the value points or other evaluation results ascribed to the tender according to clause 1) of this subsection.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) All tenderers have the right to attend, either personally or through an authorized representative, the opening of the values of the tenders and performance of the act specified in clause (3) 2) of this section.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(5) Upon opening the values of tenders, the intactness of the seals of the envelopes with the values of the tenders shall be verified and thereafter the names and registry codes of the tenderers and the values of the tenders submitted by the tenderers shall be announced. A corresponding report on the opening of the values of the tenders shall be prepared.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(6) A report on the opening of the values of tenders shall be sent to the tenderers within three working days after the opening of the values of the tenders.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(7) A contracting authority which has divided a public procurement into parts shall evaluate tenders according to the parts and as a whole if at least one of the tenders declared suitable concerns the entire object of the public procurement. The contracting authority shall declare the most advantageous tender for each part as the successful tender if declaring one tender as successful for all of the parts is not in compliance with the conditions specified in subsection (1) of this section.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(8) Persons who are or have been in a relationship with a tenderer which may give rise to justified doubts as to the persons' objectivity shall not participate in the evaluation of tenders.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§46. Acceptance of tenders

(1) A successful tender is deemed to be accepted after 14 days as of declaration of the tender as successful.

(2) A written notice concerning the declaration of a tender as successful shall be sent to all tenderers within three working days after the corresponding decision is made. The notice sent to the tenderers shall set out the name of the tenderer who submitted the successful tender and an explanation concerning the advantages of the successful tender over the other tenders.

§47. Alternative tenders

- (1) Contracting authorities shall evaluate alternative tenders submitted by the tenderers only if:
 - 1) the criterion for a tender to be declared successful is determination of the economically most advantageous tender;
 - 2) the criteria set out in the tender documents do not preclude submission of alternative tenders.
- (2) Contracting authorities who do not preclude submission of alternative tenders in tender documents shall not reject an alternative tender on the grounds that in the case the tender were declared successful it would concern contracting for services instead of purchasing of goods, or vice versa.

§48. Tenders of unreasonably low value

- (1) If the value of a tender is obviously unreasonably low, the contracting authority may request the tenderer to submit such information concerning the constituent elements of the tender which the contracting authority considers relevant. The contracting authority shall set a term for the tenderer for the submission of the information. Such request and the response thereto shall be prepared in writing.
- (2) A contracting authority shall take into account the circumstances which are justified on objective grounds in the explanation of the tenderer and arise from the economy of a method of construction or production, the technical solutions chosen, exceptionally favourable conditions available to the tenderer in the performance of the procurement contract or the originality of the goods, services or construction work proposed by the tenderer.
- (3) A contracting authority may reject a tender of an unreasonably low value. Rejection shall be based on the opinion of an independent expert. A contracting authority shall not reject a tender of low value if the tenderer submits a 100 per cent guarantee for the value difference between the price of the tender submitted and the estimated value of the public procurement.

§49. Notification of tenderers

- (1) A contracting authority shall, within three working days after making the corresponding decision, inform each applicant who was disqualified from participation in a tendering procedure in writing of the grounds for disqualification.
- (2) A contracting authority may decide that the advantages specified in subsection 46 (2) of this Act of a tender declared to be successful shall not be disclosed if this may:
 - 1) be contrary to the public interests;
 - 2) prejudice the legitimate business interests of the tenderers;
 - 3) prejudice free competition between tenderers.

(3) If an invitation to tender or tender documents are revoked or a decision made by the contracting authority with regard to a tendering procedure is annulled or the tendering procedure is cancelled, the contracting authority shall, within three working days, notify tenderers who received tender documents or persons who were previously qualified by the contracting authority of the corresponding decision in writing.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§50. Explanations

(1) Applicants and tenderers have the right to obtain explanations concerning the contents of invitations to tender and tender documents. The contracting authority shall provide explanations within three working days after receipt of the corresponding request and shall send the explanations concurrently also to other applicants or tenderers.

(2) In open or restricted tendering procedures, contracting authorities may request tenderers to submit reasoned and relevant explanations concerning inaccuracies or ambiguities contained in tenders. Requests and explanations shall be prepared in writing.

(3) If a tenderer fails to submit within three working days the explanations requested from the tenderer by the contracting authority on justified grounds, the tender may be rejected.

§51. Negotiations

(1) In negotiated tendering procedures with prior publication of a tender notice or negotiated tendering procedures without prior publication of a tender notice, the contracting authority has the right to decide whether and to which extent to negotiate with the tenderers.

(2) Negotiations are prohibited in open tendering procedures and restricted tendering procedures.

(3) If negotiations are held, the contracting authority shall notify tenderers of the procedure for the negotiations before the commencement of the negotiations.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) Contracting authorities shall not forward information received during negotiations to other tenderers.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§52. Entry into and entry into force of procurement contracts

(1) A written procurement contract shall be entered into not earlier than 14 days after dispatch of a notice provided for in subsection 46 (2) of this Act to the tenderer who submitted the successful tender, but not before acceptance of the tender. If a protest is filed against a decision on declaration of a tender as successful, the procurement contract shall not be entered into before the suspended tendering procedure may be resumed.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) The conditions of a procurement contract shall comply with the requirements set out in the tender documents and in the successful tender.

(3) A procurement contract which is entered into before expiry of the term specified in subsection (1) of this section or is contrary to the provisions of subsection (2) of this section is void.

§53. Tender serving as procurement contract

If tender documents prescribe that an accepted tender is equivalent to a procurement contract, the accepted tender shall enter into force as a procurement contract not earlier than fourteen days after dispatch of a notice provided for in subsection 46 (2) of this Act to the tenderer who submitted the successful tender. If a protest is filed against a decision on declaration of a tender as successful, the procurement contract shall not enter into force before the suspended tendering procedure may be resumed.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

Chapter 8

Tendering Procedures

§54. Open tendering procedure

(1) Contracting authorities shall use open tendering procedures. The use of other tendering procedures is permitted only in the cases provided for in this Act.

(2) A contracting authority shall invite all interested persons to participate in an open tendering procedure by publishing an invitation to tender.

(3) In determining the due date for submission of tenders, the contracting authority shall take into account the value and complexity of the public procurement, the volume of tender documents and the tenderer's need to contact the contracting authority in order to access the supporting documents or the construction site.

(4) A contracting authority shall issue tender documents to persons interested in participating in an open tendering procedure during the period between publication of the invitation to tender and the first due date for submission of tenders, within three working days after receipt of the corresponding application.

§55. Restricted tendering procedure

(1) A contracting authority may use a restricted tendering procedure if:

- 1) the contracting authority has approved objective selection criteria for the tenderers, and
- 2) it is economically expedient to verify the qualifications of applicants before submission of the tender documents.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) In a restricted tendering procedure, the contracting authority shall, on the basis of the financial status and technical capacity of the applicants, select the persons to whom tender documents shall be submitted concurrently.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) A contracting authority may predetermine the number of tenderers participating in a restricted tendering procedure on the condition that:

- 1) in the case of procurement contracts the value of which equals or exceeds an international value threshold, the minimum number of tenderers is not less than five and the maximum not more than 20;
- 2) the number of tenderers is determined on the basis of the nature of the goods to be purchased or construction work or services to be contracted for;
- 3) the number of tenderers participating in the tendering procedure is determined in the invitation to tender;
- 4) in the case of procurement contracts the value of which is lower than an international value threshold, the minimum number of tenderers is not less than three.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) In determining the due date for submission of tenders, the contracting authority shall take into account the value and complexity of the public procurement, the volume of tender documents and the tenderers' need to access the supporting documents or the construction site.

§56. Negotiated tendering procedure with prior publication of tender notice

(1) A contracting authority may use a negotiated tendering procedure with prior publication of a tender notice if:

- 1) all tenders were rejected in an open tendering procedure or restricted tendering procedure on the grounds provided for in subsection 43 (4) or 44 (1) of this Act or if such tendering procedure was terminated pursuant to clause 8 (2) 4) or 5) of this Act and the initial terms and conditions of the public procurement were not substantially altered;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 2) due to the nature of the construction work or services or the possible risks involved in contracting for construction work or services, it is not possible to estimate the value of the public procurement in advance;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 3) due to the nature of the services to be contracted, especially services concerning intellectual property and insurance or banking and investment services, it is not possible to determine the specific terms and conditions of the public procurement with sufficient accuracy in order to find a successful tender in an open tendering procedure or restricted tendering procedure;
- 4) the construction work or services contracted for are necessary only for the purposes of scientific research, development or testing and the expenses of the research and development work are not covered from the costs of the construction work or services;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- 5) the object of the public procurement is a construction work concession.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) In a negotiated tendering procedure with prior publication of a tender notice, the contracting authority shall, on the basis of the financial status and technical capacity of the applicants, select the persons to whom tender documents shall be submitted concurrently.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) A contracting authority may predetermine the number of tenderers participating in a negotiated tendering procedure with prior publication of a tender notice on the condition that:

- 1) in the case of procurement contracts the value of which equals or exceeds an international value threshold, the minimum number of tenderers is not less than three;
- 2) the number of tenderers participating in the tendering procedure is sufficient for ensuring competition.

§57. Negotiated tendering procedure without prior publication of tender notice

(1) Contracting authorities may use a negotiated tendering procedure without prior publication of a tender notice if:

- 1) rapid completion of the public procurement is necessary due to unforeseeable events in order to save the life or health of a person or property of substantial value or prevent damaging human life or health or property of substantial value or spread of environmental damage, or it is necessary due to national defence reasons, and the use of other tendering procedures is not possible due to time constraints;
- 2) additional goods are purchased from the initial tenderer in order to either partially replace or supplement the goods purchased previously and a change of tenderer would entail the purchasing of goods which are technically incompatible with the goods purchased previously or the use of which would cause disproportionate additional costs, whereas such additional goods may be purchased during three years after the end of the initial open tendering procedure or restricted tendering procedure;
- 3) the construction work or services to be additionally contracted for were not included in the initial public procurement but have, due to unforeseen circumstances, become necessary, on the condition that the additional procurement contract is entered into with the same tenderer and due to technical or financial reasons such additional construction work or services cannot be separated from the initial procurement without causing disproportionate costs to the parties to the procurement contract and the additional construction work or services are directly necessary for performing the procurement contract and the total value of the contracts for additional construction work or services equals or exceeds an international value threshold and does not exceed 50 per cent of the total value of the initial public procurement;
- 4) the construction work or services to be additionally contracted for were not included in the initial public procurement but have, due to unforeseen circumstances, become necessary, on the condition that the additional procurement contract is entered into with the same tenderer and due to technical or financial reasons such additional construction work or services cannot be separated from the initial procurement without causing disproportionate costs to the parties to the procurement contract and the additional construction work or services are directly necessary for performing the procurement contract and the total value of the contracts for additional construction work or services is lower than an international value threshold and does not exceed 20 per cent of the total value of the initial public procurement;

- 5) in the absence of a suitable alternative or substitute, goods can be purchased or services or construction work contracted for only from one particular tenderer due to artistic reasons or reasons connected with the protection of exclusive rights like patents or copyrights or, in the absence of competition, due to technical reasons;
 - 6) new construction work is contracted for which repeats similar construction work performed on the basis of a procurement contract entered into by the same contracting parties as a result of an open tendering procedure conducted earlier, on the condition that such construction work complies with the initial building design on the basis of which the procurement contract was entered into and the total value of the construction work is equal to or exceeds an international value threshold;
 - 7) new construction work is contracted for which repeats similar construction work performed on the basis of a procurement contract entered into by the same contracting parties as a result of an open tendering procedure conducted earlier, on the condition that such construction work complies with the initial building design on the basis of which the procurement contract was entered into and the total value of the construction work is lower than an international value threshold and not more than one year has passed from the expiry of the initial procurement contract;
 - 8) goods are purchased under especially favourable conditions if such conditions are available only for a very limited period of time, e.g. in the case of a liquidation or bankruptcy proceeding, and such conditions allow for purchasing the goods for a price which is at least 50 per cent lower than the usual market price;
 - 9) goods are purchased on the commodity exchange;
 - 10) the procurement contract is entered into with the winner of a design contest conducted pursuant to the provisions concerning open tendering procedure or restricted tendering procedure provided for in this Act;
 - 11) no tenders in compliance with the requirements were submitted in an opening tendering procedure, restricted tendering procedure or negotiated tendering procedure with prior publication of a tender notice and on the condition that the initial tendering conditions have not been substantially altered;
 - 12) goods are purchased or services contracted for only for conducting investigations or experiments or for scientific or development purposes and not in order to receive benefits therefrom, or for covering the corresponding expenses, on the condition that such purchasing of goods or contracting for services does not prejudice competition in the conclusion of subsequent contracts for similar purposes;
 - 13) the estimated value of the public procurement together with value added tax is up to EEK 200,000 per year in the case of purchasing of goods or contracting for services or up to EEK 2 million per year in the case of contracting for construction work.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (2) In a negotiated tendering procedure without prior publication of a tender notice, the contracting authority may negotiate with as many tenderers as the contracting authority considers necessary.

(3) In the case of a negotiated tendering procedure without prior publication of a tender notice, the contracting authority shall select the persons to whom tender documents shall be submitted concurrently.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) In the case of a negotiated tendering procedure without prior publication of a tender notice, contracting authorities are not required to comply with the requirements provided for in §§ 18, 19, 25 and 38, subsections 39 (2)–(5), §§ 40 and 42, subsections 43 (2)–(5) and §§ 44–46, 48–50, 52 and 53 of this Act.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(5) In a negotiated tendering procedure without prior publication of a tender notice, the contracting authority shall send a notice concerning the negotiated tendering procedure without prior publication of a tender notice to the register before the commencement of the negotiations and the notice shall set out at least the following information:

- 1) the name, address and other details of the contracting authority, and the registry code thereof if it has a registry code;
- 2) the name and characteristics of the object of the public procurement and the code or codes of the standard classification of objects of public procurements corresponding to the object of public procurement as precisely as possible;
- 3) the name, position and details of the person responsible for the public procurement;
- 4) the estimated value of the public procurement;
- 5) the due date for the performance of the procurement contract;
- 6) the names, addresses and other details of the tenderers selected by the contracting authority, and the registry codes of the tenderers if they have a registry code;
- 7) the grounds for the selection of the tendering procedure on the basis of subsection (1) of this section.

(6) The formal requirements for notices concerning negotiated tendering procedures without prior publication of a tender notice and the procedure for submission thereof shall be established by the Minister of Economic Affairs.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§58. Special rules

(1) Contracting authorities specified in clause 5 (1) 6) of this Act may use a negotiated tendering procedure with prior publication of a tender notice instead of an open tendering procedure or restricted tendering procedure.

(2) In addition to the cases provided for in §57 of this Act, a contracting authority specified in clause 5 (1) 6) of this Act may use a negotiated tendering procedure with prior publication of a tender notice if the contracting authority:

- 1) selects the tenderers from among tenderers qualified pursuant to the qualification system provided for in §37 of this Act; and

- 2) has published an invitation to tender in an open tendering procedure, restricted tendering procedure or negotiated tendering procedure with prior publication of a tender notice but there are no tenderers or applicants or no qualified tenderers or applicants, and the initial tendering conditions have not been substantially altered.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§59. Design contest

- (1) Contracting authorities shall organize design contests pursuant to the provisions concerning open tendering procedure or restricted tendering procedure provided for in this Act.
- (2) A contracting authority shall authorize the committee of a design contest to organize the contest and ascertain the winners.
- (3) Legal persons in private law, legal persons in public law and natural persons may participate in a design contest.
- (4) A notice announcing a design contest shall contain at least the following information:
 - 1) the name, address and other details of the contracting authority, and the registry code thereof if it has a registry code;
 - 2) the names of the members of the committee;
 - 3) the subject and characteristics of the design contest;
 - 4) the requirements for participants in the design contest;
 - 5) the awards of the design contest;
 - 6) requirements for the projects;
 - 7) the evaluation criteria for the projects;
 - 8) the place, due date and time for the submission of projects.
- (5) A contracting authority may restrict the number of participants in a design contest on the basis of explicit and non-discriminatory criteria. A contracting authority shall determine the number of participants in a design contest pursuant to the requirement of sufficient competition.
- (6) The committee of a design contest shall consist of persons independent of the participants in the contest. If certain professional qualifications are required from participants in a design contest, at least one-third of the members of the committee of the contest must have the same or similar qualifications.
- (7) The committee of a design contest shall be independent in its decisions and opinions. Decisions and opinions concerning anonymous projects shall be made only on the basis of the criteria set out in the notice announcing the design contest.
- (8) The formal requirements for notices announcing a design contest and the procedure for submission thereof shall be established by the Minister of Economic Affairs.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§60. Electronic public procurement

- (1) Contracting authorities have the right to conduct public procurements through corresponding web sites which are in compliance with the established requirements.
- (2) An undertaking is allowed to operate as the administrator of a web site specified in subsection (1) of this section if the undertaking has been entered in the commercial register and the state register of undertakings operating in areas of activity subject to special requirements and has entered into a liability insurance contract in compliance with the requirements.
- (3) A committee formed by the Minister of Economic Affairs (hereinafter committee) shall, on the basis of a registration application by an undertaking wishing to operate as the administrator of a web site specified in subsection (1) of this section, make a decision concerning entry of the undertaking in the state register of undertakings operating in areas of activity subject to special requirements if the undertaking has been entered in the commercial register and has entered into a liability insurance contract with the minimum amount of insurance coverage of EEK 5 million to ensure compensation for the potential damage caused by the undertaking in the administration of such web site, and the web application of the web site the undertaking wishes to administer complies with the requirements.
- (4) The committee shall decide to refuse to enter an undertaking in the state register of undertakings operating in areas of activity subject to special requirements if the undertaking has not been entered in the commercial register or has not entered into a liability insurance contract in compliance with the requirements or the web application of the web site the undertaking wishes to administer does not meet the established requirements.
- (5) The committee shall decide to delete the data concerning an undertaking operating as the administrator of a web site specified in subsection (1) of this section from the state register of undertakings operating in areas of activity subject to special requirements on the basis of an application by the undertaking, or if the data concerning the undertaking have been deleted from the commercial register or the undertaking does not hold a liability insurance contract in compliance with the requirements or the web application of the web site administered by the undertaking no longer meets the established requirements.
- (6) The membership and rules of procedure of the committee shall be approved by the Minister of Economic Affairs.
- (7) A registration application shall set out at least the following information:
 - 1) the name, registry code, address and other details of the undertaking;
 - 2) the amount and term of validity of the liability insurance coverage and the name, registry code, address and other details of the undertaking which issued the document certifying the existence of the liability insurance;
 - 3) a description of the web application of the web site;
 - 4) the address of the web site;
 - 5) the name, official title and details of the person who signed the registration application.

(8) The following data shall be entered in the state register of undertakings operating in areas of activity subject to special requirements:

- 1) the name, registry code, address and other details of the undertaking;
- 2) the amount and term of validity of the liability insurance coverage and the name, registry code, address and other details of the undertaking which issued the document certifying the existence of the liability insurance;
- 3) a description of the web application of the web site;
- 4) the address of the web site;
- 5) the name, official title and details of the person who signed the registration application;
- 6) data concerning the decisions of the committee.

(9) The registration data specified in subsection (8) of this section shall be published on the web site of the state register of undertakings operating in areas of activity subject to special requirements.

(10) The administrator of a web site specified in subsection (1) of this section shall be responsible for compensation for damage caused by violation of the requirements established for the web applications of web sites specified in subsection (1) of this section.

(11) The requirements for the web applications of web sites specified in subsection (1) of this section and the procedure for the assessment of the conformity of such web applications to the established requirements shall be established by the Minister of Economic Affairs.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

Chapter 9

Submission and Review of Protests

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§61. Contestation of activities of contracting authorities

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

A tenderer or a person interested in participating in a tendering procedure who finds that the contracting authority has violated the tenderer's rights or damaged the tenderer's interests by violating the provisions of this Act in the course of the tendering procedure may file a protest against the activities of the contracting authority.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§62. Submission of protests

(1) Protests concerning invitations to tender, tender documents or decisions of contracting authorities concerning qualification of applicants, refusal to qualify applicants, qualification of tenderers or refusal to qualify tenderers, declaration of a tender to be in conformity, rejection of a tender, rejection of all tenders or declaration of a tender as successful shall be filed with the Office.

(2) Protests shall be filed within seven working days after the date the person filing the protest becomes or should have become aware of the violation of the rights or damage to the interests of the person, but not after the contracting authority has accepted the successful tender. A protest concerning tender documents shall be filed before the contracting authority opens the tenders.

(3) A protest shall be filed in writing and shall set out:

- 1) the name, address and other details of the person filing the protest;
- 2) the name, address and other details of the contracting authority;
- 3) the content of the invitation to tender, tender documents or decision against which the protest is filed and the reasons why the person filing the protest considers this to be a violation of the rights or damage to the interests of the person;
- 4) the clearly expressed request of the person filing the protest;
- 5) a list of the documents annexed to the protest.

(4) The person filing a protest shall annex to the protest information at his or her disposal concerning the tendering procedure which is the subject of the protest, and a document certifying payment of the state fee.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§63. Organization of review of protests

(1) The Office has the right to require a contracting authority to submit all documents necessary for the review of a protest.

(2) The contracting authority shall submit the required documents to the Office within two working days after the receipt of the corresponding request from the Office.

(3) Before the review of a protest, the Office has the right to require the contracting authority to submit a written statement concerning the content of the protested invitation to tender, tender documents or decision and the contracting authority shall submit the statement to the Office within two working days after the receipt of the corresponding request from the Office.

(4) The Office shall refuse to review a protest and shall make a corresponding decision if:

- 1) the protest is not filed within the specified term;
- 2) the protest fails to comply with the requirements provided for in subsection 62 (3) of this Act or a document certifying payment of the state fee has not been annexed to the protest;
- 3) the protest is not filed against an invitation to tender, tender documents or a decision specified in subsection 62 (1) of this Act;
- 4) a decision or precept specified in subsection 70 (1) of this Act has been made or issued.

(5) If the Office finds that a protest filed does not comply with the requirements provided for in subsection 62 (3) of this Act or a document certifying payment of the state fee has not been annexed to the protest, it shall return the protest to the person who filed it and set a term of two working days for eliminating the deficiencies. If the person who filed the protest fails to eliminate the deficiencies within the specified term, the Office shall refuse to review the protest.

(6) The Office has the right to involve experts in the review of a protest. An expert may submit his or her opinion in writing or at a public session. The expenses relating to the submission of a protest, consisting of the state fee and the certified expenses relating to the involvement of experts, including expert's fees, shall be borne by the person submitting the protest if the review of the protest terminates on the basis of clause 65 (6) 1) or 3) of this Act or by the contracting authority if the review of the protest terminates on the basis of clause 65 (6) 2), 4) or 5) of this Act. The amount of expenses relating to the submission of a protest shall be determined by a decision of the Office.

(7) Expert's fees shall be determined on the basis of the amount equalling three times the hourly wage corresponding to the salary rate at the highest level of the salary scale for state public servants.

(8) Information concerning protests shall be entered in the register.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§64. Suspension of tendering procedure

(1) Upon receiving a protest concerning which there are no grounds provided for in subsection 63 (4) for refusing to review the protest, the Office is required to notify the contracting authority of submission of a protest against the activities of the contracting authority in the tendering procedure and send a copy of the protest to the contracting authority.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(2) If the Office sets a term for elimination of deficiencies contained in a protest, the Office shall notify the contracting authority of submission of a protest against the activities of the contracting authority in the tendering procedure and send a copy of the protest received by the Office after elimination of the deficiencies to the contracting authority. If the person filing the protest fails to eliminate the deficiencies within the specified term, the Office shall immediately notify the contracting authority of such failure.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(3) Upon receiving a notice from the Office concerning submission of a protest, the contracting authority is required to suspend the tendering procedure.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) If a contracting authority continues a tendering procedure after receiving a notice concerning submission of a protest from the Office, all subsequent acts performed in the course of the tendering procedure are void. Procurement contracts entered into after receiving a notice concerning submission of a protest from the Office are also void.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§65. Review of protests

(1) The Office shall review a protest within 10 working days as of the date of submission of the protest to the Office. The contracting authority shall decide to review a protest either by a written proceeding on the basis of the documents submitted or shall organize the review of the protest at a public session (hereinafter public session) where at least the representative of the Office, the person who submitted the protest and the contracting authority shall participate.

(2) A public session shall be held if a protest is reviewed with the participation of the representative of the Office, the person who submitted the protest, the contracting authority or, in the case the protest is filed against a decision of the contracting authority concerning declaration of a tender as successful, the person who submitted the successful tender. If necessary, the Office has the right to decide to hold an additional session. Notice of an additional session shall be given either at the previous session or pursuant to the procedure prescribed in subsection (3) of this section.

(3) The Office shall notify the person who submitted the protest, the contracting authority and, in the case the protest is filed against a decision of the contracting authority concerning declaration of a tender as successful, the person who submitted the successful tender of the time of the public session. The contracting authority shall notify all other tenderers or applicants of the time of the public session. The failure of a contracting authority to inform tenderers or applicants of the opportunity to participate in the public session or the failure of the tenderers or applicants to appear at the session shall not hinder the review of the protest.

(4) Participants in a proceeding for the review of a protest are the person who submitted the protest, the contracting authority and, in the case the protest is filed against a decision of the contracting authority concerning declaration of a tender as successful, the person who submitted the successful tender. Parties to a proceeding for the review of a protest are the person who submitted the protest and the contracting authority.

(5) If one or both of the parties to a proceeding for the review of a protest fail to appear at the public session, the Office shall review the protest in accordance with subsection (2) of this section by a written proceeding on the basis of the documents submitted.

(6) The review of a protest is terminated if:

- 1) the person who submitted the protest withdraws the protest;
- 2) the contracting authority declares the protest to be justified;
- 3) the Office decides to dismiss the protest;
- 4) the Office decides to satisfy the protest and annul the decision relating to a tendering procedure made by a contracting authority specified in subsection 5 (1) 1) of this Act which was in violation of this Act or issue a precept to a contracting authority specified in clauses 5 (1) 2)–6) of this Act to annul a decision relating to a tendering procedure made in violation of this Act or require the contracting authority to bring the invitation to tender or the tender documents into conformity with the requirements prescribed by legislation;
- 5) the Office makes a decision or issues a precept specified in subsection 70 (1) of this Act.

(7) Termination of the review of a protest pursuant to the provisions of clause (6) 1) or 2) of this section shall be documented in a written report signed by the representative of the Office, the person who submitted the protest and the contracting authority.

(8) Termination of the review of a protest pursuant to the provisions of clause (6) 3) or 4) of this section shall be documented in a reasoned decision of the Office.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§66. Filing of appeals with administrative court

In order to resolve a protest concerning which a decision specified in subsection 63 (4) or clause 65 (6) 3) of this Act has been made, an appeal may be filed with an administrative court against a decision made by a contracting authority in relation to a tendering procedure, against an invitation to tender or tender documents or against a decision or precept of the Office specified in clause 65 (6) 4). (21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§67. Resumption of tendering procedure

(1) A contracting authority may resume a suspended tendering procedure after:

- 1) receiving a notice provided for in subsection 64 (2) of this Act from the Office, or
- 2) the person who submitted the protest has withdrawn the protest;
- 3) receiving a written notice from the person who filed the protest that the person will not file an appeal pursuant to the procedure provided for in §66 of this Act against decisions made by the contracting authority in relation to the tendering procedure or against the invitation to tender or the tender documents, or
- 4) 10 days have passed from the making of a decision of the Office specified in clause 65 (6) 3) of this Act, or
- 5) expiry of the term for suspension of the tendering procedure specified by an administrative court.

(2) If a protest is declared to be justified pursuant to clause 65 (6) 2) of this Act or if the Office makes a decision pursuant to clause 65 (6) 4) of this Act, the tendering procedure shall be resumed after annulment of the protested decision relating to the tendering procedure or after the contracting authority has complied with the precept.

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

Chapter 10

Supervision and Liability

§68. State supervisory authority

State supervision over public procurements shall be exercised by the Office.

§69. Competence of supervisory authority

The supervisory authority exercising state supervision over public procurements is competent to:

- 1) monitor compliance with this Act without hindrances and without giving prior notice, including inspection of the contracting authority;
- 2) receive all information necessary for exercising state supervision over public procurements from contracting authorities and originals or copies of documents relating to public procurements;

- 3) make a decision or issue a precept if a contracting authority has violated the provisions of this Act in the course of a tendering procedure.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§70. Decision or precept of Office

(1) At any time before entry into a procurement contract, the Office shall, by a decision, either cancel the tendering procedure of a contracting authority specified in clause 5 (1) 1) of this Act or issue a precept requiring a contracting authority specified in clauses 5 (1) 2)–6) of this Act to cancel a tendering procedure if the contracting authority:

- 1) fails to present the evaluation criteria to be used to decide on the success of the tenders or the relative importance of the criteria in the tender documents;
- 2) has not notified all tenderers of amendment of the tender documents, declaration of tenders to be in conformity, rejection of a tender or declaration of a tender as successful;
- 3) violates the procedure for opening tenders or the values of tenders;
- 4) in the comparison and evaluation of tenders, uses, as a representative or expert, a person whose relationship with a tenderer may give rise to justified doubts as to the person's objectivity;
- 5) conducts negotiations with one or several tenderers in an open or restricted tendering procedure.

(2) If a tendering procedure is cancelled, all decisions and acts relating to the tendering procedure are void regardless of whether they were performed before or after the decision concerning cancellation was made. Procurement contracts entered into after the making of a decision concerning cancellation of a tendering procedure or annulment of a decision made by the contracting authority in relation to the tendering procedure are also void.

(3) Before making a decision concerning cancellation of a tendering procedure or issue of a precept, the Office shall grant an opportunity to the contracting authority to submit objections within the term specified by the Office which shall not exceed three working days.

(4) A decision or precept of the Office shall contain at least the following information:

- 1) the date and place of making the decision or issuing the precept;
- 2) the content of the decision or precept;
- 3) the given name, surname and official title of the official who made the decision or issued the precept.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§71. Liability for violation of public procurement procedure

(1) Civil, disciplinary, administrative or criminal liability is applied for violation of this Act or legislation established on the basis thereof. Administrative liability applied to a legal person shall not preclude application of administrative or criminal liability to a relevant natural person.

- (2) If the Office receives information concerning an offence relating to public procurement or it discovers such offence in the course of supervisory activities relating to public procurement and the offence cannot be regarded as an administrative offence provided for in §74 of this Act, the Office shall notify a police authority or a prosecutor of the facts known to the Office.
- (3) The Office has the right to make proposals concerning disciplinary proceedings to be brought against a person or persons who have violated this Act or legislation established on the basis thereof.
- (4) The following cases are considered to be violations of the public procurement procedure:
- 1) a person specified in subsection 5 (1) of this Act who is required to purchase goods or contract for construction work or services pursuant to the procedure provided for in this Act, conducts the public procurement in disregard of such procedure;
 - 2) the contracting authority has conducted a tendering procedure without a firm intention to enter into a procurement contract;
 - 3) the contracting authority does not find the successful tender pursuant to the procedure prescribed by this Act or rejects a tender on grounds not provided for in subsection 43 (4) of this Act or refuses to enter into a procurement contract with the tenderer who submitted the successful tender or refuses to recognize an accepted tender as a procurement contract in accordance with §53 of this Act;
 - 4) an act or omission of the contracting authority involves circumstances provided for in subsection 70 (1) of this Act;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 5) the contracting authority fails to comply with the provisions of subsection 52 (1) of this Act;
 - 6) the contracting authority fails to comply with the provisions of subsection 65 (3) of this Act;
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
 - 7) the contracting authority fails to comply with a decision or precept of the Office specified in clause 65 (6) 4) or subsection 70 (1) of this Act.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§72. Compensation for costs of tenderer

A tenderer has the right to require a contracting authority to pay compensation for the costs relating to the submission of a tender, including the costs relating to the preparation of the tender if the tenderer proves that the procurement contract would probably have been entered into with the tenderer if the contracting authority had not violated this Act.

§73. Compensation for damage by tenderers

If a tenderer submits false information or falsifies documents in the course of a tendering procedure or review of a protest, the tenderer shall pay compensation for the damage caused to the contracting authority or other persons through the submission of such information or documents.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§74. Administrative liability of legal persons for violation of public procurement procedure

(1) A fine of EEK 10,000 to 500,000 shall be imposed on a legal person who is a tenderer and wrongfully submits false information or falsified documents in a tendering procedure.

(2) A fine of EEK 10,000 to 500,000 shall be imposed on a contracting authority specified in clauses 5 (1) 2)–6) of this Act who commits a material violation of the public procurement procedure.

(3) A fine of EEK 5,000 to 100,000 shall be imposed on a contracting authority specified in clauses 5 (1) 2)–6) of this Act who violates the provisions of clause 69 2) of this Act.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(4) A fine of EEK 5,000 to 50,000 shall be imposed on a contracting authority specified in clauses 5 (1) 2)–6) of this Act who violates the provisions of subsection 18 (1), (2) or (3), 19 (1), (2) or (4), 20 (1) or (2), 21 (3), 57 (5) or 59 (3) of this Act.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§75. Administrative offence proceedings concerning legal persons

(1) The Director General of the Office, the deputy Director General and an official of the same agency authorized by the Director General have the right to issue administrative offence reports to legal persons concerning administrative offences specified in §74 of this Act.

(2) A report on an administrative offence shall set out:

- 1) the time and place of preparation of the report;
- 2) the name and address of the agency in whose name the report is prepared;
- 3) the given name, surname and official title of the person who prepares the report;
- 4) the name and address of the administrative offender;
- 5) the given name, surname and official title of the representative of the administrative offender;
- 6) the place, time and description of the administrative offence;
- 7) a reference to the provision of law which prescribes liability for the administrative offence;
- 8) explanation of the representative of the administrative offender;
- 9) a notation that the representative of the administrative offender has been advised of the right to use legal counselling;
- 10) other information necessary for the just adjudication of the administrative offence matter.

(3) A report concerning an administrative offence shall be signed by the official who prepares the report and the representative of the administrative offender.

(4) If the representative of an administrative offender refuses to sign the report or give statements concerning the administrative offence, the person who prepared the report shall make a corresponding entry in the report. Written notations made by the representative of an administrative offender concerning a report and the grounds for refusal to sign the report or give statements shall be annexed to the administrative offence report.

(5) County or city court judges hear matters concerning administrative offences by legal persons. (21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

(6) Administrative offence proceedings concerning legal persons shall be conducted pursuant to the procedure provided for in the Code of Administrative Offences.

(7) An administrative penalty may be imposed not later than within three years as of the date of the administrative offence.

Chapter 11

Implementing Provisions

§76. Specifications concerning public procurements conducted by the Bank of Estonia

Public procurements conducted by the Bank of Estonia are not subject to the provisions of §§ 61–67, clause 69 3) and §70 and of this Act.

§761. Specifications concerning public procurements for contracting for cutting services in state forests

Until 1 January 2003 contracting authorities are not required to apply the procedure provided for in this Act to contracting for cutting services in state forests. (21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§77. State fees

State fees are charged for the performance of acts prescribed in this Act according to the rates provided for in the State Fees Act (RT I 1997, 80, 1344; 2000, 5, 32; 10, 58; 19, 117; 26, 150; 29, 168 and 169; 39, 237; 49, 300; 54, 346 and 349; 55, 365; 57, 372 and 373; 59, 379; 60, correction notice; 78, 498; 84, 534; 92, 597 and 598; 95, 607 and 611; 2001, 2, 2; 3, 4; 16, 69 and 72; 27, 151).

(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

§78. Amendment of State Fees Act

The State Fees Act (RT I 1997, 80, 1344; 2000, 5, 32; 10, 58; 19, 117; 26, 150; 29, 168 and 169; 39, 237; 49, 300; 54, 346 and 349; 55, 365; 57, 372 and 373; 59, 379; 60, correction notice; 78, 498) is amended as follows:

- 1) the words "except in the cases provided for in subsections (10)–(12) of this section" in subsection 37 (9) shall be replaced by the words "except in the cases provided for in subsections (10)–(12) or 18 of this section";
- 2) subsection (18) is added to §37 in the following wording:

"(18) A state fee shall be paid in the following amount upon filing an appeal against an act or decision made by a person specified in subsection 5 (1) of the Public Procurement Act in the course of a public procurement tendering procedure:

- 1) in the case of a tender submitted by the person filing the appeal, 3 per cent of the estimated value of the public procurement specified in the tender, but not less than EEK 10 and not more than EEK 5,000;
- 2) in the absence of a tender submitted by the person filing the appeal, EEK 100";
- 3) Division 203 shall be added to the State Fees Act worded as follows:

"203. Division 3

Acts Performed Pursuant to Public Procurement Act

§1905. Acts with state register of public procurements

A state fee of EEK 300 shall be paid for entry of information concerning a prior notice, notice or invitation to tender in the state register of public procurements."

§79. Amendment of Taxation Act

Clause 11 (4) 9) of the Taxation Act (RT I 1994, 1, 5; 2000, 45, 279; 55, 365; 84, 533) is amended by adding the words "and the Public Procurement Office" after the words "the Statistical Office".

§80. Amendment of Public Procurement Act

Public Procurement Act (RT I 1995, 54, 883; 1997, 9, 79; 1998, 38, 561; 1999, 16, 271; 92, 824; 97, 859; 2000, 57, 374) is amended as follows:

- 1) subsection 3 is amended and worded as follows:

"§3. Definition of public procurement

For the purposes of this Act, public procurement is purchasing of goods or contracting for construction work and services.";

- 2) section 61 is added to the Act worded as follows:

"§61. Contracting authority

- (1) For the purposes of this Act, a contracting authority is:

- 1) a state agency, city or local government, or a local government agency;
- 2) a legal person in public law or a body of a legal person in public law;
- 3) a legal person in private law which is not a company and all the founders or members of which are jointly or separately the state, a local government and/or a legal person in public law;

- 4) a legal person in private law which is not a company and which, to the extent of more than 50 per cent, is financed or more than one-half of the members of the supervisory board or management board of which are appointed jointly or separately by the state, a local government and/or a legal person in public law;
- 5) an undertaking if it has received a construction work concession from a person specified in clauses 1)–4) of this subsection and enters into procurement contracts for construction work on the basis of such concession or if the state, a local government or persons specified in clauses 2)–4) of this subsection jointly or separately finance the activities of the undertaking to the extent of more than 50 per cent, whereas holdings in the company are not deemed to be financing;
- 6) an undertaking if the state or a local government has granted a special or exclusive right to the undertaking pursuant to the Competition Act (RT I 1998, 30, 410; 1999, 89, 813; 2000, 53, 343; RT III 21, 232) and if the purchasing of goods or contracting for services or construction work is necessary for the exercise of the special or exclusive right, or if the state, a local government or persons specified in clauses 2)–4) of this subsection jointly or separately hold a majority of votes or more than 50 per cent of the shares in the undertaking directly or through other persons and if the area of activity of the undertaking is either the construction or operation of permanent networks with the intention to provide services relating to the production, transportation, transmission or distribution of water, gas, electricity or thermal energy to the public, or the use of a geographic area in order to prospect for or extract fuels or enable air or water transport undertakings to use an airport, port or other terminal structure, or the operation of networks enabling the public to use services relating to railway, tramway, trolleybus or bus transport, automatic systems or cable distribution, or the construction or operation of public telecommunications networks for ensuring one or more telecommunications services.

(2) Production, transportation, transmission or distribution of water, gas, electricity or thermal energy by an undertaking to networks servicing the public is not deemed to be an activity specified in clause (1) 6) of this section if consumption of water or electricity is necessary for activities other than those specified in clause (1) 6) of this section, or if the supply of the public network depends solely on consumption by the undertaking and does not exceed 30 per cent of the average overall production of water or electricity by the undertaking during the last three years, or if production of gas or thermal energy by the undertaking results inevitably from activities other than those specified in clause (1) 6) of this section, or if the public network is supplied with a surplus of gas or thermal energy for the purposes of the economic use thereof and such surplus does not exceed 20 per cent of the average turnover of the undertaking during the last three years."

- 3) clause 7 2) is repealed.

§81. Repeal of earlier legislation

The Public Procurement Act (RT I 1995, 54, 883; 1997, 9, 79; 1998, 38, 561; 1999, 16, 271; 92, 824; 97, 859; 2000, 57, 374) currently in force is repealed as of the date of entry into force of this Act.

§82. Entry into force of Act

- (1) This Act enters into force on 1 April 2001.
- (2) Subsections 10 (5), 19 (3) and clause 57 (1) 3) of this Act enter into force on 1 January 2003.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)
- (3) Section 60 of this Act enters into force on 1 July 2001.
- (4) Section 80 of this Act enters into force on the date following the date of publication of this Act in the *Riigi Teataja*.³
- (5) The protests filed with the Office and appeals filed with an arbitral tribunal before entry into force of this Act shall be reviewed and the tendering procedures announced in the *Riigihangete Bülletään*⁴ or communicated to the Office before entry into force of this Act shall be conducted pursuant to the provisions of the Public Procurement Act (RT I 1995, 54, 883; 1997, 9, 79; 1998, 38, 561; 1999, 16, 271; 92, 824; 97, 859; 2000, 57, 374; 84, 534; 2001, 7, 17) in force until the entry into force of this Act, and of the legislation established on the basis thereof.
(21.03.2001 entered into force 01.04.2001 - RT I 2001, 34, 189)

³ RT = *Riigi Teataja* = the State Gazette.

⁴ *Riigihangete Bülletään* = Public Procurement Bulletin.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Bulgaria

The following communication has been received from the Permanent Mission of the Republic of Bulgaria with the request that it be circulated to the Committee on Government Procurement.

With reference to the process of the accession of Bulgaria to the Agreement on Government Procurement, the following Bulgarian legislation* in the field of government procurement is being circulated to the Parties to the Agreement:

- Public Procurement Law of 25 June 1999;
- Regulation on keeping the Public Procurement Register of 1 November 2000;
- Regulation on Awarding of Public Procurement Contracts below the Thresholds Set Out in Article 7, Paragraph 1 of the Public Procurement Law of 5 May 2000.

* In English only (translated from Bulgarian).

**REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY**

PUBLIC PROCUREMENT LAW

(published in State Gazette, No. 56 of 22 June 1999, in force as of 25 June 1999)

**CHAPTER ONE
GENERAL PROVISIONS**

**Section I
Purpose**

Article 1 This Law lays down the conditions and rules for awarding of public procurement contracts.

Article 2 This Law aims at increasing the efficiency of budget and public resources spending through:

1. establishment of transparency;
2. carrying out of efficient control on expenditures;
3. provision of competitive conditions;
4. economic development promotion.

**Section II
Public Procurement Subjects**

Article 3 (1) Subjects of public procurement shall be:

1. Construction works, including:
 - a) engineering;
 - b) performance of individual or complex construction or assembly work;
 - c) horizontal or vertical extension, raising of superstructures; rehabilitation and reconstruction of buildings;
 - d) delivery, assembly and disassembly of technological equipment carried out in the construction process.
2. Supplies in the form of:
 - a) purchase of products;
 - b) purchase, rental or hire or leasing of machines, facilities and complex equipment.
3. Provision of the following services:
 - a) maintenance, running and extensive repairs of buildings, machines or equipment;
 - b) activities related to getting constructions into exploitation;
 - c) demolition of buildings and construction facilities;
 - d) transport by land, by air and by water;
 - e) telecommunications;
 - f) insurance;
 - g) design and installation of hardware or software;
 - h) accounting and auditing;
 - i) scientific and research activities;

- j) management consultant services and related services;
 - k) planning at all phases including urban and geodesic planning, preliminary surveys and construction plans;
 - l) market research, advertising and public opinion polling;
 - m) real estate management and maintenance;
 - n) publishing, distribution and printing services, including the printing of securities, standard documents and registered forms bearing serial numbers or such as may be used in the collection of state revenue or such as contain tax related information or have nominal value;
 - o) legal services;
 - p) household waste disposal, refuse disposal and similar services, planting, grassing and other development services in residential areas;
 - q) training and retraining;
 - r) security and security systems;
 - s) financial services, except those provided by the Bulgarian National Bank and those related to the national debt management.
- (2) Public procurement contracts shall be contracts with pecuniary interest concluded in writing between a procuring entity and a contractor for the performance of public procurement under paragraph 1, in accordance with the rules laid down in this Law.

Section III **Procuring Entities**

- Article 4** Procuring entities are:
- (1) State authorities, mayors of municipalities, higher schools, as well as other authorities and organisations disposing of funds from the consolidated state budget, including:
 - 1. health insurance and pension funds;
 - 2. non-profit legal organisations;
 - (2) Non-profit organisations established by one or several state authorities and/or local authorities;
 - (3) Public undertakings exercising one or several of the following activities, including on the basis of concession or license:
 - a) operation of fixed public service networks for production, transport or distribution of drinking water, electricity, gas or thermal energy, as well as their supply to such networks;
 - b) exploitation of oil and gas fields, coal or other solid fuels;
 - c) operation of airports, harbours or other terminal facilities for carriers;
 - d) operation of public transportation networks;
 - e) operation of telecommunication networks or provision of telecommunication and postal services, as well as automated systems for public services.

- Article 5**
- (1) Any Bulgarian or foreign natural person or legal entity, as well as their joint ventures, may apply for contractors under public procurement contracts.
 - (2) The contractor under a public procurement contract shall be registered as commercial entity within the meaning of the Commercial Law or shall exercise a liberal profession.

Section IV Scope

- Article 6** This Law shall not apply to public procurement:
1. related to national defense and security, that are subject to state secret, or whose execution involves special security arrangements in accordance with national legislation in force;
 2. governed by procedural rules and awarded in accordance with international agreements;
 3. awarded pursuant to special procedure of an international organization;
 4. if the supplier is a procuring entity within the meaning of Article 4, paragraph 3.
- Article 7**
- (1) The provisions of this Law shall apply to public contracts, the estimated value of which, without VAT, at the date of announcing the procedure is as follows:
 1. for construction works under Article 3, paragraph 1, point 1 – exceeding 600 000 BGL;
 2. for supplies under Article 3, paragraph 1, point 2 – exceeding 50 000 BGL;
 3. for services under Article 3, paragraph 1, point 3 – exceeding 30 000 BGL.
 - (2) When the public procurement contract covers both supplies of products and services, this Law shall apply to the total estimated value of products and services as defined in paragraph 1, point 2.
 - (3) A procurement shall not be divided with the intention of avoiding the application of this Law, even in the case of construction works in phases, when the finished phase cannot obtain permission for use as an independent site or installation with an independent economic or technical function.
 - (4) The conditions and rules for awarding of public procurement contracts below the thresholds set out in Article 7, shall be laid down in a Regulation of the Council of Ministers and shall provide for measures ensuring and encouraging the participation of small and medium-sized enterprises.

Section V Valuation of Contracts

- Article 8**
- (1) The value of public procurement contracts shall be determined as follows:
 1. in case of construction works contracts – the value include the cost of supplying of all products and the provision of services related to the construction process;
 2. in case of contracts for the rental or hire purchase of products – for the whole contract term;
 3. in case of contracts for the lease purchase of products – for the whole contract term plus anticipated residual value of assets;
 4. in case of recurring supply or service contracts – based on the actual aggregate value of similar contracts concluded over the previous fiscal year and adjusted, where possible, for anticipated changes in quantity or value;
 5. in case of contracts for an indefinite period – the monthly instalment multiplied by 48;
 6. in case of insurance services – the total payable premium;
 7. in case of financial services – all fees, commissions and interest, as well as any forms of remuneration;
 8. in case of contracts that involve project work out – the remuneration for the working out of the project, as well as all fees receivable.

- (2) The selection of the valuation method shall not be used with the intention of avoiding the application of this Law.

CHAPTER TWO GENERAL RULES FOR AWARDING

Section I Principles

- Article 9** Public procurement contracts shall be awarded through a procedure as laid down in this Law in accordance with the following principles:
1. ensuring publicity of the procedures and transparency;
 2. free and fair competition;
 3. providing equal opportunities for participation of all interested suppliers;
 4. ensuring the keeping of trade secrets of interested suppliers and their tenders.
- Article 10**
- (1) The procuring entities shall send annually by 31 January to the State Gazette information for the intended procurement throughout the year where the total value is estimated to equal or exceed 1 000 000 BGL, with the aim of informing the potential contractors.
 - (2) The information for the intended procurement throughout the year shall include information for the intended construction works, supplies and services separately.
 - (3) The publication of information for the intended procurement shall not oblige the procuring entity to conduct procedure for awarding of public procurement.
 - (4) The procuring entity shall have the right to initiate public procurement procedures which have not been included in the published information for the intended procurement not earlier than one month after the additional publication.
- Article 11**
- (1) The Minister of State Administration shall establish a Public Procurement Register.
 - (2) The procuring entities shall be obliged to send the necessary information to the administration of the Council of Ministers for registration in Public Procurement Register.
 - (3) The Public Procurement Register shall be open to the general public.
- Article 12**
- (1) All communications from the procuring entity and the tenderers shall be in writing.
 - (2) Decisions of the procuring entity which have to be communicated to the tenderers, shall be delivered in person against signature or shall be sent by registered mail with proof of receipt.

Section II Award Procedures

- Article 13**
- (1) Public procurement shall be awarded through open, restricted or negotiation procedure.
 - (2) Under the open procedure, the procuring entity shall invite all interested suppliers to submit tenders.

- (3) Under the restricted procedure, only those suppliers who, following a pre-qualification procedure, have been invited to participate by the procuring entity in writing, may submit a tender.
- (4) Under the negotiation procedure, the procuring entity shall award a public procurement contract through negotiations with one or more pre-selected suppliers.
- (5) The passing over from one type of procedure to another shall be allowed only when the initially announced procedure has been terminated without the conclusion of contract.

Article 14 The procuring entity shall decide to initiate an open procedure for awarding of public procurement contract in all cases, except otherwise provided for in this Law.

Article 15 The procuring entity shall decide to initiate a restricted procedure for awarding of public procurement contract when:

1. due to the specific character of the procurement, the contract can be performed only by a limited number of suppliers;
2. due to the complex technical nature of the procurement, in the course of contract performance subsequent technical and technological clarifications need to be made;
3. the open procedure has been cancelled or terminated without the conclusion of contract.

Article 16 The procuring entity shall decide to initiate a negotiation procedure for awarding of public procurement contract only when:

1. the procurement is related to scientific research, experiment or studies. The results of such procurement shall not be used for mass production or the establishment of the product's commercial viability;
2. there is a need for prevention of accidents or elimination of after-effects from accidents or natural calamities, or there is a risk of damage on a large scale, or when people's health and safety are at risk;
3. in case of additional deliveries by the same supplier, but not later than six months from awarding of the initial contract, provided that the following conditions are met simultaneously:
 - a) the initial contract has been awarded by open or restricted procedure and the procuring entity had stated the possibility of additional deliveries in its invitation to tender;
 - b) the change of supplier would entail the purchase of material of different technical characteristics that might result in a lack of compatibility or in technical difficulties in operation or maintenance;
 - c) the unit prices remain the same as under the main contract and adjustment in line with official rate of inflation is allowed;
 - d) the total value of such additional procurement does not exceed 20 per cent of the value of the main contract;
4. the procurement is for a repetition of a service supplied, or for additional services by the same contractor not later than one year from the award of the main contract, provided that the following requirements are met simultaneously:
 - a) the main contract has been awarded by open or restricted procedure and the procuring entity had stated the possibility of additional procurement in its invitation to tender;
 - b) the unit prices remain the same as under the main contract and adjustment in line with inflation is allowed;

- c) the total value of such additional procurement does not exceed 20 per cent of the value of the main contract;
5. awarding the contract to another supplier would result in infringement of copyright or other intellectual property rights;
6. the public procurement contract for supply is to be concluded with public undertaking that is bankrupt, or is the subject of proceedings for declaration of bankruptcy, or it is being wound up;
7. the products and services are included in a list approved by the Council of Ministers pursuant to Article 22, paragraph 1 of the Law on Protection, Rehabilitation and Social Integration of Disabled People.

Section III Public Procurement Contract

- Article 17**
- (1) The procuring entity shall conclude a public procurement contract with the successful tenderer in accordance with the Commercial Law or the Law on Obligations and Contracts.
 - (2) The public procurement contract shall include all tender terms of the supplier to whom the contract is awarded.
 - (3) The procuring entity shall conclude the contract under paragraph 1 within one month of the announcement of award decision.
 - (4) The procuring entity shall send to the Minister of State Administration, for registration in the Public Procurement Register, information on public procurement contracts not later than 14 days from the date of their conclusion.

- Article 18**
- A public procurement contract shall not be concluded:
1. before the expiry of the time-limit to launch a complaint against the procuring entity's award decision;
 2. in case of complaint filed against the procuring entity's award decision – by the time when a decision on the complaint has been taken;
 3. with the successful tenderer who fails to present, upon contract signature, an evidence of registration pursuant to Article 5, paragraph 2.

- Article 19**
- Provisions of a public procurement contract may be amended or supplemented only in case of circumstances, the arising of which concern the legal interest of any of the parties.

- Article 20**
- The procuring entity may terminate a public procurement contract, if due to circumstances that arise after its conclusion, it is not in a position to meet its obligations. In such case, the contractor shall be entitled to appropriate indemnity for the damages incurred after the contract conclusion.

Section IV Cancellation of a Public Procurement Procedure

- Article 21**
- (1) The procuring entity shall cancel a public procurement procedure when:
 1. less than three tenders have been submitted for participation in an open or restricted procedure;
 2. no tender meets the pre-announced tender conditions;
 3. the top three ranking tenderers successively refuse to conclude a contract;
 4. there has been no competition;

5. the grounds for carrying out the procedure cease to exist as a result of significant change in circumstances, including in circumstances that render impossible the provision of financing for the procurement performance for reasons which the procuring entity could not have foreseen or caused.
- (2) The procuring entity shall not be obliged to set out the grounds referred to in paragraph 1, point 5 in the tender conditions.

Section V

Decision for Initiation of a Public Procurement Procedure

- Article 22**
- (1) The decision for initiation of a public procurement procedure shall include:
 1. the subject of public procurement;
 2. the legal and actual grounds for initiating the procedure;
 3. the type of procedure;
 4. the time-limit and place for delivery;
 5. restrictions for contract performance, if any;
 6. qualification requirements to tenderers;
 7. quality requirements;
 8. the terms concerning tender price formation and payment;
 9. the period of tender validity;
 10. the type and value of tender guarantee;
 11. the criteria for evaluation of tenders and the method of determining their weight in the complex tender evaluation;
 12. the place, date and time for examination and evaluation of tenders.
 - (2) The procuring entity may also include in the decision additional requirements to contract performance, such as:
 1. conditions relating to the solution of environmental issues, unemployment, job creation for disabled workers, and to the use of local resources and raw materials in certain regions;
 2. requirements relating to the protection of the national security, defence and public order;
 3. conditions relating to stimulating the participation of small and medium-sized enterprises as sub-contractors.
 - (3) The procuring entity may specify methods of payment for contract performance, as follows:
 1. in cash;
 2. in case of construction works - against conceding the right to use the construction site; or
 3. other relevant compensation constituted by law.

CHAPTER THREE

GENERAL CONDITIONS FOR PARTICIPATION IN A PUBLIC PROCUREMENT PROCEDURE

Section I

Requirements to Tenderers

- Article 23** Any person who meets the requirements announced by the procuring entity may participate in a public procurement procedure.
- Article 24**
- (1) Tenderers shall not be eligible for participation in a public procurement procedure where:

1. they are declared bankrupt or are the subject of proceedings for declaration of bankruptcy;
 2. they are sentenced for bankruptcy;
 3. they are being wound up;
 4. their right to perform business activities has been suspended;
 5. payments that have been determined by act of the relevant competent authorities are due to the state or where social security contributions are due;
 6. they have been convicted of an offence against property or economy by a judgement that has the force of res judicata unless they have been rehabilitated subsequently.
- (2) The requirements defined in paragraph 1 point 6 shall refer to managers or members of managing bodies of the tenderer.
- (3) The circumstances under points 1, 2, 3 and 5 of paragraph 1 shall be certified with a document issued by the relevant competent authority and those under points 4 and 6 of paragraph 1 - with a declaration.
- (4) The restrictions under paragraph 1 points 1 and 3 shall not apply to the cases referred to in Article 16, paragraph 6.

Section II Tender

- Article 25**
- (1) Upon preparing of tenders, tenderers shall abide by the conditions announced by the procuring entity.
 - (2) In open procedures, each tenderer may modify, supplement and withdraw its tender by the deadline for submission of tenders.

- Article 26**
- (1) Each tenderer shall have the right to submit only one tender in the public procurement procedure.
 - (2) An entity that has agreed to perform a contract as sub-contractor shall not have the right to submit its own tender.

- Article 27**
- (1) The tender shall contain:
 1. the document of legal registration of the tenderer;
 2. evidence of tenderer's commercial reputation;
 3. the time-limit for contract performance and price proposal;
 4. evidence of technical capability for performance of the contract;
 5. the names of sub-contractors that will participate in the contract performance; the sub-contractors shall meet all the requirements that apply to tenderers;
 6. the document certifying the provision of tender guarantee;
 7. copies of the tenderer's annual balance sheet and account for the previous financial year; this requirement shall not apply to newly registered tenderers and those who exercise a liberal profession;
 8. documents from the relevant competent authorities certifying that none of the circumstances referred to in Article 24, paragraph 1, points 1, 2, 3 and 5 apply;
 9. a declaration certifying that none of the circumstances referred to Article 24, paragraph, points 4 and 6 apply.
 - (2) Where the tenderer is a consortium, which has not assumed a specific legal form, each legal or natural person who participates in the consortium shall furnish the documents referred to in paragraph 1.
 - (3) The tender shall be put in a sealed non-transparent envelope and delivered by the tenderer or by his duly authorised representative by hand against

acknowledgement of receipt or shall be submitted by registered mail with proof of receipt.

- (4) The sequence, date and hour of receipt of tenders shall be entered on the envelope and in a special register. An acknowledgement of receipt shall be given to the bearer.
- (5) The procuring entity may require that the price proposal be submitted in a separate sealed envelope bearing the words "Price Proposal".
- (6) Tenders received after the deadline shall be rejected by the procuring entity. Tenders received in unsealed envelopes shall also be rejected. Such tenders shall be returned to the tenderer and that shall be entered into the register.

- Article 28**
- (1) A tenderer participating in a public procurement procedure shall indicate in the tender his intentions to use sub-contractors.
 - (2) The share of the contract to be entrusted to a sub-contractor shall not exceed 30 per cent of the total tender price.
 - (3) The share of the contract to be entrusted to a sub-contractor may be up to 50 per cent of the total tender price if the tenderer is foreign natural or legal person or consortium provided that the sub-contractors are Bulgarian natural or legal persons.

- Article 29**
- (1) The period of validity of tenders shall include the time during which tenderers remain bound by their tenders. The procuring entity shall specify that period in calendar days.
 - (2) The period of validity of tenders shall be equal for all tenderers. It may be extended for the top three ranking tenderers by the time of conclusion of the procurement contract, but in no case by more than 90 calendar days.

Section III Tender Guarantee

- Article 30** The tenderer shall provide a guarantee for participation in the public procurement procedure. The form and amount of this guarantee shall be specified by the procuring entity as a percentage of the contract value, but in no case less than 1 per cent.

- Article 31** The guarantee shall be provided in one of the following forms:
1. bank guarantee;
 2. pledge of government securities or other securities listed for trading on the stock exchange with market value equal to the guarantee amount established by the procuring entity;
 3. cash deposit.

- Article 32** The procuring entity shall have the right to retain the guarantee where the tenderer:
1. withdraws its tender after the deadline specified for submission of tenders;
 2. files a complaint against the award decision, until the dispute is resolved by the court;
 3. who is awarded a contract fails to conclude a public procurement contract.

- Article 33**
- (1) The guarantees provided by unsuccessful tenderers shall be released by the procuring entity within 3 working days after expiry of the deadline for complaints against decisions under Article 45, paragraph 1. Upon termination of the public procurement procedure all guarantees shall be released.
 - (2) The guarantees provided by successful tenderers shall be released within 3 working days after the conclusion of a public procurement contract.

- (3) The guarantee provided by a tenderer with whom the procuring entity concludes a public procurement contract shall be transformed into a contract performance guarantee and shall be released upon the contract completion.
- (4) Upon the release of guarantees under paragraphs 1, 2 and 3, no interest for the period through which the resources have been lawfully held with the procuring entity is due.

CHAPTER FOUR OPEN PROCEDURE

Section I Invitation for Participation in Open Procedures

- Article 34**
- (1) In open procedures, invitations for participation shall contain:
 1. the name, address and telephone numbers of the procuring entity;
 2. the procuring entity's decision for initiation of a procedure;
 3. the place where tender documentation can be obtained, the time-limit, the price and the method of payment for the documentation for participation in the procedure;
 4. the place and time-limit for submission of tenders.
 - (2) The procuring entity shall send invitations for participation in open procedures simultaneously to the State Gazette and the Public Procurement Register at least 45 calendar days before the date specified for the open tendering.
 - (3) The time-limit under paragraph 2 may be reduced to 30 calendar days if the procuring entity has included the public procurement in its information for intended procurement for the year referred to in Article 10.
 - (4) The State Gazette shall publish the invitation for participation in the Public Procurement Bulletin not later than 5 calendar days after its receipt.
 - (5) After sending the invitation to the State Gazette, the procuring entity shall also publish it in one local or national daily newspaper. The date on which invitations have been to the State Gazette shall be indicated.
 - (6) If no or less than 3 tenders have been submitted within the time-limit specified under paragraph 2, the procuring entity shall have the right to extend the time-limit for submission of tenders by no more than 30 days.
 - (7) Any change to the time-limit for submission of tenders shall be published in accordance with paragraph 4 and communicated in writing to tenderers who have presented tenders.

Section II Preparation of Open Procedures

- Article 35**
- (1) The procuring entity shall prepare and conduct the open procedure.
 - (2) The procuring entity shall be responsible for accepting and keeping of tenders.
 - (3) The procuring entity shall keep the entire documentation related to each public procurement procedure for a period of 3 years after the completion of each contract performance.

- Article 36**
- (1) Tender documentation for participation in open procedures shall contain all data, instructions and requirements necessary for preparation of tenders.
 - (2) The tenderers shall obtain tender documentation under paragraph 1 at a price determined by the procuring entity.

- (3) Tender documentation for participation in open procedures shall contain:
 1. the decision for initiation of a procedure;
 2. a full description of the subject of public procurement;
 3. technical performance requirements. Such requirements shall not stipulate requirements or reference to undertakings, products, materials or services related to particular undertakings, patents, utility models, trademarks and designation of origin;
 4. plans and other documentation necessary for the preparation of tenders in the case of construction works;
 5. a standard tender form;
 6. a draft public procurement contract.
- (4) The procuring entity shall be solely responsible for the content of the tender documentation for participation in open public procurement procedures.

Section III Commission for Conducting Open Procedures

- Article 37**
- (1) For the purpose of conducting open public procurement procedures, the procuring entity shall appoint a special commission and shall designate its chairman.
 - (2) The commission shall consist of at least three members; of which one shall be a qualified lawyer and the others shall have relevant professional expertise and experience related to the type and characteristics of the public procurement.
 - (3) The procuring entity may also hire external experts from the list referred to in Article 55, paragraph 2 as commission members or consultants.
 - (4) The procuring entity shall appoint the commission upon expiry of the deadline specified for submission of tenders and shall announce it on the date set for opening and evaluation of tenders.
 - (5) The remuneration of commission members and all expenses related to commission's activity shall be borne by the procuring entity.

- Article 38**
- (1) Commission members or consultants shall not be:
 1. persons that have material interests in the contract performance;
 2. related persons within the meaning of the Commercial Law to a tenderer in the open procedure and to any of the sub-contractors proposed or to any member of their governing or supervisory bodies;
 3. persons that have participated in the preparation of the open procedure and/or in the planning where the subject of procurement is construction;
 4. persons that are members of the procuring entity's governing bodies.
 - (2) Commission members and consultants shall guarantee the confidentiality of any circumstances made known to them in relation to their work in the commission.
 - (3) Upon their appointment, commission members and consultants shall submit to the procuring entity declarations for the circumstances under paragraphs 1 and 2.

Section IV Examination, Evaluation and Ranking of Tenders

- Article 39**
- (1) The commission shall commence its work upon receipt of the list of tenderers and tenders submitted from the procuring entity.
 - (2) Tenderers may attend the tender opening session.

- (3) The commission shall open the envelopes in the sequence in which they have been received and shall assess tender compliance with the pre-announced terms and conditions.
- (4) The commission shall have the right to verify the facts and data provided by the tenderers at any time as well as to request that supplementary evidence of the circumstances stated in the tender be provided within a specified period.

- Article 40**
- (1) Any tenderer may be excluded from participation in the open procedure by the commission if:
 1. he failed to present any of the necessary documents referred to in Article 27, paragraph 1;
 2. he is not eligible for participation in a public procurement procedure due to the circumstances described in Article 24, paragraph 1;
 3. he has submitted a tender which are incomplete or otherwise not in compliance with the requirements laid down by the procuring entity.
 - (2) Throughout the open procedure, tenderers shall be obliged to inform the procuring entity of any changes in the circumstances under paragraph 1, point 2 within 7 days of their occurrence.

- Article 41**
- (1) After examining the tenders, the commission shall proceed with their evaluation according to pre-announced criteria.
 - (2) The criteria on which the procuring entity shall base its evaluation shall be either:
 1. the economically most advantageous tender; or
 2. the lowest price proposal.
 - (3) When evaluating a tender of a tenderer who meets the conditions laid down in Article 21, paragraph 3 of the Law on Protection, Rehabilitation and Social Integration of Disabled People, his price proposal shall be deemed to be the lowest one, provided that it does not exceed the lowest price offered by another tenderer by more than 10 per cent.
 - (4) In tender evaluation, under equal other conditions, tenderers that have attracted as sub-contractors small or medium-sized enterprises, registered in accordance with other relevant legislation, shall be treated with preference.

- Article 42**
- (1) If any of the tenders appear to be abnormally low the procuring entity shall request from the tenderer a detailed written justification before rejecting such tender. The commission shall determine a reasonable period for submission of the justification, which shall not be less than 3 working days after receipt of the request.
 - (2) The commission may not reject the tender where the justification points out objective factors related to:
 1. an original decision for organizing the public procurement performance;
 2. the technical solutions proposed;
 3. exceptionally favourable conditions available to the tenderer;
 4. efficiency in the procurement performance.
 - (3) If the tenderer fails to submit a written justification on time or if the commission makes an assessment that the justifications are not objective, the relevant tender shall be rejected.
 - (4) The tenderer shall be immediately informed about the commission's decision to accept the written justification or to reject the tender.

- Article 43**
- The commission shall rank three of the tenderers, whose tenders meet to the greatest extent the conditions announced by the procuring entity.

- Article 44**
- (1) The commission shall record the examination, evaluation and ranking of tenders in minutes, which shall contain:
 1. the members of the commission;
 2. the list of tenders admitted for examination and evaluation;
 3. the list of tenders rejected pursuant to Article 40 and Article 42, paragraph 3;
 4. the opinions of the consultants, if such have been involved in the commission's work;
 5. examination and evaluation results;
 6. the successful tenderers.
 - (2) If case of reservations made by any member of the commission, the minutes of dissent shall be accompanied by such member's written justification.
 - (3) The minutes shall be signed by all members and forwarded to the procuring entity together with the entire documentation gathered throughout the open procedure.
 - (4) The commission shall conclude its work by forwarding the minutes to the procuring entity.
 - (5) Upon request by any tenderer in the open procedure, the procuring entity shall be obliged to provide access to the commission's minutes.
- Article 45**
- (1) The procuring entity shall announce by a decision the top three rankings and shall award the contract to the tenderer ranked first not later than 3 working days after the completion of the commission's work.
 - (2) The decisions under paragraph 1, taken by procuring entities under Article 4, paragraphs 2 and 3 shall be individual administrative acts within the meaning of Article 2 of the Law on Administrative Procedures.
 - (3) The procuring entity shall communicate to the tenderers the results of evaluation proceedings in writing.
- Article 46**
- (1) The procuring entity shall conclude a public procurement contract with the successful tenderer.
 - (2) If the successful tenderer refuses to conclude the contract, the procuring entity shall offer it to the runner-up; and if the latter refuses to conclude the contract - to the tenderer ranked third.

CHAPTER FIVE RESTRICTED PROCEDURE

Section I Pre-Qualification of Suppliers

- Article 47**
- (1) In restricted procedures, the invitation for participation in pre-qualification shall contain:
 1. the name, address and telephone number of the procuring entity;
 2. the procuring entity's decision for initiation of a procedure;
 3. the place and time-limit for submission of application for participation;
 4. the pre-qualification criteria.
 - (2) In restricted procedures, the invitation for participation in pre-qualification shall be sent and published in accordance with the provisions of Article 34, paragraphs 4, 5 and 6 not later than 15 calendar days before the date specified for the pre-qualification.

- (3) Any change in the time-limit for submission of applications for participation shall be published in accordance with paragraph 2 and communicated in writing to suppliers who have already filed applications.

Article 48

- (1) The procuring entity shall conduct the pre-qualification with a view to inviting for participation in the restricted procedure only those suppliers who have the economic and technical capabilities of performing the public procurement.
- (2) All interested suppliers may apply for participation in the pre-qualification.
- (3) The application for participation shall contain:
 1. the document of legal registration of the supplier;
 2. evidence of supplier's commercial reputation;
 3. copies of the supplier's annual balance sheet and account for the financial year; this requirement shall not apply to newly registered suppliers and those who exercise a liberal profession;
 4. evidence of the supplier's technical capability of performing the public procurement;
 5. documents from the relevant competent authorities certifying that none of the circumstances referred to in Article 24, paragraph 1, points 1, 2, 3 and 5 apply;
 6. a declaration certifying that none of the circumstances referred to in Article 24, paragraph 1, points 4 and 6 apply.
- (4) Where a candidate for the pre-qualification is a consortium, which has not assumed a specific legal form, each legal or natural person who participates in the consortium shall furnish the documents referred to in paragraph 3.
- (5) The application shall be put in a sealed non-transparent envelope and delivered by the supplier or by its authorised representative by hand against acknowledgement of receipt, or shall be submitted by registered mail with proof of receipt.
- (6) The sequence, date and hour of receipt of applications shall be entered on the envelope and in in a special register. An acknowledgement of receipt shall be given to the bearer.
- (7) During the pre-qualification, the procuring entity may not request a tender to be submitted, nor may any supplier submit a tender.

Article 49

- (1) Pre-qualification of suppliers for the restricted procedure shall be carried out by the commission appointed by the procuring entity pursuant to provisions of Chapter Four, Section III.
- (2) The commission shall examine the applications for participation submitted and shall recommend that the procuring entity invite to the restricted procedure only those suppliers who fulfil to the greatest extent the pre-announced requirements. The selection shall be based on the supplier's financial and technical capability of performing the public procurement.
- (3) The procuring entity shall select the suppliers who will be invited to participate in the restricted public procurement procedure and shall send its decision to the Public Procurement Register within 7 working days.
- (4) The procuring entity shall send simultaneously to all selected suppliers written invitations for participation in the restricted procedure. The procuring entity's invitation shall contain the place where documentation can be obtained; the time-limit, the price and the method of payment for the documentation for participation in the restricted procedure.

- (5) Within 7 days of receipt of the invitation, each supplier shall confirm in writing its intention to take part in the restricted procedure. Failure to confirm shall be deemed as refusal to participate.

Section II Restricted Procedure

- Article 50**
- (1) The procuring entity shall conduct restricted public procurement procedure if at least three suppliers confirm their intention to tender. Otherwise, the procuring entity shall terminate the procedure and shall inform the suppliers thereof in writing.
 - (2) The deadline for submission of tenders shall not be less than 20 calendar days from the date of receipt of the invitation to tender.
 - (3) The time-limit in paragraph 2 shall be reduced to 10 calendar days where the procuring entity has included the public procurement in its information for intended procurement for the year referred to in Article 10 or in case where circumstances of extreme urgency arise.
 - (4) The tenders shall be evaluated by the pre-qualification commission in accordance with the provisions of Chapter Four, Section IV.

Article 51 For matters not dealt with in this Chapter, the relevant provisions regarding open procedures shall apply.

CHAPTER SIX NEGOTIATION PROCEDURE

- Article 52**
- (1) The direct negotiation procedure shall be initiated with an invitation from the procuring entity to a selected supplier or suppliers.
 - (2) The invitation shall contain the items specified in Article 34, paragraph 1.
 - (3) The procuring entity shall specify a time-limit for submission of tenders, which shall not be less than 15 calendar days.
 - (4) The procuring entity shall proceed in its own best interest in the negotiations.

Article 53 For matters not dealt with in this Chapter, the relevant provisions regarding open procedures shall apply.

CHAPTER SEVEN ORGANS

Section I Public Procurement Register

- Article 54** The Minister of State Administration shall:
1. issue a Regulation on Keeping the Public Procurement Register;
 2. provide methodological guidance on the application of this Law;
 3. organise training and qualification of experts in the field of public procurement;
 4. approve standard documents relating to the public procurement procedures;
 5. provide co-ordination among the procuring entities under Article 4, paragraph 1 relating to the application of this Law;
 6. notify the authorities competent for the control on the application of this Law;

7. represent the Republic of Bulgaria in international organisations in the field of public procurement.

- Article 55**
- (1) For the purpose of this Law, a specialized unit within the administration of the Council of Ministers shall assist the Minister of State Administration.
 - (2) The specialized unit under paragraph 1 shall maintain the Public Procurement Register, which shall contain:
 1. the decisions for initiation of procedures for awarding a public procurement contract;
 2. the invitations for participation in procedures for awarding public procurement contracts;
 3. information concerning the public procurement contracts concluded;
 4. the list of external experts who can be consulted by the procuring entities;
 5. the annual lists of the most successful commercial entities in the relevant field;
 6. information about practice in the application of this Law.
 - (3) The list referred to in paragraph 2, point 4 shall be drawn, maintained and updated with the assistance of the relevant professional associations and organisations.
 - (4) The annual rankings referred to in paragraph 2, point 5 shall be drawn by the relevant professional associations and organisations and sent to the Minister of State Administration.

Section II

Challenge Procedures and Control

- Article 56**
- (1) Tenderers participating in public procurement procedures under this Law may launch complaints against non-compliance with the requirements for their carrying out in accordance with the Law on Administrative Procedures.
 - (2) The complaint shall be filed with the procuring entity within 7 days of the date on which the decision referred to in Article 45, paragraph 1 has been taken.

- Article 57**
- (1) The control over the implementation of this Law shall be exercised by the Audit Office and the organs of the State Financial Control.
 - (2) The Minister of State Administration may request from the organs of the State Financial Control to exercise their powers under paragraph 1 in each particular case.

CHAPTER EIGHT

ADMINISTRATIVE AND PENAL PROVISIONS

- Article 58**
- (1) Statements of finding of any breach of this Law shall be drawn by the officials of the State Financial Control.
 - (2) In cases referred to in Article 57, paragraph 2 penal injunctions shall be issued by the Minister of Finance or the Minister of State Administration, or by officials authorised by them.
 - (3) The finding of breaches, the issue, appeal and execution of penal injunctions shall be undertaken in accordance with the provisions laid down in the Law on Administrative Infringements and Penalties.

- Article 59** For gross breaches of this Law, which do not constitute a crime, fines shall be imposed up to an amount not exceeding 0,5 per cent of the estimated contract value, but not less than 1 000 BGL.
- Article 60**
- (1) Any procuring entity, within the meaning of this Law, that fails to comply with the requirement to conduct the public procurement procedure shall be penalized by a fine amounting to 5 per cent of the relevant contract value, but not less than 5 000 BGL.
 - (2) The fine shall be imposed within 6 months from the date of finding of the breach but not later than 3 years of the breach being committed.
- Article 61** Any procuring entity that fails to implement the guidelines of the controlling authorities shall be fined from 200 to 1 000 BGL.
- Article 62**
- (1) Any official who fails to provide, within the time-limit specified, the evidence or information concerning the award or performance of a public procurement contract, as may be requested from him, shall be fined from 50 to 250 BGL.
 - (2) Any official who, without good reasons, fails to forward a complaint in time to the competent authority or the court, shall also be fined an amount as defined in paragraph 1.
- Article 63** The fines under in Articles 61 and 62 shall be imposed within 3 months from the finding of the failure to implement the obligation. If case or recurring breaches committed within the same year, the amount of the subsequent fine shall be doubled.

ADDITIONAL PROVISION

- §1. For the purpose of this Law:
1. “Engineering” shall mean the performance of construction works on a turn-key basis or of more than one of the following activities: feasibility study, planning and design, organisation of works, construction, supply and assembly of machinery, equipment and technological equipment, preparation for and placement of works into service.
 2. “Rehabilitation” shall mean a construction activity connected to the restoration, reconstruction, expansion or modernisation of parts of elements of roads, transport, telecommunications, power or water supply, sewers or hydromelioratic infrastructure.
 3. “Household waste disposal” shall mean the collection, temporary storage, treatment and landfill disposal of household waste, as well as activities related to the re-use and recycling of such waste, including the generation of energy and other products from waste.
 4. “Consolidated state budget” shall mean subsidies from the central state budget, financial resources from extra-budget funds or accounts, and remission of budget revenues to non-profit organisations.
 5. “Tenderer in a public procurement procedure” shall mean a Bulgarian or foreign natural or legal person, or a joint venture, who:
 - (a) has purchased tender documentation in order to participate in a public procurement procedure;
 - (b) meets the procuring entity’s pre-announced qualification requirements;
 - (c) submits a tender for participation in an announced procedure.
 6. “Public procurement procedure” shall mean all actions of the procuring entity which lead to the conclusion of contract between a procuring entity and contractor.

7. “Consortium” shall mean the consolidation of two or more Bulgarian or foreign natural or legal persons, without a specific legal form, with the aim to participating in a public procurement procedure.
8. “Related undertaking” shall mean any undertaking, over whose management or activities the procuring entity may exercise direct or indirect control.
9. “The economically most advantageous tender” shall mean the tender which meets to the greatest extent the procuring entity’s criteria as regards quality, technical characteristics, aesthetic and functional features, technical support or warranty service, term of performance, price and method of payment.
10. “Price proposal” shall mean the price proposed by a tenderer for performance of a contract.
11. “Tender documentation” shall mean a set of documents prepared by the procuring entity in accordance with its requirements relating to the public procurement.
12. “Evidence of commercial reputation” shall mean any references from former procuring entities if the tenderer has participated in other public procurement procedures, or references from permanent partners.
13. “Evidence of tenderer’s technical capabilities” shall be provided in any of the following forms depending on the type, nature, size, and purpose of the public procurement:
 - (a) general and special educational qualifications of the tenderer and/or those of the tenderer’s management, and in particular, those of the person or persons immediately responsible for contract performance;
 - (b) a list of the main procurements delivered during the last year, including prices, time-limits and names of purchasers;
 - (c) a reference list of the machines, equipment and other technical facilities available to the tenderer for the purposes of contract performance.
14. “Tender” shall mean a detailed description of the proposed organisation, manner and time-limit for contract performance.
15. There is “no competition” where prices proposed and other payment terms and conditions are the same in all tenders.

TRANSITIONAL AND FINAL PROVISIONS

- §2. This Law hereby repeals:
1. The Law on Government and Municipal Procurement (SG, No. 9/1997).
 2. Article 38 of the Law on Restriction of Harmful Waste Impact on the Environment (SG No. 86/1997).
 3. Article 70, paragraphs 4, 5 and 7 of the Law on Municipal Property (SG No. 44/1996, as amended).
- §3. Article 7 of the State Gazette Law (SG No 89/1995, as amended) is hereby amended as follows:
1. The following paragraph 2 is inserted:

“(2) *In the unofficial part a Public Procurement Bulletin shall be created, where the following shall be published:*

 1. *procuring entities’ information concerning planned public procurement for the current year under Article 10 of the Public Procurement Law;*
 2. *invitations for participation in public procurement procedures;*
 3. *lists of external experts who can be consulted by the procuring entities.*
 2. The existing paragraphs 2 and 3 are hereby renumbered as paragraphs 3 and 4 respectively.
- §4. In §3a of the Transitional and Final Provisions of the Law on Concessions (SG No. 92/1995, as amended) the words “Law on Government and Municipal Procurement” are hereby replaced with the words “Public Procurement Law”.

- §5. In §17 of the Transitional and Final Provisions of the Law on Transformation and Privatisation of State-Owned and Municipal Enterprises (SG No. 38/1992, as amended) the words “Law on Government and Municipal Procurement” are hereby replaced with the words “Public Procurement Law”.
- §6. (1) The provisions of the Law on Government and Municipal Procurement, hereby repealed, shall continue to apply to such government or municipal procurement contracts as may be pending or for which a contract award decision has been taken before the entry into force of this Law.
- (2) Where a decision for initiation of a procurement procedure has been taken under Article 38 of the Law on Restriction of Harmful Waste Impact on the Environment or under Article 70, paragraphs 4, 5 and 7 of the Law on Municipal Property before the entry into force of this Law, the procedures so initiated shall be completed under the former provisions.
- §7. The Council of Ministers shall be entrusted with the implementation of this Law.

This Law was adopted by the 38th National Assembly on 9 June 1999 and the official seal of the National Assembly was affixed thereto.

Chairman of the National Assembly

**REPUBLIC OF BULGARIA
MINISTER OF STATE ADMINISTRATION**

REGULATION ON KEEPING THE PUBLIC PROCUREMENT REGISTER
(published in State Gazette No. 89 of 31 October 2000; in force as of 1 November 2000)

**CHAPTER ONE
GENERAL PROVISIONS**

- Article 1** This Regulation shall set out the conditions and rules for keeping, maintenance and use of the Public Procurement Register, hereinafter referred to as “the Register”.
- Article 2**
- (1) Information on the awarding of public procurement shall be gathered and kept in the Register.
 - (2) The information referred to in paragraph 1 above shall be provided by the procuring entities defined in Article 4 of the Public Procurement Law to the Public Procurement Directorate set up within the administration of the Council of Ministers.
- Article 3**
- (1) The circumstances under Article 55 paragraph 2 of the Public Procurement Law and amendments hereto shall be subject to inscription in the Register.
 - (2) Inscriptions in the Register aim at providing publicity of the information on public procurement awarding.
- Article 4**
- (1) The Register shall be a unified electronic database kept by the Public Procurement Directorate at the Council of Ministers.
 - (2) The Information Technologies and Communications Directorate at the Council of Ministers shall provide the technical and programming support of the electronic database.
- Article 5**
- (1) The information in the Register shall be maintained and kept on magnetic media.
 - (2) Paper copies of the information provided by the procuring entities shall be kept in the archives of the Council of Ministers.
- Article 6** The Register shall be public.

**CHAPTER TWO
KEEPING THE REGISTER**

- Article 7** Inscriptions in the Register shall be made by officials of the Public Procurement Directorate on the basis of the documentation provided by procuring entities.
- Article 8**
- (1) For each procuring entity a batch with a unique identification number shall be opened in the Register and all subsequent inscriptions shall be made thereunder.
 - (2) The unique identification number shall consist of four digits; the first digit shall determine the type of procuring entity and the other three shall represent the serial number of the registration.

- (3) The first digit of the unique identification number shall be as follows:
 1. for central government authorities - 1;
 2. for regional government authorities - 2;
 3. for mayors of municipalities - 3;
 4. for higher schools - 4;
 5. for health insurance funds - 5;
 6. for pension funds - 6;
 7. for other authorities and organizations disposing of funds from the consolidated state budget - 7;
 8. for non-profit legal entities established by one or several state authorities and/or local government authorities - 8;
 9. for public undertakings referred to in Article 4 paragraph 3 of the Public Procurement Law - 9 and 0.
- (4) Upon the opening of a batch, its number shall be announced to the procuring entity concerned.

Article 9 Each public procurement shall be entered in the Register under a unique number, which consists of three parts as follows:

1. the first part - the batch number of the procuring entity;
2. the second part - the year in which the decision for initiating a public procurement procedure has been taken;
3. the third part - a three-digit number, representing the official serial registration number of the public procurement for the procuring entity for the year, to be given automatically by the electronic database.

Article 10

- (1) Subsequent inscriptions of new circumstances related to the batch of the procuring entity or the public procurement shall not affect the information from previous inscriptions.
- (2) In case of deletion of a circumstance inscribed, this deletion shall be noted in the relevant field.
- (3) The officials shall correct errors made throughout registration and the correct text shall be inscribed in the relevant field of the Register with a mark “technical error”.

Article 11

- (1) The electronic database shall be maintained in a way which guarantees the protection of information in the system against damage, illegal amendment and use.
- (2) The protection of information shall be provided through its periodic operative archivation.

Article 12

- (1) For each procuring entity a file shall be opened at the archives of the Council of Ministers, in which all documents related to public procurement award shall be arranged in the sequence of their receipt.
- (2) Each file shall bear its own number coinciding with the batch number of the procuring entity in the electronic database.

CHAPTER THREE
CONTENT, STRUCTURE AND GATHERING
OF INFORMATION IN THE REGISTER

Section I

Information on Procedures and on Public Procurement Contracts

- Article 13**
- (1) The procuring entities shall send to the Public Procurement Directorate for inscription in the Register copies of the following documents:
 1. the decision for initiation of a public procurement procedure;
 2. the invitation for participation in an open or a negotiation procedure;
 3. the invitation for participation in the pre-qualification - in case of restricted procedures;
 4. the decision referred to in Article 49 paragraph 3 of the Public Procurement Law.
 - (2) The procuring entities shall also send copies of decisions for any amendments to tender conditions as well as decisions for termination of the public procurement procedure.
 - (3) The procuring entities shall state their batch number and the year in which the procedure has been commenced in the cover letter with which the information is sent to the Register.
 - (4) The procuring entities shall be responsible for the information provided.
- Article 14**
- After the conclusion of a procedure, the procuring entities shall send to the Public Procurement Directorate information for the number of tenders submitted and admitted for examination and evaluation and for the tenders rejected pursuant to Article 40 and Article 42 paragraph 3 of the Public Procurement Law, according to the attachment.
- Article 15**
- (1) After the award of a public procurement contract or contracts, the procuring entities shall send to the Public Procurement Directorate the following information on the public procurement contract:
 1. the number of contract and date of award;
 2. the name of the contractor;
 3. the code under BULSTAT for commercial entities and the personal identification number for natural persons;
 4. the subject matter of the contract;
 5. the time-limit for delivery;
 6. the total value of the contract without VAT;
 7. the value of the part of a contract to be performed by sub-contractors, if any;
 8. the terms of payment.
 - (2) When the value of a contract is expressed in a foreign currency, the information referred to in paragraph 1 (6) shall contain the type of the currency and its equivalent in Bulgarian Leva (BGL) on the exchange rate of the Bulgaria National Bank on the date of award.
 - (3) When the value of recurring contracts can not be determined on the date of award, the procuring entity shall send information about the contract performance on a 6-months basis.
 - (4) In case of any amendments to the contract terms or of contract termination, the procuring entities shall send information on the relevant circumstances.

- Article 16** The procuring entities shall send on a quarterly basis information on small public procurement contracts awarded pursuant to Article 30 paragraph 2 of the Regulation on Awarding of Public Procurement Contracts below the thresholds set out in Article 7 paragraph 1 of the Public Procurement Law, adopted by Regulation № 59 of the Council of Ministers of 2000 (SG № 36/2000).
- Article 17**
- (1) The information referred to in Articles 12 to 15 shall be provided within the period set out in the Public Procurement Law and in cases where such periods are not stated - within 7 days of its preparation.
 - (2) The information shall be sent on paper and, where available, in electronic form, in a format to be determined by the directors of the Public Procurement Directorate and the Information Technologies and Communications Directorate.
 - (3) The time-period for inscription of the information in the Register shall be not more than 10 days from its receipt.
 - (4) In case of incomplete information or evident breaches of the Public Procurement Law, the information shall be inscribed in the Register with a note of the relevant circumstances.
- Article 18** In case of finding by the Public Procurement Directorate of breaches of the Public Procurement Law, the Director shall propose to the Minister of State Administration to notify the relevant competent authorities in order to impose administrative penal measures in accordance with the Public Procurement Law.
- Article 19** The Minister of State Administration may request additional information on the award of public procurement contracts, which the procuring entities shall be obliged to provide.
- Article 20**
- (1) For each procedure for awarding of a public procurement contract, the following information from the documentation provided by the procuring entities shall be inscribed in the Register:
 1. Identification information for the procuring entity:
 - (a) the name;
 - (b) the address for correspondence, including e-mail address;
 - (c) the code under BULSTAT;
 - (d) the type of procuring entity as defined in Article 4 of the Public Procurement Law.
 2. Information on the procedure for awarding of public procurement contracts:
 - (a) the number and date of the decision for initiating of the award procedure;
 - (b) the type of award procedure;
 - (c) the subject of public procurement;
 - (d) the legal and actual grounds for initiating the procedure;
 - (e) the time-limit and place for delivery;
 - (f) restrictions for contract performance, if any;
 - (g) qualification requirements to tenderers;
 - (h) quality requirements;
 - (i) the terms concerning price formation and payment;
 - (j) the period of tender validity;
 - (k) the type and value of tender guarantee;
 - (l) additional requirements in accordance with Article 22 paragraph 2 of the Public Procurement Law;

- (m) the criteria for selection of tenderers - only in case of restricted procedure;
 - (n) the criteria for evaluation of tenders and the method of determining their weight in the complex evaluation;
 - (o) the place, date and time for examination and evaluation of tenders;
 - (p) the place and time-limit for receiving tender documentation;
 - (q) the method of payment and price of tender documentation;
 - (r) the place and time-limit for submission of applications for participation – only in case of restricted procedure;
 - (s) the place and time-limit for submission of tenders;
 - (t) the possibility to award additional deliveries in accordance with Article 16 paragraphs 3 and 4 of the Public Procurement Law;
 - (u) the name and legal status of invited suppliers, in case of restricted procedure - the date and number of the decision referred to in Article 49 paragraph 3 of the Public Procurement Law.
- 3. The issue number and date of the State Gazette where the invitation for participation has been published.
 - 4. The information referred to in Article 14.
 - 5. The information on awarded contract or contracts referred to in Article 15.
 - (2) Where the subject of public procurement is divided into separate positions, they shall be inscribed in the Register separately.
 - (3) When tender conditions are different for one or more of the separate positions of the public procurement, they shall be registered in relation to the relevant position.
 - (4) The information referred to in paragraph 1 (3) shall be registered officially after publication of an invitation in the Public Procurement Bulletin of the State Gazette.
 - (5) All amendments to the circumstances referred to in paragraph 1 and the rationale for them shall be inscribed in the Register, without deleting the previous information.

Article 21 The information on public procurement for each budgetary year shall be archived after a 5-year period from the year of registration has elapsed.

Section II Other Information

Article 22 (1) The Register shall also contain a list of external experts who may consult the procuring entities. The list of external experts shall be drawn by associations and shall contain:

- 1. the name;
- 2. the profession or sphere of competence;
- 3. the address for correspondence, telephone, fax, e-mail address.

(2) Annually by 15 December professional associations and organizations may present lists of external experts to be included in the list referred to in paragraph 1.

(3) The experts included in the list referred to in paragraph 1 shall be experienced professionals in the relevant field.

(4) The Director of the Public Procurement Directorate shall coordinate the drawing and updating of the list of external experts who may consult the procuring entities throughout the public procurement procedures.

- (5) The Minister of State Administration shall send the list of external experts who may consult the procuring entities for publication in the Public Procurement Bulletin of the State Gazette.

- Article 23**
- (1) The Register shall also contain annual rankings of the most successful commercial entities in the relevant field drawn by professional associations and organizations.
- (2) Annually by 15 December professional associations and organizations may present to the Minister of State Administration lists of the most successful commercial entities in the relevant field, together with the criteria used.

- Article 24**
- (1) The Register shall also contain information on the practice of implementation of the Public Procurement Law which includes:
1. guidelines for implementation of the Public Procurement Law;
 2. standard tender documents;
 3. cases related to public procurement awarding and performance;
 4. court practice.
- (2) Upon proposal by the Director of the Public Procurement Directorate, the Minister of State Administration shall determine the information under paragraph 1 (3) and (4) to be included in the Register.

- Article 25** The Register shall also contain auxiliary information on its use and on the opportunities it provides to the customers.

CHAPTER FOUR ACCESS TO AND USE OF THE REGISTER

- Article 26** The access to the Register's information shall be free and provided through the Internet website of the Council of Ministers.

- Article 27**
- (1) The Register shall provide an opportunity for the customers to search for information and enquiries using the following parameters:
1. the name and type of procuring entity;
 2. the type of procedure;
 3. the subject of public procurement contract;
 4. the stage of the public procurement process;
 5. the time-limit for receipt and examination of tenders, respectively the time-limit for submission of applications to participate in a restricted procedure;
 6. the issue number and date of the State Gazette.
- (2) The Minister of State Administration shall determine the rules and conditions for other services.

TRANSITIONAL AND FINAL PROVISIONS

- §1. (1) The Regulation shall enter into force on 1 November 2000.
- (2) A text version of the Register which might not contain all the elements as set out in the Regulation shall be published initially on the Internet website of the Council of Ministers.
- §2. (1) The Register shall be brought into compliance with the requirements set out in this Regulation by 1 January 2001.

- (2) The information on public procurement from the date of entry into force of the Public Procurement Law to 31 December 2000 shall be brought into compliance with the requirements of this Regulation by 30 June 2001.
- §3. This Regulation is adopted pursuant to Article 54 paragraph 1 of the Public Procurement Law.

**INFORMATION
on tenders submitted**

from.....
(name of the procuring entity, its address, telephone, fax, BULSTAT, legal status and batch under Article 8)

Subject matter of the public procurement *	Type of procedure	Tenders submitted	Tenders allowed for examination and evaluation	Tenders rejected pursuant to Article 40 of the Public Procurement Law	Tenders rejected pursuant to Article 42 paragraph 3 of the Public Procurement Law

** Where the subject of public procurement is divided into separate positions and each of them might be subject to a separate tender, information shall be presented for each position.*

**REPUBLIC OF BULGARIA
COUNCIL OF MINISTERS**

**REGULATION ON AWARDING OF PUBLIC PROCUREMENT CONTRACTS
BELOW THE THRESHOLDS SET OUT IN ARTICLE 7 PARAGRAPH 1
OF THE PUBLIC PROCUREMENT LAW**

(published in State Gazette No 36 of 2 May 2000, in force as of 5 May 2000)

**CHAPTER ONE
GENERAL PROVISIONS**

- Article 1** This Regulation shall specify the conditions and rules for awarding of public procurement contracts below the thresholds set out in Article 7 paragraph 1 of the Public Procurement Law hereinafter referred to as “small public procurement”.
- Article 2** For the purpose of this Regulation, small public procurement contract shall mean a public procurement the estimated value of which, on the date of announcing the procedure for awarding of a public procurement contract, without VAT, is below the thresholds set out in Article 7 paragraph 1 of the Public Procurement Law.
- Article 3**
- (1) Small public procurement contracts are public procurement contracts with pecuniary interests, concluded in writing, in accordance with the procedures laid down in this Regulation, between a procuring entity and a selected contractor as defined in Article 3 paragraph 1 of the Public Procurement Law.
 - (2) When the estimated value of a small public procurement contract is below 10 000 BGL, the procuring entity may choose not to apply the award procedure and not to conclude a contract in writing; in such a case a proof for the transaction shall be the primary payment documents.
- Article 4**
- (1) The estimated value of a small public procurement contract shall be calculated in accordance with the provisions of Article 7 and 8 of the Public Procurement Law.
 - (2) The estimated value of a design contract shall include all expenses for the design preparation.
 - (3) The estimated value of a complex small public procurement contract shall include the value of all separate positions.

**CHAPTER TWO
TYPES OF PROCEDURES**

- Article 5**
- (1) Small public procurement contracts shall be awarded in accordance with the principles set out in Article 9 of the Public Procurement Law through the following procedures: open tender, restricted tender, design contest and negotiation procedure.
 - (2) In open tenders, the procuring entities shall invite unlimited number of suppliers to submit a tender.

- (3) In restricted tenders, the procuring entities shall invite at least five suppliers and shall conduct the tender if at least two of the invited suppliers submit applications for participation.
- (4) In design contests, the procuring entities shall invite unlimited number of suppliers to design a project in accordance with pre-announced conditions of the contest programme.
- (5) In negotiation procedures, the procuring entities shall award a public procurement contract after negotiations with one or several selected suppliers.

Article 6 The procuring entity shall take a decision to initiate an open tender where the estimated contract value, without VAT, on the date of announcing the procedure is within the following limits:

1. for construction works - above 100 000 BGL up to 600 000 BGL;
2. for supplies - above 20 000 BGL up to 50 000 BGL;
3. for services – above 15 000 BGL up to 30 000 BGL.

Article 7 (1) The procuring entity shall take a decision to initiate a restricted tender where the estimated contract value, without VAT, on the date of announcing the procedure is within the following limits:

1. for construction works – above 30 000 BGL up to 100 000 BGL;
 2. for supplies - above 10 000 BGL up to 20 000 BGL;
 3. for services - above 10 000 BGL up to 15 000 BGL.
- (2) The procuring entity may also take a decision for initiation of a restricted tender if the open tender initiated has been cancelled or terminated without signing of a contract.

Article 8 (1) The procuring entity shall take decision to initiate a negotiation procedure when:

1. the estimated value of a contract, without VAT, on the date of announcing the procedure, is within the following limits:
 1. for construction works - below 30 000 BGL;
 2. for supplies - below 10 000 BGL;
 3. for services - below 10 000 BGL.
 2. the circumstances referred to in Article 16 of the Public Procurement Law apply;
 3. the subject of public procurement is a guarantee service or post-guarantee service of machines, installations and complex equipment;
 4. the subject of procurement is purchasing of spare parts of procured machines, installations and complex equipment;
 5. the open or restricted tender has been cancelled or terminated without signing of a contract.
- (2) Tenderers that have been ranked in the open or restricted tender and have refused to sign a contract shall not participate in the negotiation procedure.
- (3) In cases referred to in paragraph 1 (5) the procuring entity shall not sign a contract at higher price and/or under less favorable conditions than those announced for the terminated procedures.

Article 9 Where the estimated value of a small supply public procurement contract is below 10 000 BGL, the procurement can be made through purchase from the trade network on the basis of three price offers.

CHAPTER THREE
INITIATION OF PROCEDURE FOR AWARDING OF SMALL
PUBLIC PROCUREMENT CONTRACTS

- Article 10** Each procedure for awarding of a small public procurement contract shall initiate with a decision of the procuring entity, except in cases referred to in Article 9.
- Article 11**
- (1) The decision to initiate a procedure for awarding of a small public procurement contract shall contain the information referred to in Article 22 of the Public Procurement Law.
 - (2) The decision to initiate a procedure for awarding of a small public procurement contract shall contain provisions to ensure and encourage participation of small and medium-sized enterprises.
 - (3) The decision to initiate a procedure for awarding of complex small public procurement contracts, the procurement of which is subdivided into smaller parts, shall contain the option that suppliers may submit either an overall tender or tenders for one or more parts of the procurement.
- Article 12** The decision to initiate a restricted tender shall indicate all suppliers invited by the procuring entity to participate.
- Article 13** The decision to initiate a design contest shall include the type, number and amount of prizes that may be awarded by the evaluation commission to tenderers.
- Article 14** The decision to initiate a negotiation procedure shall name the supplier or suppliers, which the procuring entity invites to negotiations.
- Article 15** After taking a decision to initiate a procedure for awarding of a small public procurement contract, the procuring entity shall send an invitation for participation, which contains at least the following information:
1. the name, address and telephone of the procuring entity;
 2. the type and subject of public procurement;
 3. the place and time-limit for receipt of tender documentation; the price and the method of payment for the documentation;
 4. the place and time-limit for submission of tenders.
- Article 16**
- (1) For participation in a procedure for awarding of a small public procurement contract, except for the procedure referred to in Article 5 (4), the supplier shall submit a tender guarantee in one of the following forms:
 1. bank guarantee;
 2. cash.
 - (2) The procuring entity shall determine the value of a tender guarantee, not exceeding 1 per cent of the estimated contract value.
 - (3) The tender and performance guarantee shall be retained or released in accordance with the provisions of Articles 32 and 33 of the Public Procurement Law.
 - (4) When the procuring entity determines a value of the performance guarantee higher than the tender guarantee value, the contractor shall submit an additional guarantee whose value shall be equivalent to the difference between the tender guarantee paid and the determined performance guarantee.

- Article 17**
- (1) The preparation and conducting of a small public procurement contract award procedure shall be ensured by the procuring entity.
 - (2) The procuring entity shall keep all the documentation related to the conducting of a small public procurement contract award procedure for 3 years after the expiry of contract performance.

- Article 18**
- (1) Tender documentation shall contain all the information and requirements necessary for the preparation of tenders as well as the conditions and rules for conducting of a small public procurement contract award procedure.
 - (2) Suppliers shall obtain tender documentation and their price, to be determined by the procuring entity, shall not exceed their actual cost. The procuring entity may decide to provide to the suppliers tender documentation free of charge.
 - (3) Tender documentation shall include:
 1. the decision for initiation of a procedure;
 2. the invitation for participation to tender;
 3. a full description of the subject of public procurement;
 4. technical performance requirements;
 5. a standard tender form;
 6. a draft public procurement contract;
 7. the necessary plans for preparation of tender in case of public procurement contracts for works.
 - (4) In design contests, tender conditions referred to in paragraphs from 3, point 3 to 3, point 5 shall be stated in the contest programme. Criteria for evaluation of design work shall include architectural, creative and technical criteria as well as an estimated value of the construction.
 - (5) In design contests, the procuring entity may appoint as external experts only experienced and highly qualified professionals included in the list of external experts referred to in Article 55 paragraph 2 (4) of the Public Procurement Law, with the aim of preparing tender documentation.
 - (6) Tender documentation shall not stipulate requirements or reference to undertakings, products, materials or services related to particular undertakings, patents, utility models, trademarks, geographical indications, topology of integrated circuits nor establish any other technical restrictions for participation to tender.
 - (7) The procuring entity shall be solely responsible for the scope and content of tender documentation necessary for the tender preparation.

CHAPTER FOUR

REQUIREMENTS TO TENDERERS

- Article 19**
- (1) The following tenderers shall be eligible for participation in small public procurement contracts award procedures:
 1. Bulgarian or foreign natural or legal persons, including their associations;
 2. scientific organizations and institutions.
 - (2) In the decision for initiation of a procedure, the procuring entity may stipulate a requirement for the successful tenderer to be a commercial entity within the meaning of the Commercial Law except where the contractor exercises a liberal profession.

- Article 20**
- (1) Tenderers shall meet the requirements referred to in Articles 23 and 24 paragraphs 1 and 2 of the Public Procurement Law.

- (2) The circumstances referred to in Article 24 paragraph 1 of the Public Procurement Law can be certified by a tenderer with a declaration when for acceptable reasons he can not present the necessary documents within the specified time-limit.

CHAPTER FIVE TENDER

Article 21 When preparing the tender, each tenderer shall meet the conditions announced in advance by the procuring entity.

- Article 22**
- (1) Tenderers shall prepare tenders in accordance with the provisions of Articles 25-29 of the Public Procurement Law.
 - (2) In cases referred to in Article 11 paragraph 3 a tender may cover all or only several parts of procurement.

Article 23 Tenders shall be submitted by tenderers and shall be kept by the procuring entity in accordance with the provisions of the Public Procurement Law.

CHAPTER SIX EVALUATION AND RANKING OF TENDERS

- Article 24**
- (1) For conducting of a small public procurement contract award procedure, the procuring entity shall establish an evaluation commission and appoint its chairman.
 - (2) For conducting of a negotiation procedure for awarding of a small public procurement contract in accordance with Article 3 paragraph 2, the procuring entity may authorize its representative to perform the procurement on the basis of three price proposals.

- Article 25**
- (1) The evaluation commission shall consist of at least three members, of which one shall be a lawyer, and the other experts shall have the relevant professional expertise and experience related to the type and characteristics of the public procurement.
 - (2) The procuring entity shall appoint the commission upon expiry of the deadline specified for submission of tenders and shall announce it on the day set for opening, examination and evaluation of tenders.
 - (3) In case of design contests, the commission may include an entity from the list of external experts referred to in Article 55 paragraph 2 (4), proposed by a relevant professional association.
 - (4) Remuneration of commission members and all expenditures related to commission's activity shall be borne by the procuring entity.

Article 26 Commission members and experts shall meet the requirements provided for in Article 38 of the Public Procurement Law.

- Article 27**
- (1) The commission shall examine, evaluate and rank submitted tenders in accordance with the rules laid down in Articles 39-44 of the Public Procurement Law.
 - (2) In design contests, the evaluation commission shall be an independent body. The commission shall take its decisions on the basis of anonymously

submitted designs and in accordance with the criteria and their pre-determined weight in the complex evaluation of tenders.

- (3) The anonymity of designs referred to in paragraph 2 shall be ensured by the procuring entity upon receipt of tenders and under the conditions of the contest programme.

CHAPTER SEVEN

AWARDING OF SMALL PUBLIC PROCUREMENT CONTRACTS

- Article 28**
- (1) The procuring entity shall announce by a decision the first two or three top ranked tenderers and the successful tenderer not later than 3 working days after the completion of the evaluation commission's work.
 - (2) The decisions under paragraph 1 above taken by the procuring entity as defined in Article 4 (2) and (3) of the Public Procurement Law shall be individual administrative acts within the meaning of Article 2 of the Law on Administrative Procedures.
 - (3) The procuring entity shall communicate to the tenderers the tender evaluation results to in writing.

Article 29 The procuring entity shall award small public procurement contracts in accordance with the conditions and rules of this Regulation and the provisions of Articles 17-20 and Article 46 of the Public Procurement Law.

- Article 30**
- (1) The provisions of the Commercial Law and/or the Law on Obligations and Contracts shall apply to the performance of small public procurement contracts unless otherwise provided for in the Public Procurement Law.
 - (2) At the end of each quarter the procuring entity shall send information for all small public procurement contracts concluded to the Public Procurement Register according to the attachment to the Regulation, except in cases where the estimated value of small public procurement contract is below 10 000 BGL.

CHAPTER EIGHT

OPEN TENDER

- Article 31**
- (1) An open tender shall commence with an invitation for participation to unlimited number of suppliers.
 - (2) The invitation shall be sent simultaneously to the State Gazette and the Agency for Small and Medium-Size Enterprises at least 15 days before the final date for tender submission.
 - (3) The State Gazette shall publish the invitation in the Public Procurement Bulletin at the latest 5 days after its receipt.
 - (4) The procuring entity may send the invitation for publication in other media.

- Article 32**
- (1) When, within the time-limit specified for submission of tenders, less than two tenders have been submitted, the procuring entity may extend the time-limit or proceed to a restricted tender or a negotiation procedure.
 - (2) Any change in the time-limit for submission of tenders shall be announced in accordance with Article 31 paragraph 2 and communicated in writing to suppliers who have already submitted tenders.

Article 33 The procuring entity shall conduct an open tender for awarding of a small public procurement contract if at least two tenders have been submitted.

CHAPTER NINE RESTRICTED TENDER

- Article 34**
- (1) A restricted tender shall commence by an invitation for participation that is sent simultaneously to at least five suppliers.
 - (2) The invitation for participation in a restricted tender shall be sent simultaneously to the Agency for Small and Medium-Sized Enterprises.
 - (3) The procuring entity may announce an invitation for participation to tender by means of other media.

- Article 35**
- (1) The time-limit for submission of tenders shall be specified by the procuring entity, but shall in no case be less than 10 calendar days after invitations have been sent.
 - (2) The procuring entity may extend the initially specified time-limit for submission of tenders and shall notify in writing all the tenderers in accordance with Article 34 paragraph 2.
 - (3) Tenderers not invited by the procuring entity may also submit tenders for participation in a restricted tender.
 - (4) The procuring entity shall not refuse to accept and consider all tenders submitted in accordance with paragraph 3.
 - (5) The procuring entity shall conduct a restricted tender if at least two tenderers have submitted tenders.

CHAPTER TEN DESIGN CONTEST

- Article 36**
- (1) A design contest shall commence with an invitation to unlimited number of tenderers.
 - (2) The invitation shall be sent simultaneously to the State Gazette and relevant professional associations, at least 30 days before the final date for submission of designs.
 - (3) The State Gazette shall publish the invitation for participation in the Public Procurement Bulletin not later than 5 calendar days after its receipt.
 - (4) The procuring entity may also announce the invitation through other media, as well as to publish it in a specialized newspaper or magazine.
 - (5) When in the time-limit for submission of designs less than two designs have been submitted, the procuring entity may extend the time-limit or proceed to a negotiation procedure.

- Article 37** For matters not dealt with in this Chapter, the relevant provisions regarding open tendering shall apply.

CHAPTER ELEVEN NEGOTIATION PROCEDURE

- Article 38**
- (1) A negotiation procedure shall commence with an invitation sent to one or more suppliers, selected by the procuring entity.
 - (2) The invitation shall be sent simultaneously to the Agency for Small and Medium-Sized Enterprises and a supplier or suppliers selected by the procuring entity.

- Article 39**
- (1) The procuring entity shall specify the time-limit for submission of tenders, which shall not be less than 5 calendar days from the date on which the invitation has been sent.
 - (2) Tenderers not invited by the procuring entity may also submit tenders for participation in a negotiation procedure.
 - (3) The procuring entity may not refuse to accept and consider all tenders submitted in accordance with the provisions referred to in paragraph 2.

CHAPTER TWELVE TERMINATION OF THE PROCEDURE

- Article 40**
- (1) The procuring entity shall terminate the procedure for awarding of a small public contract in cases when:
 1. less than two tenders have been submitted in the open and restricted tendering;
 2. all tenders do not meet the pre-announced tender conditions;
 3. the tenderers ranked up to the second or third place have refused to conclude a contract;
 4. the rationale for the application of a procedure is no longer valid as a result of substantial change in circumstances, including upon impossibility to provide financing for performance of the contract due to unforeseen reasons.
 - (2) The procuring entity shall not be obliged to state the circumstances referred to in paragraph 1 (4) in the tender conditions.

CHAPTER THIRTEEN CHALLENGE PROCEDURES AND CONTROL

- Article 41**
- (1) Tenderers participating in small public procurement contract award procedures under this Regulation may launch a complaint against non-compliance with the requirements for their carrying out in accordance with the provisions laid down in the Law on Administrative Procedures.
 - (2) The decisions for awarding of small public procurement contracts, where the estimated value does not exceed 10 000 BGL, shall not be subject to appeal.
 - (3) Appeals shall be filed with the procuring entity within 7 days after the decision on the award of the contract has been announced.

- Article 42**
- The control over the implementation of this Regulation shall be exercised by the Audit Office and the organs of the State Financial Control. The appeal and control over the procedures for awarding of small public procurement contracts shall be carried out in accordance with Articles 56 and 57 of the Public Procurement Law.

CHAPTER FOURTEEN ADMINISTRATIVE PENAL PROVISIONS

- Article 43**
- For breaches of the provisions of this Regulation, the guilty entities/persons shall be punished in accordance with Article 32 of the Law on Administrative Infringements and Penalties, unless a harsher punishment is envisaged in the Public Procurement Law.

- Article 44**
- (1) Statement of findings of any breach under this Regulation shall be drawn by the officials of the State Financial Control.
 - (2) Penal injunctions shall be issued by the Minister of Finance and the Minister of State Administration or officials authorised by them.

- (3) The finding of breaches, the issue, appeal and execution of penal injunctions shall be undertaken in accordance with the provisions laid down in the Law on Administrative Infringements and Penalties.

ADDITIONAL PROVISIONS

- §1. For the purpose of this Regulation:
 - (1) “Small and medium-sized enterprises” shall mean enterprises registered in accordance with Article 9 of the Law on Small and Medium-Sized Enterprises.
 - (2) “Parts of public procurement” stated in tender shall be subject to separate public procurement contracts within the meaning of Article 3 paragraph 1 of the Public Procurement Law.

TRANSITIONAL AND FINAL PROVISIONS

- §2. The Regulation shall be adopted in accordance with Article 7 paragraph 4 of the Public Procurement Law.
- §3. The Minister of State Administration shall provide guidance on the application of the Regulation.

**ATTACHMENT to
Article 30 paragraph 2 of the Regulation**

INFORMATION

on the small public procurement contracts concluded for the period

From

(name of procuring entity, address, telephone, fax, BULSTAT and legal status according to Article 4 of the Public Procurement Law)

№	Small public procurement subject within the meaning of Article 3 of the Law	Type of procedure / tender	Number of submitted tenders	Number and date of contract concluded	Name and address of contractor	Legal status of contractor	BULSTAT or personal identification number of the contractor	Subject of the contract	Value of the contract in BGL (with/without VAT)

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Latvia

Addendum

The following communication has been received from the Permanent Mission of the Republic of Latvia with the request that it be circulated to the Committee on Government Procurement.

With reference to the process of the accession of Latvia to the Agreement on Government Procurement, the following Latvian legislation in the field of government procurement is being circulated to the Parties to the Agreement*:

- the Law on Construction Work, Supply, Leasing and Services for the Needs of Public Service Undertakings of 4 November 1999; and
- the Regulations of the Cabinet of Ministers No. 376 of 31 October 2000 "The Procedure of Selection of Tenderers and Application of Methods for Choice of Tenders".

* In English only.

The *Saeima*¹ has adopted and the President has proclaimed the following Law:

LAW ON CONSTRUCTION WORK, SUPPLY, LEASING AND SERVICES FOR THE NEEDS OF PUBLIC SERVICE UNDERTAKINGS²

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **public service undertaking** – an undertaking (company) which operates on the basis of exclusive rights provided by law or other regulatory enactments, or on the basis of a licence issued by a State authority or a Local Government, which permits one or more such undertakings (companies) to operate in a specified field within a particular administrative territory or which occupies a natural monopoly position, within a particular administrative territory, in one of the following fields:
 - a) the energy supply,
 - b) the acquisition and supply of drinking water, or the acquisition or supply of drinking water to the drinking water distribution networks of public significance, its transportation through such networks to the consumer, and the management of such networks,
 - c) the construction and management of sewerage networks and purification equipment,
 - d) the administration of an airport or a seaport,
 - e) the exploration of oil or gas deposits in Latvia or its economic zone,
 - f) the maintenance and administration of public telecommunications networks and provision of telecommunications services,
 - g) the maintenance and management of the railway infrastructure for public use, and
 - h) carriage of passengers by buses, trams, and trolley buses;
- 2) **services** – transport carriage, training, and provision of consultation, design and other work, except construction work and supply; and
- 3) **tenderer** – an undertaking (company) which expresses a wish to perform construction work, supply goods, as well as to lease or provide services on the basis of a contract with the public service undertaking.

¹ The Parliament of the Republic of Latvia.

² Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. *chairperson*.

Section 2. The Purpose of this Law

The purpose of this Law is:

- 1) to achieve transparency and public accessibility during the selection of the performers of construction work, suppliers of goods, lessors and providers of services;
- 2) to ensure competition among the performers of construction work, suppliers of goods, lessors and providers of services;
- 3) to achieve a rational utilisation of the resources of public service undertakings; and
- 4) to promote engagement of the performers of construction work, suppliers of goods, lessors and providers of services in construction work, supply, leasing or provision of services for the needs of public service undertakings.

Section 3. Exceptions to the Application of this Law

(1) This Law shall not apply if:

- 1) a public service undertaking enters into a contract regarding construction work, supply, leasing or services which pertain to the activity of the public service undertaking in foreign states, and if the networks of supply and infrastructure in Latvia are not utilised for such activity in foreign states;
- 2) energy supply undertaking (company) enters into a contract regarding the acquisition of energy or fuel (energy resources) in order to provide an energy supply;
- 3) a public service undertaking enters into a contract regarding construction work, supply, leasing or services which are partially or fully paid for on the basis of bilateral cooperation contracts, from donations of the European Union or loans, or the donations of international financial institutions, if the intergovernmental contract with the relevant international financial institution, or the specific loan or donation contract, provides for selection procedures of the performer of construction work, supplier of goods, lessor or provider of services;
- 4) a public service undertaking enters into a contract regarding the leasing or purchase of real property or the acquisition of other rights to real property, regarding the services provided by other public service undertakings, regarding arbitration services, regarding services related to the issuance, acquisition, sale or transfer of securities or other financial resources to other persons, regarding the services of natural persons in accordance with employment contracts or regarding scientific research (except such research which is fully paid for by the public service undertaking and the results of which are received by such public service undertaking for their own needs);
- 5) a public service undertaking enters into a contract with its branch, or an undertaking which is under its control, or a joint undertaking which has been established by several public service undertakings in order to engage in activities in one of the fields referred to in Section 1, Clause 1 of this Law, if 80 per cent on average of the services provided by such branch, or controlled undertaking, or joint undertaking during the last three years have been provided to the public service undertaking of which the provider of the services is a branch, or under the control; or

- 6) a public service undertaking enters into a contract in which there is information regarding official secrets in accordance with the Law On Official Secrets.

(2) If a public service undertaking does not apply this Law in accordance with Paragraph one of this Section, it shall preserve all the information and documents regarding the relevant contract in order that it may substantiate its decision.

Chapter II

Selection of Tenderers and Choice of Tenders

Section 4. Prevention of Discrimination against Tenderers

(1) In the selection of tenderers and the choice of tenders, a public service undertaking shall not discriminate against any performer of construction works, supplier of goods, lessor or provider of services.

(2) Any contract regarding construction work, the supply of goods, leasing or services shall be entered into by a public service undertaking so as to achieve the purposes referred to in Section 2 and in accordance with the requirements of this Law.

(3) If the estimated price without value-added tax in a contract for supply, leasing or the provision of services exceeds 250 thousand lats or the price without value-added tax in a contract for construction work exceeds three million lats, the public service undertaking shall apply the methods for the selection of tenderers and for the choice of tenders in accordance with this Law.

Section 5. Methods for Selection of Tenderers and for Choice of Tenders

(1) A public service undertaking shall apply one of the following methods for the selection of tenderers and for the choice of tenders:

- 1) an open competition – when a public service undertaking publicly invites tenderers to submit tenders;
- 2) a restricted competition – when a public service undertaking invites tenderers pursuant to its own choice on the basis of market research; and
- 3) negotiations – when a public service undertaking conducts negotiations (consultations) with one or several tenderers regarding the conditions of a contract.

(2) The Cabinet shall determine the procedures for the application of the methods for the selection of tenderers and the choice of tender.

Section 6. Selection of Tenderers at a Competition or Negotiations

(1) If a public service undertaking selects tenderers utilising the methods of competition or negotiations, it shall set equal objective requirements for all the tenderers.

(2) A public service undertaking may substantiate the requirement, on the basis of objective needs, to reduce the number of possible tenderers to a level which allows a balance between the procedures for the selection of tenderers and their nature, with the resources necessary for carrying out such procedures. The selected number of tenderers shall be enough to ensure competition.

Section 7. Qualification Assessment System

- (1) To ensure that a public service undertaking always has available information regarding potential performers of specific construction work, suppliers of goods, lessors and providers of services at its disposal, it may establish and apply a qualification assessment system regarding performers of construction work, suppliers of goods, lessors and providers of services.
- (2) The system, which shall include various qualification assessment stages shall be established and applied in accordance with objective requirements and regulations of the public service undertaking. If necessary, the requirements may be reviewed up to the invitation of tenderers to a qualification assessment.
- (3) The qualification requirements shall be accessible to the performers of construction work, suppliers of goods, lessors and providers of services. The notice of the review requirements shall be provided in good time.
- (4) A public service undertaking shall request the interested performers of construction work, suppliers of goods, lessors or providers of services to submit applications for qualification assessment in accordance with the qualification assessment system by publishing a notice regarding preliminary qualification assessment in the newspaper *Latvijas Vēstnesis*³ and in any other periodical press publication.
- (5) When taking a decision regarding qualification, or reviewing the qualification requirements, a public service undertaking may not:
 - 1) set different administrative, technical or financial requirements for the interested performers of construction work, suppliers of goods, lessors or providers of services; and
 - 2) request generally accessible information or repeated examinations, or evidence which duplicates such information.
- (6) Within a period of six months from the day of the submission of an application, a public service undertaking shall take a decision regarding the conformity of the qualifications of a tenderer and notify the tenderer in writing. If a longer time-period is necessary for the taking of the decision, the public service undertaking shall notify the tenderer, within a period of two months from the day of the submission of an application, of the reasons due to which a longer time-period is needed for the taking of a decision, as well as the term by which a relevant decision shall be taken.
- (7) A public service undertaking shall inform the submitters of applications, whose qualifications has been found inadequate, regarding the reasons for their rejection on the basis of the non-compliance of the tenderer with the requirements referred to in Paragraph two of this Section.
- (8) A public service undertaking shall prepare a register of the tenderers selected by qualification assessment. The register shall be accessible for all the potential performers of construction work, supplier of goods, lessors and providers of services.
- (9) A tenderer shall be regarded as being in conformity with the qualification requirements for a period of 12 months from the day when the decision was taken regarding the conformity of his or her qualifications. A public service undertaking may discontinue the qualification assessment of tenderers, if they do not comply with the qualification requirements. A public service undertaking

³ The official Gazette of the Government of Latvia.

shall inform the tenderers regarding the intention to discontinue qualification assessment in writing, and specify the reasons.

Section 8. Restrictions to Participation

A performer of construction work, supplier of goods, lessor or provider of purchases shall be excluded from participation in the selection of tenderers and the entering into of a contract, if their activity is characterized by one or more of the following features:

- 1) they are insolvent;
- 2) they have not paid taxes or social insurance contributions in compliance with the requirements of the regulatory enactments of Latvia or their country of domicile; or
- 3) they have provided false or misleading information to the public service undertaking.

Chapter III Determination of the Estimated Contract Price

Section 9. Estimated Contract Price for Supply

The estimated contract price for supply shall be determined on the basis of the amount of the particular transaction. It shall not be permitted to divide the estimated contract price into parts without good reason, or to utilise special methods for determining it, in order to avoid the application of this Law.

Section 10. Estimated Contract Price for Services

(1) In determining the estimated contract price for services, a public service undertaking shall take into account all the remuneration that will be received by the provider of services, as well as the conditions referred to in this Section.

(2) In determining the estimated contract price for insurance services, the amounts of the insurance premiums to be paid shall be taken into account.

(3) In determining the estimated contract price for bank services, the charges for bank services, interest payments and other kinds of remuneration for services shall be taken into account.

(4) In determining the estimated contract price for design (except construction design) services, the total remuneration for the services shall be taken into account.

(5) If the total contract price for the services is not determined, then the estimated contract price shall be determined on the basis of the contract price for the services provided for one month, which shall be multiplied by:

- 1) the number of months within the period for which the contract shall be entered into, if the contract is entered into for a specific time-period which does not exceed 48 months; or
- 2) 48, if the contract is entered into for indefinite time or for a specific time-period which exceeds 48 months.

Section 11. Estimated Contract Price for Leasing or Instalment Purchase

If goods are leased with an option to purchase (acquired with leasing provisions) or without it, purchased or acquired on instalment, the estimated contract price shall be determined on the basis of:

- 1) the total contract price, if the contract is entered into for 12 months or a shorter time-period, or the total contract price, taking into account the planned residual value of the leased object in the case of a lease or a lease with an option to purchase, if the contract is entered into for a time-period which exceeds 12 months; or
- 2) the expected payments in the first four years, if the contract is entered into for indefinite time.

Section 12. Estimated Contract Price for Construction Work

(1) The estimated contract price for construction work shall be the total price for the relevant construction work.

(2) In determining the contract price for construction work, it shall also include all the supply of goods or services necessary for the performance of the relevant contract for construction work. If a contract for construction work also includes supply of goods or services, which are not necessary for the performance of the relevant construction work, the price for such supply of goods or services need not be taken into account when determining the contract price for construction work.

Section 13. Estimated Contract Price for Contracts with Options and for Mixed Contracts

(1) If a contract for supply of goods, leasing or services provides for options, the estimated contract price shall be determined as the highest possible price which is allowed by such options for purchase, lease, lease with an option to purchase or instalment purchase.

(2) If a contract provides for both supply and the provision of services, it shall be considered to be either a contract for supply of goods or a contract for provision of services – depending on which constitutes a larger amount of the estimated contract price, but the estimated contract price shall be determined on the basis of the total contract price for supply of goods and services without taking into account the contract price for supply of goods or services separately.

(3) If the supply of goods, services or construction work consist of separate supply of goods, separate services, their parts or groups, separate construction work, its parts or groups, then the estimated contract price shall be determined, in accordance with this Section, taking into account the total estimated contract price for the goods, services or construction work.

Section 14. Estimated Contract Price in Cases of Extended Contracts or Taking into Account Subcontracts

(1) If one or more suppliers utilising several contracts supply goods of one and the same designation, or if a contract is extended, the estimated contract price shall be determined on the basis of one of the following indicators:

- 1) the amount in monetary terms of the supply of goods of the one and the same designation during the previous financial year or a period of 12 months, taking into account, if possible, the estimated contract prices or changes in the amounts during the subsequent 12 months; or

- 2) the total amount in monetary terms of supply of goods of the one and the same designation in a contract which shall be entered into within 12 months after the first contract entered into, or taking into account the whole duration period of the contract, if it exceeds 12 months.

(2) If such a contract has been entered into between a public service undertaking and one or more suppliers of goods, construction contractors or providers of services, in which is included basic provisions regarding the subject-matter of the contract and, if possible, regarding the prices of one unit and the sub-contracts which will be entered into during the period specified in this contract, the contract price shall be determined as the total calculated amount of the contract prices of the anticipated subcontracts during the time-period for which such contract is entered into.

Chapter IV Tenders for a Competition or for Negotiations

Section 15. Submission of Tenders

- (1) Applications regarding participation in the selection of tenderers, and tenders, shall be sent in writing, observing the deadlines specified in this Law.
- (2) In determining deadlines for the submission of tenders, a public service undertaking shall take into account the amount of the contract and technical specifications, and the necessity to perform a site inspection or examination.
- (3) Legal persons may be requested to indicate, in the tenders or applications submitted, information regarding the persons who will be responsible for the provision of services.
- (4) If the performance of a contract involves third persons and the entering into of sub-contracts, the tenderer shall indicate this in the tender documents. Such indication shall not affect the liability of the main party to the contract (the general contractor).

Section 16. Information Regarding Competition or Negotiations

- (1) If a tenderer requests such in writing, the public service undertaking shall, within six days from the receipt of the application, send to the potential performer of construction work, supplier of goods, lessor or provider of services, the Regulations of the competition, a draft contract and other necessary documents.
- (2) If a tenderer has in good time made a written request for additional information which pertains to the contract documentation, the public service undertaking shall provide it to the tenderer not later than six days before the specified deadline for the submission of tenders.

Section 17. Criteria for the Choice of Tenders

- (1) A public service undertaking shall choose either the most economically advantageous tender in which such factors as the term for the supply or the performance of the contract, the costs, the effectiveness, the quality of the tender, the aesthetic and functional characteristics, the technical conformity, the exploitation expenditures, the availability of spare parts, the security of supply, the price and other factors have been taken into account, or also the tender with the lowest price.

(2) If a public service undertaking chooses the most economically advantageous tender, it shall indicate in the Regulations of the competition all the criteria for the choice in descending order of importance, and the algorithm for the choice of the tender in accordance with the criteria referred to.

(3) If a public service undertaking chooses the most economically advantageous tender, the tenderers may submit different variants of the tender which meet the technical requirements set by the public service undertaking. The procedure for the submission of variants shall be specified in the Regulations of the competition. If submission of variants is not allowed, it shall be indicated in the Regulations of the competition.

Section 18. Rejection of Abnormally Low Tenders

(1) A public service undertaking may reject abnormally low tenders, if written explanations have in due time been requested regarding such parts of the tender which make the relevant tender abnormally low.

(2) A public service undertaking may reject the tenders, which are abnormally low due to the State aid received, only if it has available information that the State aid has not been approved by the State Aid Supervision Commission.

Chapter V Notices and Invitations

Section 19. Invitations to the Selection of Tenderers, Submission of Tenders, and Notices Regarding Entering into of Contract

(1) In the case of an open competition, a public service undertaking shall send to the Purchase Supervision Bureau an invitation to the selection of tenderers and submission of tenders for publication in electronic form and in the newspaper *Latvijas Vēstnesis*.

(2) In the case of a restricted competition or negotiations, the public service undertaking shall invite in writing the selected tenderers to submit tenders within a specified term and shall simultaneously send a notice to the Purchase Supervision Bureau for publication in electronic form.

(3) The invitation shall be accompanied by the Regulations of the competition and a draft contract, as well as indicate:

- 1) the name, address, telephone and telefax numbers of the public service undertaking;
- 2) the name, surname, office held and address of the contact person from whom supplementary documents may be received, as well as the date until which such may be requested, and the relevant fee, if such has been specified;
- 3) the location and date for submission of tenders;
- 4) the language in which tenders are to be submitted;
- 5) a reference to the published invitation to submit tenders, if there has been such;
- 6) an indication of the documents to be attached to the tender;

- 7) the criteria for the selection of tenderers and the choice of tenders, if such are not specified in the invitation; and
 - 8) other information.
- (4) In the case of an open or a restricted competition and of negotiations, the public service undertaking shall publish a notice thereof within 20 days from the entering into of the contract.
- (5) A notice regarding the entering into of the contract shall specify:
- 1) the name and address of the public service undertaking;
 - 2) the subject-matter of the contract entered into;
 - 3) the construction work to be performed, the supply of goods, the leasing or the services to be provided;
 - 4) the scope of the construction work, the supply of goods, the lease or the services;
 - 5) the method for the selection of tenderers;
 - 6) the undertaking (company) with whom the contract has been entered into;
 - 7) the number of the tenderers who have participated;
 - 8) the date the contract was entered into; and
 - 9) the contract price.

Section 20. Contents of Invitation

- (1) The invitation published in the press shall apply only to such construction work, supply of goods, leasing or services that will be the subject-matter of the anticipated contract.
- (2) The invitation to the selection of tenderers and the submission of tenders shall specify the method for the selection of tenderers.
- (3) The invitation to the selection of tenderers shall indicate:
 - 1) the name, address, telephone and telefax numbers of the public service undertaking;
 - 2) the purposes of the qualification assessment;
 - 3) the time of the qualification assessment; and
 - 4) other information.

Section 21. Informative Notices

- (1) At least once a year, when publishing informative notices in the newspaper *Latvijas Vēstnesis* and in any other periodical press publication, a public service undertaking shall inform of:
 - 1) in the case of supply contracts – the estimated total contract price in respect of each type of production, if any of the contracts exceed 400,000 lats and their total

estimated contract price exceeds 600,000 lats, and such contracts are expected to be entered into within the following 12 months; or

- 2) in the case of construction work contracts – the essential elements of such construction work contracts which the public service undertaking intends to enter into over the following 12 months, if the specified contract price is not less than 4,000,000 lats.

(2) If a public service undertaking has published an informative notice, the invitation to submit tenders regarding specific construction work, supply of goods, leasing or services shall be published not later than within 12 months after the publication of such notice.

(3) When publishing additional information regarding major projects, a public service undertaking shall not repeat the information included in the informative notice.

Section 22. Form of Notice and Invitation

(1) All the notices and invitations referred to in this Law shall be published in accordance with the form prescribed by the Minister for Finance.

(2) A public service undertaking has the right to send, in parallel with the publication in the newspaper *Latvijas Vēstnesis* and other periodical press publications, direct invitations to tenderers. The term shall be calculated the day when the notice or invitation was published in the newspaper *Latvijas Vēstnesis*.

Section 23. Terms

(1) In the case of an open competition the time-period from the day when an invitation to tender is published in the newspaper *Latvijas Vēstnesis*, until the submission of tenders, may not be less than:

- 1) 40 days, if the contract price is not less than 4,000,000 lats for construction work contracts or 400,000 lats for supply, lease or services contracts;
- 2) 28 days, if the contract price is not less than 4,000,000 lats for construction work contracts, or 400,000 lats for supply, lease or services contracts, and if a relevant informative notice has been published; or
- 3) 28 days, if the contract price exceeds 50,000 lats for construction work contracts or 10,000 lats for supply, lease or services contracts, but is less than 4,000,000 lats for construction work contracts or 400,000 lats for supply, lease or services contracts.

(2) In the case of a restricted competition or negotiations the term may be specified through mutual agreement of the public service undertaking and the selected tenderers, but all tenderers shall be given equal time for the preparation and submission of offers; however, the time-period from the day when the tenderers are invited to submit their tenders may not be less than 10 days.

(3) If a public service undertaking and the tenderers cannot agree, in the case referred to in Paragraph two of this Section, regarding the term by which the tenders are to be submitted, it shall be determined by the public service undertaking. In specifying the term, the amount of the contract and the technical specifications shall be taken into account, but the specified term may not be less than 10 days.

Chapter VI Technical Specifications

Section 24. Technical Specifications

(1) Technical specifications are the technical requirements which are to be included in the contract and tender documentation and which characterise the construction work, the materials, products and goods to be supplied or the services to be provided.

(2) The technical specifications shall be formulated in conformity with European Standards adapted with the status of the Latvian National Standard, and registered in accordance with specified procedures.

(3) The European Standard is a standard which has been approved by the European Committee for Standardisation (CEN) or the European Committee for Electrotechnical Standardisation (CENELEC) as European Standards (EN) or Harmonisation Documents (HD) in accordance with the regulations of these organizations.

(4) A public service undertaking shall indicate, in the technical specifications regarding the subject-matter of the contract, such requirements that make a technical specification conform to the relevant standards, by giving preference to such technical specifications that are directed to the task of the subject-matter of the contract. If a public service undertaking considers that such technical specifications do not comply with the purpose of the contract, they may also establish technical specifications based on a description of the appearance of the subject-matter of the contract.

(5) The technical specifications may not refer to particular products or processes, as well as discriminate against an undertaking (company) or grouping of undertakings (companies), or give preference to any undertaking (company) or grouping of undertakings (companies), unless such specifications are determinative for the continued existence of the subject-matter of the contract. Reference to trademarks, patents and specific origin shall be prohibited. However, if it is not possible to characterize the contract subject-matter in the technical specifications in any other way, such references may be used together with the words "vai ekvivalents" ["or the equivalent"].

(6) Paragraph two of this Section shall not apply to cases when:

- 1) it is technically not possible to achieve conformity of the product with the relevant standards;
- 2) a public service undertaking, in establishing relevant standards, would have to acquire equipment that is incompatible with the equipment which is available to it and which it has intended to use together with the equipment to be acquired;
- 3) a public service undertaking, in establishing relevant standards, would experience disproportionately large costs or disproportionately great technical difficulties;
- 4) the relevant standard has not taken into account of the technical improvements that have resulted since its adoption. In such case, the public service undertaking shall inform the relevant institution which is authorised to review such standards; or
- 5) a project is of an innovative nature, therefore the existing standards cannot be applied.

(7) All invitations to tender shall include information regarding derogations of the relevant standards, if there are any.

(8) Application of this Section may not be the grounds for non-compliance with mandatory technical requirements.

(9) A public service undertaking that does not apply European Standards adapted with the status of the Latvian National Standard and registered in accordance with specified procedures, and other Latvian National Standards, shall define in writing the strategy for their introduction in their field of activity.

Section 25. Accessibility of Technical Specifications

(1) Pursuant to the request of potential performers of construction work, suppliers of goods, lessors or providers of services, a public service undertaking shall issue to them the technical specifications that they intend to utilise for the contracts.

(2) If such technical specifications are based on documents, which are accessible to the interested performers of construction work, suppliers of goods, lessors or providers of services, the technical specifications shall include references to the documents referred to.

Section 26. Ensuring the Confidentiality of Information

(1) In order to protect the confidentiality of information, a public service undertaking is entitled to set requirements for the performers of construction work, suppliers of goods, lessors or providers of services in respect of conditions for technical specifications, qualification examinations, selection of tenderers and choice of tenders.

(2) This Law does not restrict the rights of the performers of construction work, suppliers of goods, lessors or providers of services to request that the public service undertaking not disclose information, insofar as it is not in contradiction with other regulatory enactments.

Chapter VII Documentation of Procedures and Reports

Section 27. Documentation of the Selection of Tenderers and the Choice of Tenders

A public service undertaking which has selected tenderers and chosen tenders pursuant to this Law shall preserve, for four years from the day of the selection, all the information and documents on the basis of which they have taken decisions regarding:

- 1) the qualification, selection of tenderers and choice of tenders;
- 2) derogations from the European Standards adapted in the status of the Latvian National Standard and registered in accordance with specified procedures, and the Latvian National Standards; or
- 3) the utilisation of the relevant method without a prior invitation of tenderers to submit tenders.

Section 28. Reports

Each year by 1 March a public service undertaking shall submit to the Purchase Supervision Bureau reports regarding the number of the contracts entered into, their amounts, performers of construction work, suppliers of goods, lessors or providers of services, and the methods utilised for the selection of tenderers and the choice of tenders.

Chapter VIII Purchase Supervision Bureau

Section 29. Status of the Purchase Supervision Bureau

(1) The Purchase Supervision Bureau (hereinafter also – the Bureau) is a State institution which is under the supervision of the Ministry of Finance and acts in accordance with this Law, the by-laws of the Bureau and other regulatory enactments.

(2) The operations of the Bureau are financed by the State budget.

Section 30. Tasks of the Purchase Supervision Bureau

The Purchase Supervision Bureau shall perform the following tasks:

- 1) supervise the conformity of the procedures for the selection of tenderers and the choice of tenders (hereinafter – the purchase procedures) with the requirements of law;
- 2) compile information regarding the number of purchase procedures, the scope of construction work, goods purchased or leased, services received and analyse such information;
- 3) as an instance for the resolution of disputes, examine complaints of tenderers regarding non-compliance of supply procedures with the requirements of law;
- 4) within the scope of its competence, prepare opinions regarding draft regulatory enactments in respect of supply procedures of public service undertakings;
- 5) provide methodological assistance and consultations;
- 6) cooperate, within the scope of its competence, with the relevant foreign authorities; and
- 7) examine and publish invitations and notices regarding supply, in the newspaper *Latvijas Vēstnesis* and in electronic form, pursuant to Section 19 of this Law.

Section 31. Rights of the Purchase Supervision Bureau

The Bureau is entitled to:

- 1) in fulfilling performing tasks prescribed by law, request and receive, without hindrance, from public service undertakings, State and Local Government institutions the information necessary for the performance of its tasks;

- 2) provide opinions regarding the conformity of the activities of public service undertakings and their officials with the regulatory enactments in force regarding purchase procedures;
- 3) take decisions on the termination of violations of this Law and related regulatory enactments, and its conditions;
- 4) within the scope of its competence, formulate draft regulatory enactments;
- 5) file actions in court, regarding the bringing of responsible officials to administrative liability;
- 6) publish decisions taken by, opinions and proposals of the Purchase Supervision Bureau;
- 7) conduct other activities permitted by regulatory enactments, in order to fulfil the tasks prescribed by this Law; and
- 8) request and receive invitations and notices regarding purchases from public service undertakings, as well as evaluate their compliance with the requirements of law.

Chapter IX

Procedures for Review of Complaints

Section 32. Right to Submit Complaints

- (1) A tenderer may submit to the Bureau a complaint regarding the activity or a public service undertaking in respect of the selection of tenderers and the choice of proposals, and the decision of the public service undertaking regarding the results of such procedures, and request the review of such activities and decision, if the referred to tenderer considers the public service undertaking to have violated the law and the interests of the tenderer to have been affected.
- (2) A tenderer may submit a complaint, in accordance with Paragraph one of this Section, before the relevant contract has been entered into.
- (3) After the termination of the choice of tenders and the entering into of the contract, the tenderer may dispute contract entered into in a court.

Section 33. Review of Complaints and Taking of Decisions

- (1) Simultaneously with the submission of the complaint, the tenderer shall inform in writing the public service undertaking regarding it.
- (2) The tenderer who has submitted a complaint, the Bureau and the public service undertaking shall review the complaint together, within five working days after its submission.
- (3) If the issue regarding which a complaint has been submitted cannot be solved by mutual agreement of the parties, the Bureau shall take a decision regarding such complaint, which shall be binding on both parties and which shall be sent, within five working days after it has been taken, to the submitter of the complaint and the public service undertaking. If a violation of law has been fully or partly rectified, the decision shall specify all activities to be performed without delay in order to prevent further violations of law.

(4) A public service undertaking shall have a duty to rectify violations of law, if such have been determined, within five working days after the receipt of the decision.

Section 34. Suspension of Procedures

(1) If a tenderer has submitted a complaint to the Bureau, the public service undertaking shall suspend the procedures for the selection of tenderers and the choice of proposals, or postpone the carrying out of a decision regarding the results of such procedures, until the receipt of a decision by the Bureau regarding the results of the review of the complaint.

(2) Suspension of the procedures referred to in Paragraph one of this Section may not be appealed.

Section 35. Liability for Failure to Observe the Norms of Law

(1) The manager of the public service undertaking, or the head of a structural unit, or another authorised person who is responsible within the undertaking for the preparation or the entering into of the relevant contracts for construction work, supply of goods, leasing or services in the public service undertaking shall be liable regarding the observance of this Law and the regulatory enactments arising from it.

(2) Decisions of the Bureau regarding the activity of public service undertaking, except decisions on the suspension of procedures, may be appealed in court in accordance with the procedures specified by law.

This Law shall come into force on 1 July 2000.

This Law has been adopted by the *Saeima* on 4 November 1999.

President

V.Viķe-Freiberga

Riga, 24 November 1999

Regulations No.376 issued by the Cabinet of Ministers of the Republic of Latvia
Riga, 31 October 2000 (minutes no.52, 3. §)

THE PROCEDURE OF SELECTION OF TENDERERS AND APPLICATION OF METHODS FOR CHOICE OF TENDERS

Issued in accordance with the 2nd part
of Article 5 of the Law on Construction
Work, Supply, Rent and Services for the
Needs of Public Service Undertakings.

I. General Provisions

1. The present regulations establish the procedure of selection of tenderers and application of methods for choice of tenders in case of concluding contracts on construction work, supply, rent and services for the needs of public service undertakings.
2. The main method for selection of tenderers and choice of tenders applied is an open competition any performer of construction work, supplier of goods, renter or service provider can submit his tender to.
3. A public service undertaking applies a restricted competition method, if it is planned:
 - 3.1 to invite to submit the tenders by those performers of construction works, suppliers of goods, renters or service providers, which have information on them available in the qualification assessment system (if any) set by public service undertaking, and if their qualification complies with the execution of the planned contract;
 - 3.2 to arrange qualification test for tenderers prior to the tender submission.
4. A negotiation method can be applied in case:
 - 4.1 no tenders have been submitted for an open or restricted competition preliminary announced or the submitted tenders do not comply with the requirements of the regulations of the competition;
 - 4.2 no applications for qualification test have been submitted for a restricted competition preliminary announced (in case of qualification test being arranged in order to chose the tenderers);
 - 4.3 it is possible to purchase goods or receive services solely from one tenderer and there is no other appropriate substitute of goods or services;
 - 4.4 time restriction due *force majeure* circumstances (fire, nature disaster, war, epidemic, crash and other emergency cases unpredictable and not related to the contract) does not allow to arrange an open or restricted competition;
 - 4.5 it is possible to purchase goods in the stock-exchange.

II. An Open Competition

5. Before the announcement of an open competition is published in the press, the public service undertaking issues the regulations of an open competition on the basis of which a tenderer prepares and submits the tender. On behalf of the public service undertaking the regulations of the open competition can be issued by another person.

6. The following information has to be indicated in the regulations of an open competition:

- 6.1 the name of the public service undertaking, its registration number by the Enterprise Registry, address, telephone and fax numbers;
- 6.2 the name, surname, position, telephone number and address of the authorised person who is entitled by the company to provide information on the competition;
- 6.3 requirements of tenderer qualification and documentation to be submitted, proving the qualification;
- 6.4 information on the subject of the planned contract:
 - 6.4.1 the title of the goods to be supplied, services to be provided, object rented or construction work to be performed;
 - 6.4.2 the quantity description;
 - 6.4.3 the quality description;
- 6.5 the location of the planned contract to be performed;
- 6.6 the deadlines of the planned contract to be performed;
- 6.7 whether the tender has to be submitted for the whole subject of the contract or it is allowed to submit it for one or several parts of the contract subject (in that case the parts of the contract subject, their contents and volume have to be indicated);
- 6.8 whether it is allowed to submit alternative tenders;
- 6.9 the procedure the tenderer calculates the price for the tender;
- 6.10 the procedure how the tenderer can obtain the necessary information on an open competition, as well as the indication of the time of tenderer meeting, its length and maximum number of tenderer representatives present, in case the public service undertaking has planned to arrange tenderer meeting before the tender is opened. If the subject of the planned contract is construction project or construction work - indication on visiting possibilities of the construction area, visiting time, length and maximum number of tenderer representatives present;
- 6.11 tender collateral (if applicable) and its amount;
- 6.12 tender submission procedure, form, place and deadline (day, hour);

- 6.13 the language the tender has to be submitted in, if it is applicable to submit tenders in other languages than Latvian;
 - 6.14 requested validity of the tender;
 - 6.15 the procedure of the opening of the tender, place, data and time as well as the possibilities for the tenderer representative to participate in it;
 - 6.16 the tender selection criteria (economically the most beneficial tender or the tender with the lowest price);
 - 6.17 the procedure of amending arithmetic mistakes;
 - 6.18 the assessment of tender criteria and their weight in order to choose the most beneficial tender as well as the procedure or algorithm defining the most beneficial tender if the selection criteria for tenders is economically the most beneficial one;
 - 6.19 description of alternative tenders to be compared and evaluated in case the submission of alternative tenders is applicable according to Article 6.8 of these regulations;
 - 6.20 contract collateral (if applicable) and its amount;
 - 6.21 deadline for the public service undertaking to take a decision on the choice of tenders;
 - 6.22 note that the public service undertaking has rights to end the competition without choosing any tender;
 - 6.23 note that the tenderer has rights to submit complaint on the activities or decision of the public service undertaking concerning the procedure of the selection of tenderers and choice of tenders.
7. The necessary technical documentation and other materials, which are inseparable part of the regulations of an open competition, are attached to it.
8. There is an indication made on each copy of the regulation confirming that it corresponds to the original.
9. The public service undertaking prepares an open competition invitation which indicates:
- 9.1 name, address, telephone and fax numbers of the public service undertaking;
 - 9.2 the subject of the planned contract;
 - 9.3 the volume of the planned contract to be performed;
 - 9.4 the place of the planned contract to be performed;
 - 9.5 deadline of the planned contract to be performed;
 - 9.6 main criteria for the selection of tenderers;
 - 9.7 the tender selection criteria (economically the most beneficial tender or the tender with the lowest price);

- 9.8 the place and time the regulations for an open competition can be received and their fee;
 - 9.9 the name, surname, position, telephone number and address of the authorised person who is entitled by the company to provide information on the procedure of the competition;
 - 9.10 the place and deadline for tender to be submitted;
 - 9.11 the language the tenders are submitted;
 - 9.12 the requested validity of the tenders;
 - 9.13 deadline for the public service undertaking to choose the tender;
 - 9.14 reference to the preliminary published announcement, if any.
10. Having the competition announcement been published in the newspaper *Latvijas Vēstnesis*, all the interested persons can get acquainted with the regulations on an open competition.
11. To all the interested persons, which have paid for the regulations of an open competition (if the fee is applicable), the public service undertaking presents the copies of the mentioned regulations and the draft of planned contract. The fee for these regulations cannot exceed 100 Lats, if the subject of the current contract is construction work - 200 Lats.
12. The public service undertaking presents the copies of regulations of an opened competition and the draft of planned contract at the place and time indicated in the announcement.
13. Having the competition announcement been published in the newspaper *Latvijas Vēstnesis*, no amendments can be made to the regulations of an open competition.
14. Prior to the specified deadline for tender submission the information flow between public service undertaking and the tenderers is carried out as the submission of replies to the written tenderer inquiries.
15. The public service undertaking prepares a written reply and sends it to all the tenderers alongside with the inquiry submitted, without indicating the tenderer who has submitted it.
16. The public service undertaking can arrange tenderer meeting during which the representative of the public service undertaking answers (orally) to the written tenderer inquiries or the ones asked (orally) during the meeting. In case the public service undertaking has planned to arrange the tenderer meeting, it has to be indicated in the regulations of an open competition.
17. After the tenderer meeting the public service undertaking prepares the minutes of the meeting. The minutes are sent to all the tenderers whether present or not at the meeting.
18. If the subject of the planned contract is construction project or construction work and if at least one tenderer so requests, the public service undertaking arranges the visit to the construction area. It is arranged for all the tenderers at the same time not later than 14 days before the deadline of tender submission.
19. After visiting the construction area the public service undertaking arranges the tenderer meeting if at least one of the tenderers so requests.

20. The opening of the tender is arranged at the place and time according to the regulations of an open competition not later than two hours after the deadline of tender submission. The opening of the tenders before the specified time is not allowed.
21. After the deadline for tenders to be submitted, no tenders are accepted for submission and no amendments to the tenders submitted are made.
22. The tenderer representative is allowed to participate in the opening of the tenders.
23. At the opening of the tenders, the tenderer representative being present announces the name, address, registration number of the tenderer represented as well as his surname, position and telephone number.
24. The representative of the public service undertaking opens the tenders in the presence of tender representatives and reads the main data as well as the price of each tender. The representative of the public service undertaking signs each of the tenders. The tender representatives do not participate in the following procedure of the competition.
25. The representative of the public service undertaking checks if the tenderer has submitted the documents necessary for qualification test and if the submitted tender has been prepared in compliance with the regulations of an open competition.
26. The qualification test for tenderers is carried out before the assessment of tenders to be compliant. In case the subject of the planned contract is provision of services, the qualification test and the assessment of compliance of the tender are carried out at the same time.
27. The tenders, that do not comply with the requirements of the qualification tests or the tenders that have not been prepared according to the requirements of the regulations of an open competition, do not participate in the following procedure of the competition.
28. The public service undertaking has rights to request additional information from the tenderers on tenders submitted, in case it is necessary for evaluation and comparison of the tenders.
29. The public service undertaking has rights to amend arithmetic mistakes that are identified during the review of tenders. The tender submitter is informed on all the amendments made. In case the submitter of the tender does not accept the amendments of the arithmetic mistakes made, the public service undertaking has rights to deny this tender.
30. In case the price of one unit sum of the submitted tender differs from the total price of the separately indicated units, the public service undertaking amends:
 - 30.1 the price of one unit if, according to the regulations of an open competition, the total price of the units should have been indicated;
 - 30.2 total price of the units:
 - 30.2.1 if, according to the regulations of the open competition, the price of one unit should have been indicated;
 - 30.2.2 if there is no reference to the procedure of calculating the price in the regulations of an open competition or if, according to the mentioned regulations both the one unit price and total price of the units should have been indicated.

31. The public service undertaking selects one or several tenders, in case the subject of the planned contract is divided in parts.

32. In case only one tender is submitted, the public service undertaking decides if the tender complies with the regulations of an open competition and if it is beneficial and whether it is possible to conclude an agreement with the only tenderer.

III. A Restricted Competition

33. The selection of tenderers for a restricted competition and choice of the tenders is carried out according to Article 3 of these regulations.

34. Before the publishing of the invitation to the qualification test, the public service undertaking issues the regulations of a qualification test (hereinafter - qualification test) and the regulations of a restricted competition, on the basis of which the tenderer prepares and submits his tender. On behalf of the public service undertaking the regulations of a qualification test and regulations of a restricted competition can be issued by another person.

35. The following information has to be indicated in the regulations of a qualification test:

- 35.1 the name, registration number, address, telephone and fax numbers of the public service undertaking;
- 35.2 the name, surname, position, telephone number and address of the authorised person who is entitled by the public service undertaking to provide information on the competition;
- 35.3 short information on the subject of the planned contract:
 - 35.3.1 the title of the goods to be supplied, services to be provided, object rented or construction work to be performed;
 - 35.3.2 the quantity description;
 - 35.3.3 the quality description;
- 35.4 the location of the planned contract to be performed;
- 35.5 the deadlines of the planned contract to be performed;
- 35.6 requirements for qualification of tenderers and documentation that has to be submitted proving the qualification;
- 35.7 the submission procedure of the qualification tests, form, place and deadline (day, hour);
- 35.8 the language the qualification test has to be submitted in, in case it is applicable to submit tenders in other languages than Latvian;

- 35.9 the procedure of the opening the qualification tests, place, date and time as well as the possibilities for the tenderer representative to participate in the qualification test opening;
 - 35.10 deadline for the public service undertaking to arrange the qualification test;
 - 35.11 note that the tenderer has rights to submit complaint on the activities or decision of the public service undertaking concerning the procedure of the selection of tenderers;
 - 35.12 other information.
36. The qualification test is announced as follows:
- 36.1 the public service undertaking sends the invitation to qualification test to Purchase Supervising Bureau in order to publish it in the Internet and the newspaper *Latvijas Vēstnesis*;
 - 36.2 the public service undertaking publishes an advertisement in the newspaper *Latvijas Vēstnesis* at least 10 days before the deadline for submission of qualification documents.
37. The opening of the qualification test applications is arranged at the place and time specified in the regulations of a qualification test not later than two hours after the deadline of submission of the applications.
38. The tender representative is allowed to participate in the opening of the qualification test.
39. At the opening of the qualification test the tenderer representative being present announces the name, address, registration number of the tenderer represented as well as his name, surname, position and telephone number.
40. The representative of the public service undertaking opens the qualification test applications in the presence of tenderers and signs each of the applications. The tender representatives do not participate in the following procedure of the competition.
41. The public service undertaking evaluates the tenderers taking into consideration the assessment criteria mentioned in the regulations of a qualification test.
42. Within a month after the deadline of submitting the applications for qualification test, the public service undertaking announces the results of the qualification test to all the tenderers and sends the invitation to submit the tenders for a restricted competition to those tenderers, which have passed the qualification test as well to those possible tenderers which have information available on them in the enterprise qualification assessment system (if any) and the qualification of which comply with the execution of the planned contract.
43. At the same time the public service undertaking sends the notification to the Purchase Supervising Bureau about the invitation of tenderers selected by the qualification test for participation in the restricted competition.
44. Supplementary to the invitation of submitting the tenders, the public service undertaking sends the tenderers the regulations of a restricted competition with the following information:
- 44.1 name, registration number by the Enterprise Registry, address, telephone and fax numbers of the public service undertaking;

- 44.2 the name, surname, position, telephone number and address of the authorized person who is entitled by the company to provide information on the competition;
- 44.3 information on the subject of the planned contract:
 - 44.3.1 the title of the goods to be supplied, services to be provided, objects to be rented or construction work to be performed;
 - 44.3.2 the quantity description;
 - 44.3.3 the quality description;
- 44.4 the place of the planned contract to be performed;
- 44.5 deadline of the planned contract;
- 44.6 whether the tender has to be submitted for the whole contract subject or it is allowed to submit the tender for one or several parts of the contract subject (in that case the parts of the contract subject, their contents and volume, have to be indicated);
- 44.7 is it allowed to submit alternative tenders;
- 44.8 the procedure the tenderer calculates the price for the tender;
- 44.9 the procedure how the tenderer can obtain the necessary comments for an open competition, as well as the indication of the time of the tenderer meeting, its length and maximum number of tenderer representatives being present in case the public service undertaking has planned to arrange tenderer meeting before the tender is opened. If the subject of the planned contract is construction planning or construction planning - indication on visiting possibilities of the construction area, visiting time, length and maximum number of tenderer representatives being present;
- 44.10 tender collateral (if applicable) and its amount;
- 44.11 the procedure of tender submission, form, place and deadline (day, hour);
- 44.12 the language the tender has to be submitted in, in case it is applicable to submit tenders in other languages than Latvian;
- 44.13 requested validity of the tender;
- 44.14 the procedure of the opening of the tender, place, date and time as well as the possibilities for the tenderer representative to participate in the tender opening;
- 44.15 the tender selection criteria (economically the most beneficial tender or the tender with the lowest price);
- 44.16 the procedure of amending the arithmetic mistakes;
- 44.17 assessment of tender criteria and their weight for choosing the most beneficial tender as well as the procedure or algorithm for identifying the most beneficial tender if the choice criteria for tenders is economically most beneficial tender;

- 44.18 description of comparison and evaluation of alternative tenders in case the submission of alternative tenders is applicable according to Article 44.7 of these regulations;
 - 44.19 contract collateral (if applicable) and its amount;
 - 44.20 deadline for the public service undertaking to take a decision on the choice of tenders;
 - 44.21 note that the public service undertaking has rights to end the competition without choosing any tender;
 - 44.22 note that the tenderer has rights to submit complaint on the activities or decision of the public service undertaking concerning the procedure of the selection of tenderers and choice of tenders.
45. Having the invitation been sent to the tenderers no amendments can be made to the regulations of a restricted competition.
46. Prior to the stated deadline of tender submission the information flow between the public service undertaking and the tenderer is carried out according to the conditions of Articles 14, 15, 16, 17, 18 and 19 of these regulations.
47. The opening of tenders is carried out according to the conditions of Articles 20, 21, 22, 23 and 24 of these regulations.
48. The submitted tenders are evaluated and selection made according to the conditions of Articles 25, 26, 27, 28, 29, 30, 31 and 32 of these regulations.

IV. Negotiations

49. In case the selection of the tenderers and choice of the tenders is carried by negotiations method, the announcement on the selection of negotiation method has to contain the following information:
- 49.1 the name, registration number, address, telephone and fax numbers of the public service undertaking;
 - 49.2 the name, surname, position, telephone number and address of the authorized person who is entitled by the public service undertaking to provide information on negotiations;
 - 49.3 the description and volume of the subject of the planned contract;
 - 49.4 the location and time of the planned contract to be performed;
 - 49.5 the place and time for tenders to be submitted;
 - 49.6 the possible tenderers;
 - 49.7 indication to the preliminary announcement, if any.

50. In case the negotiation method is applied according to Article 4.1 of these regulations, the conditions of the planned contract cannot differ from the preliminary published conditions of an open and restricted competition.

51. The public service undertaking conducts the negotiations with the tenderers who have submitted tenders and chooses the most appropriate one.

V. Closing Provisions

52. The public service undertaking takes minutes of the procedure of the competition and negotiations.

53. The public service undertaking uses the tender solely for stating the results of the competition or negotiations. The use of tenders for other aims is possible only with the permission of the tender submitters.

54. Information on the price indicated in the tender, the results of tender assessment and comparison as well as the information on the competition or negotiations to be ended, without choosing any tender, is public.

55. The public service undertaking does not announce the contents of the tenders submitted till the moment there is a motivated decision made on the conclusion of the contract or the competition or the negotiations to be ended, without choosing any tender.

56. The decision on concluding the contract or the competition or negotiations to be ended without choosing any tender is to be taken within a month since the last day of the submission of tenders. If necessary, the public service undertaking can prolong this deadline up to two months since the last day of submission of the tenders.

57. The public service undertaking announces the decision on concluding the contract or the competition or the negotiations to be ended without choosing any tender to all the tenderers who have participated in the competition or the negotiations in writing within five days as well as sends it to purchase Supervising Bureau for publishing it in the Internet.

58. The public service undertaking concludes the written contract with the tender selected by competition or negotiations not earlier than 15 days since the decision made and not later than the expiry of validity of the tender.

59. Within twenty days after the concluding the contract, the public service undertaking publishes the announcement on the results of competition or negotiations in the newspaper *Latvijas Vēstnesis* as well in other press publications where the announcement on the competition has been published.

President of Ministers
Minister of Finance

A. Bērziņš
G. Bērziņš

The regulations come into effect as of 4 November 2000.

Committee on Government Procurement

Original: English/
anglais/
inglés

GOVERNMENT PROCUREMENT LEGISLATION

Chinese Taipei

The following communication, containing the Government Procurement Law* promulgated on 27 May 1998, has been received from the Representative of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on 8 June 2000 with the request that it be circulated to the members of the Committee on Government Procurement.

Comité des marchés publics

LÉGISLATION EN MATIÈRE DE MARCHÉS PUBLICS

Taipei chinois

Le Représentant du Territoire douanier distinct de Taiwan, Penghu, Kinmen et Matsu a fait parvenir la communication ci-jointe datée du 8 juin 2000, qui contient la Loi sur les marchés publics* promulguée le 27 mai 1998, en demandant qu'elle soit distribuée aux membres du Comité des marchés publics.

Comité de Contratación Pública

LEGISLACIÓN SOBRE CONTRATACIÓN PÚBLICA

Taipei Chino

Se ha recibido del representante del Territorio Aduanero Distinto de Taiwán, Penghu, Kinmen y Matsu la siguiente comunicación, de fecha 8 de junio de 2000, que contiene la Ley de Contratación Pública* promulgada el 27 de mayo de 1998, con la petición de que se distribuya a los miembros del Comité de Contratación Pública.

* In English only./En anglais seulement./En inglés solamente.

GOVERNMENT PROCUREMENT LAW
(Promulgated on May 27, 1998)
Chapter I
General Principles

Article 1

This Law is enacted to establish a government procurement system that has fair and open procurement procedures, can promote the efficiency and effectiveness of government procurement operation, and is able to ensure the quality of procurement.

Article 2

The term "procurement" as used in this Law shall refer to the contracting of construction work, the purchase or lease of property, the retention or employment of services, etc.

Article 3

Procurement conducted by any government agency, public school or government-owned enterprise (hereinafter referred to as the "entity") shall be governed by the provisions of this Law. With regard to the matters not provided for in this Law, other relevant laws shall govern.

Article 4

A juristic person or organization which takes a grant from an entity shall conduct a procurement in accordance with this Law and be under supervision by the entity provided that the amount of the grant is not less than half of the procurement value and also reaches the threshold for publication.

Article 5

An entity may entrust a juristic person or organization to conduct its procurement.

The procurement referred to in the preceding paragraph shall be governed by this Law, and the juristic person or organization shall be supervised by the entrusting entity.

Article 6

In conducting a procurement, an entity shall not accord differential treatment to suppliers without due cause.

In executing a procurement contract, the principle of protecting public interests, fairness and reasonableness shall be observed.

The procurement personnel may base on the consideration of public interest, procurement efficiency, or professional judgment to make an appropriate procurement decision, to the extent not contrary to the provisions of this Law.

Article 7

The term "construction work" referred to in this Law means the activities performed above or underneath the ground for building, augmenting, altering, repairing, or dismantling structures and their respective auxiliary equipment/facilities, or reforming natural environment, including architectural, civil, hydraulic, environmental, transportation, mechanical, electrical, and chemical construction works, and other construction works as determined by the responsible entity.

The term "property" referred to in this Law means any and all articles, materials, equipment, machines, tools, and other personal property, real property, rights, and other properties as determined by the responsible entity.

The term "service" referred to in this Law means professional services, technical services, information services, research and development, business operation management, maintenance and repair, training, labor, and other services as determined by the responsible entity.

Where the content of a procurement involves construction work, property and service, or any two of them, and it is difficult to categorize the content of the procurement as construction work, property, or service, the one which takes the highest percentage of the budget of procurement shall govern.

Article 8

The term "supplier" referred to in this Law means any company, industrial or commercial firm under partnership or sole proprietorship, or any natural person, juristic person or any other institution or organization that may offer construction work, property or service to the entity.

Article 9

The term "responsible entity" referred to in this Law means the Procurement and Public Construction Commission. A Minister without Portfolio shall be assigned concurrently as Chairman of the Commission.

The term "superior entity" referred to in this Law means the entity at a level immediately above the procuring entity. If there is no such superior entity, then the procuring entity shall perform the functional duties of the superior entity as provided for in this Law.

Article 10

The responsible entity shall be in charge of the following matters with respect to government procurement:

1. Researching and formulating government procurement policies and system, and promoting and advocating government procurement policies and regulations;
2. Researching, formulating, amending, and interpreting government procurement laws and regulations;
3. Reviewing, developing, and approving of standard procurement contracts;
4. Collecting, publishing, and compiling statistics of government procurement information;
5. Training of professionals engaged in government procurement;
6. Coordinating and supervising all entities in connection with procurement affairs, and assessing procurement performance thereof;
7. Handling of complaints against central government entities in connection with procurement; and
8. Other matters related to government procurement.

Article 11

In order to provide reference information to the entity for drafting the budget and government estimate, a procurement information center may be established by the responsible entity to compile common business information and classification of equivalent products, and to set up price database for construction materials and equipment. Other than those that have to be kept confidential, the information may be provided to the suppliers with or without charge.

A procurement personnel training center may be established by the responsible entity for the training of professional procurement personnel.

Article 12

For a procurement of a value reaching the threshold for supervision, the entity shall, within a prescribed time-limit, submit relevant documents to its superior entity and request the same to send representative(s) to monitor proceedings conducted by the entity including tender opening, price competition under restricted tendering, price negotiation under single tendering, contract awarding,

and inspection and acceptance; whereas the superior entity may, based upon the actual needs, prescribe the conditions under which it shall authorize the entity to proceed without its monitoring.

For a procurement of a value not reaching the threshold for supervision, but the value of contract as awarded or as amended subsequently equals to or exceeds the threshold, the entity shall supplement relevant documents to its superior entity for filing.

The threshold for supervision shall be prescribed by the responsible entity.

Article 13

For a procurement of a value reaching the threshold for publication, proceedings conducted by the entity including tender opening, price competition under restricted tendering, price negotiation under single tendering, contract awarding, and inspection and acceptance shall be monitored by its comptroller (accounting) and other relevant units.

Measures of supervising a procurement of a value not reaching the threshold for publication shall be prescribed by either the responsible entity or the municipal or county (city) governments, depending upon whether the procurement is conducted by a central government or a local government. If no other applicable measures are to be prescribed, the provision of the preceding paragraph shall be followed.

The threshold for publication, which shall be less than the threshold for supervision, shall be prescribed by the responsible entity by taking the international standards into account.

Article 14

An entity shall not circumvent the application of this Law by dividing any procurement requirement of a value reaching the threshold for publication. Where there is a need to divide a procurement requirement, and such division is approved by the superior entity, the value of each divided procurement shall be deemed as if undivided, and the rules for procurement reaching the threshold for publication, or the rules for procurement reaching the threshold for supervision if appropriate, shall apply.

Article 15

Former procurement personnel and procurement supervision personnel shall be prohibited from contacting the entity that he or she previously worked for either for his or her own sake or on a supplier's behalf for three years following his or her resignation for matters related to his or her former duties within five years prior to his or her resignation.

The procurement personnel and procurement supervision personnel shall withdraw themselves from a procurement and all related matters thereof if they or their spouses, relatives by blood or by marriage within three degrees, or other relatives who live with and share the property with them have interests involved therein.

Upon finding that the procurement personnel or procurement supervision personnel failed to withdraw themselves for any cause of withdrawal provided for in the preceding paragraph, the head of the entity shall order such personnel to withdraw and reappoint the personnel for replacement.

A supplier shall not participate in the procurement of a procuring entity in the event that the relationship between the head of the procuring entity and the supplier itself or the responsible personnel of the supplier have the situation as that mentioned in paragraph two. This requirement may be waived provided that enforcement of it is against fair competition or public interests, and that an approval has been obtained from the responsible entity.

The procurement personnel and the procurement supervision personnel of an entity shall report his or her properties status pursuant to relevant requirements of the Law Governing the Report of Properties by Public Officials.

Article 16

Entreating or lobbying is preferred to be in writing or to be recorded.

The anti-corruption office may inspect the said writings or records.

Entreating or lobbying received shall not be used as reference in the evaluation of tenders.

Article 17

The participation of foreign suppliers in the procurement by each entity shall be governed by the rules set forth in the treaties or agreements to which this nation is a party.

Except for the situation prescribed in the preceding paragraph, the regulations governing the participation of foreign suppliers in the procurement by each entity shall be prescribed by the responsible entity.

The responsible entity may restrict or ban suppliers, products or services from a country to participate in the procurement where the country imposes restriction or ban on the suppliers, products or services from this nation by laws or regulations.

Chapter II

Invitation to Tender

Article 18

The tendering procedures for procurement include open tendering procedures, selective tendering procedures, and limited tendering procedures.

The term "open tendering procedures" referred to in this Law means the procedures under which a public notice is given to invite all interested suppliers to submit their tenders.

The term "selective tendering procedures" referred to in this Law means the procedures under which a public notice is given to invite all interested suppliers to submit their qualification documents for pre-qualification evaluation basing upon specific qualification requirements and, after such evaluation, the qualified suppliers are invited to tender.

The term "limited tendering procedures" referred to in this Law means the procedures under which, where no public notice is given, two or more suppliers are invited to compete or only one supplier is invited for tendering.

Article 19

An entity shall apply open tendering procedures to all procurement of a value reaching the threshold for publication, except otherwise provided for in Articles 20 and 22 hereof.

Article 20

Under any of the following circumstances, an entity may apply selective tendering procedures to a procurement of a value reaching the threshold for publication after obtaining the approval of the superior entity:

1. Where there is a recurring demand;
2. Where the review of tenders takes a long time;
3. Where the supplier's cost for preparation of a tender is high; or
4. Where the qualification requirements for suppliers are complicated.

Article 21

In order to apply the selective tendering procedures, an entity may conduct qualification evaluation in advance and establish a permanent list of qualified suppliers; provided, however, that the entity shall always allow suppliers to request of qualification evaluation and periodically review and update the permanent list of qualified suppliers.

Where a supplier not on the permanent list of qualified suppliers requests to participate in a particular procurement, the entity shall review the qualification of such supplier provided that the review does not interfere the tendering procedures and can be completed in time. After reviewing, the entity shall invite such supplier to participate in the procurement provided that the supplier is qualified.

The permanent list of qualified suppliers adopted for the procurement in connection with recurring demands shall contain at least six suppliers.

In conducting selective tendering procedures, the entity shall give qualified suppliers an equal opportunity to be invited.

Article 22

Under any of the following circumstances, an entity may apply limited tendering procedures to a procurement of a value reaching the threshold for publication after obtaining the approval of the superior entity:

1. Where there is no tender in response to an open or selective tender, or the tenders submitted have been not in conformity with the requirements in the tender, provided, however, that the requirements of the initial tender are not substantially modified in the contract as awarded;
2. Where the subject of a procurement is an exclusive right, a sole source product or supply, a work of art, or a secret, which can be supplied only by a particular supplier and no reasonable alternative or substitute exists;
3. In so far as strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the entity, the subject of the procurement could not be obtained in time by means of open or selective tendering procedures;
4. For additional deliveries by the original supplier which are intended either as follow-up maintenance, or parts and components replacement for existing supplies or installations, or as extension of existing supplies, services, or installations where a change of supplier would not meet the requirements of compatibility or interchangeability with already existing supplies, services, or installations;
5. Where the subject of a procurement is a prototype or a subject first produced or supplied which is developed in the course of research, experiment, or original development;
6. When additional construction work which was not included in the initial contract but which was within the objectives of the original tender documentation has, through unforeseeable circumstances, become necessary, and the entity needs to award contracts for the additional construction work to the contractor carrying out the construction work concerned to achieve the objectives of the initial contract since the separation of the additional construction work 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 work may not exceed 50 per cent of the amount of the main contract;
7. For any further procurement indicated in the tender notice and tender documentation;
8. For property procured on a commodity market;
9. In the case of contracts for professional services, technical services or information

services awarded to the winner selected publicly and objectively;

10. In the case of contracts awarded to the winner of a design contest provided that the contest has been initiated by a public notice and the winner selection has been conducted publicly and objectively;
11. In the case that a government-owned enterprise designates an area for its real property procurement in response to the need of its business provided that the real property procured has been solicited publicly in accordance with its requirements and criteria;
12. Where the subjects of a procurement are supplies or services not for profit provided by organizations of the handicapped, the aboriginal, philanthropic organizations or prisoners; or
13. Other circumstances as prescribed by the responsible entity.

The regulations for the selection of suppliers and the formulas for the calculation of service fees under sub-paragraphs 9 and 10, and the implementing rules under sub-paragraph 11 of the preceding paragraph, shall be prescribed by the responsible entity.

Article 23

The tendering procedures to be applied to a procurement of a value not reaching the threshold for publication shall be prescribed by the responsible entity at the central government level; or by the municipal or county (city) government at the local government level. If no other procedures are to be prescribed at the local government level, the procedures prescribed at the central government level shall govern.

Article 24

An entity may, according to the needs of efficiency and quality, conduct the procurement on a turn-key basis. However, a prior approval from the superior entity shall be obtained if the value of procurement reaches the threshold for supervision.

The term "turn-key" referred to in the preceding paragraph means the procurement of construction work or property by consolidating the procurement of design, work, supply, installation, maintenance in a certain period, etc. into a contract for tendering.

The regulations for the implementation of turn-key shall be prescribed by the responsible entity.

Article 25

An entity may, depending on the characteristics of an individual procurement, specify in the tender documentation to permit joint tendering by a limited number of suppliers. However, a prior approval from the superior entity shall be obtained where the value of procurement reaches the threshold for supervision.

The term "joint tendering" referred to in the preceding paragraph means the activity of two or more suppliers participating jointly in tendering, executing jointly the procurement contract after being awarded, and assuming the joint and several liability thereunder, with a view to contracting for construction work or to supplying property or services.

Joint tendering shall only be permitted where it can increase the competition among suppliers or not restrain competition without due cause.

A joint tendering by suppliers of the same line of business shall meet the requirements set forth in each of the sub-paragraphs of Article 14 of the Fair Trade Law.

Suppliers participating in a joint tendering shall submit a joint tendering agreement along with the tender.

The regulations for joint tendering shall be prescribed by the responsible entity.

Article 26

For a procurement of a value reaching the threshold for publication, the tender documentation shall be prescribed in terms of function or performance. In the event that there are applicable international standards or national standards, the tendering specifications shall be prescribed therewith.

Technical specification laying down the characteristics of the products or services to be procured, such as quality, performance, safety, dimension, symbol, terminology, packaging, marking and labeling, or the processes and methods for their production and assessment procedures prescribed by the entity, shall not be prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to competition.

There shall be no requirement or reference to a particular trademark or trade name, patent, design or type, specific source of 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.

Article 27

For open tendering procedures or selective tendering procedures, an entity shall publish a notice of invitation to tender or of qualification evaluation on the Government Procurement Gazette, and also make it available on the information network. The same shall also apply if the notice is amended.

The content of a notice, the number of days for publication, means of publication, and the regulations for publication of the Government Procurement Gazette referred to in the preceding paragraph shall be prescribed by the responsible entity.

Procuring entities shall estimate the number of procurement to be conducted and the value of each procurement. The budget and the estimated value of a procurement may be disclosed in the tender notice.

Article 28

For open tendering procedures or selective tendering procedures, an entity shall prescribe a reasonable time-limit for submission of tenders, which shall not be less than 14 days for tendering from the date of publishing a notice or of invitation to tender. Within the prescribed time-limit, the notice shall also be continuously posted on the entrance of the entity.

The time-limits for submission of tenders as referred to in the preceding paragraph and the minimum time periods from the date of publishing a notice to receive documents for qualification evaluation under selective tendering procedures shall be prescribed by the responsible entity.

Article 29

Tender documentation for open tendering procedures and the documents for qualification evaluation for selective tendering procedures shall be made publicly available for free or for sale on site or via mail, from the date of publication through the deadline for submission of tender or the deadline for receipt of documents. The names of suppliers to whom the tender documentation is provided for free, for sale, or via mail may not be recorded.

The documentation for selective tendering procedures shall explicitly enumerate the reasons of and the need for supplier qualification.

The documentation referred to in paragraph one shall include all the information required for the submission of tenders by suppliers.

Article 30

In conducting a procurement, an entity shall provide in the tender documentation that a tenderer shall deposit a bid bond, and that the winning tenderer shall deposit a guarantee bond or, in lieu thereof or in addition thereto, other guarantees, except for the following circumstances:

1. Where the procurement is for services, the bid bond or guarantee bond may be waived;
2. Where the procurement is for construction work or property of a value not reaching one tenth of the threshold for publication, the bid bond or guarantee bond may be waived; or
3. Where there is only one supplier invited for tendering, the bid bond may be waived.

The bid bond and guarantee bond shall be deposited by cash, bank's promissory note, bank's check, certified check, bearer's government bond, certificate of deposit pledged to the procuring entity, irrevocable stand-by letter of credit issued or confirmed by a bank, or bank guarantee or insurance policy under which the bank or insurer shares the liability with the tenderer jointly and severally.

The types, amounts, and ways of deposit, refund, and termination of bid bond, guarantee bond, and other guarantees shall be prescribed by the responsible entity.

Article 31

After award of contract, an entity shall refund or return, without interest, the bid bond deposited by unsuccessful tenderers. The same shall also apply if the tendering procedure is nullified.

The entity may provide in the tender documentation that the bid bond deposited shall not be refunded or returned to the tenderer and the refunded or returned bid bond shall be recovered if there is any of the following circumstances:

1. The tenderer used forged or altered documents to tender;
2. The tenderer borrowed the name or certificate of another to tender;
3. The tenderer assumed the name or certificate of another to tender;
4. The tenderer withdrew its bid before expiration of the bid;
5. After opening of tenders, the tenderer refused to be awarded or refused to execute a contract;
6. After being awarded, the tenderer failed to deposit sufficient guarantee bond or to provide other guarantees sufficiently within a prescribed time-limit;
7. A bid bond has been served as a guarantee bond; or
8. The responsible entity found that there is a violation of laws and regulations which affects the fairness of the procurement.

Article 32

An entity shall prescribe in the tender documentation the causes not to return the guarantee bond and the interest accruing thereon, or the circumstances under which the liability of a guarantor arises, and also stipulate for the said circumstances the liability for breach of contract, the extent to which the guarantee bond can be offset, and the liability of the guarantor.

Article 33

The tender shall be submitted in writing and sealed, by mail or personal delivery, and at the procurement entity or any designated place before the deadline for tendering.

The suppliers may use electronic devices to send the tender referred to in the preceding paragraph; provided that it is explicitly permitted in the tender documentation, and a formal written tender is submitted subsequently before a prescribed deadline.

The entity may provide in the tender documentation that a tenderer is permitted to amend or supplement its tender before opening of tenders as long as the amendment or supplement does not involve the essential parts of the contract.

Article 34

In conducting a procurement, an entity shall keep confidential the content of the tender documentation before publishing the tender notice, except for the need of conducting a public presentation or soliciting reference data or information from suppliers.

In conducting a procurement, an entity shall not disclose, before opening of tenders, the government estimate, the names and number of the suppliers which have obtained the tender documentation or submitted a tender and any other relevant information which may result in competition restraint or unfair competition.

The government estimate shall be kept confidential till award of contract even after opening of tender. The government estimate shall be disclosed after award of contract except for special circumstances. The entity may, however, basing on actual needs and prior approval of the superior entity, disclose the government estimate in the tender documentation.

Unless otherwise required for official use or provided for in the relevant laws and regulations, the tenders submitted by suppliers shall be kept confidential by the entity.

Article 35

An entity may provide in the tender documentation that a supplier is allowed to submit before award of contract an alternative technology, technical methodology, materials, or equipment to shorten construction period, save expenditure, or increase the efficiency, provided that the original function requirement is not impaired.

Article 36

In conducting a procurement, an entity may prescribe basic qualifications of tenderers based upon actual needs.

For a special or large procurement which must be performed by suppliers of substantial experience, performance record, manpower, financial capability, equipment, etc., specific qualifications may be prescribed for tenderers.

The qualification of and the qualification documents to be submitted by foreign suppliers may be prescribed separately in the tender documentation based upon actual needs. A notarized or certified Chinese translation shall be attached to the qualification document as above required.

The scope and criteria of the basic qualifications referred to in paragraph one and the specific qualifications and the special or large procurement referred to in paragraph two hereof shall be prescribed by the responsible entity.

Article 37

An entity shall not restrain competition unduly and shall only prescribe the qualifications essential to contract performance in prescribing the qualifications referred to in the preceding Article.

The tender submitted by a supplier whose qualification does not meet the requirements referred to in the preceding Article shall not be accepted, unless the supplier submits in lieu a bank guarantee or an insurance policy under which the bank or insurer shares the performance and compensatory liability with the supplier jointly and severally.

Article 38

A political party and a supplier which is affiliated to a political party shall not participate in tendering.

The provisions of “Affiliated Enterprise” prescribed in the Company Law shall apply *mutatis mutandis* to the aforementioned supplier who is affiliated to a political party.

Article 39

In conducting a procurement, an entity may entrust to a supplier according to this Law the project management related to planning, design, supply, or contract performance.

The responsible person or partner of the supplier entrusted with the project management shall not at the same time serve as the responsible person or partner of the supplier handling the planning, design, construction or supply.

The supplier entrusted with the project management and the supplier handling the planning, design, construction or supply shall not be affiliated to each other or affiliated to the same other enterprise.

Article 40

An entity may entrust another entity of professional capacity to conduct its procurement.

Article 41

Where a supplier has questions about the content of the tender documentation, such questions shall be submitted in writing to the entity before the deadline set forth for such purpose in the tender documentation.

The entity shall give a written reply to the inquiring supplier before the deadline set forth for such purpose in the tender documentation, and may publish such reply if necessary. In case that any amendment or supplement to the content of the tender documentation must be made as a result of such questions, the entity shall publish a notice concerning such amendment or supplement, or notify each supplier in writing for cases of soliciting technical proposals and price proposals under selective tendering procedures and for cases of limited tendering procedures, and may extend the time-limit for tendering if required. The aforementioned requirements shall also apply in the event of amending or supplementing the content of tender documentation on the entity’s own initiative.

Article 42

For open tendering procedures or selective tendering procedures, an entity may apply multi-step opening of tenders with respect to the qualification, technical specification, and price.

In conducting multi-step opening of tenders, an entity shall publish a notice at the first step and may omit publishing invitation notices at the subsequent steps.

Article 43

An entity conducting a procurement may adopt one of the following measures and specify the measures in the tender documentation, except otherwise prohibited by the treaties or agreements to which this nation is a party.

1. To request from a tenderer commitments to procure goods locally produced to a certain extent, to transfer technology, to have inward investment, to facilitate local export, or to take any other similar measures, and include such commitments in evaluation, provided that they shall not weight over one third in the evaluation; or
2. Where a foreign supplier’s tender is the lowest tender according to the principle of contract award prescribed in Article 52, a domestic supplier may be awarded at such a price by preference.

Article 44

Where a foreign supplier's tender is the lowest bid according to the principle of contract award prescribed in Article 52, an entity conducting a particular procurement may, except otherwise prohibited by the treaties or agreements to which this nation is a party, award by preference to a local supplier which supplies property with at least 50% value added locally, or supplies construction work or service locally, provided that the awarded price shall not exceed the aforementioned lowest bid by a certain percentage.

The scope, percentage, and implementation rules for the preference prescribed in the preceding paragraph shall be prescribed by the responsible entity together with the relevant competent entities, provided that no preference shall be given except for policies of employment or industrial development, and there shall be no percentage exceeding 3% or period of preference exceeding five years.

Chapter III

Award of Contracts

Article 45

Unless otherwise provided for in laws or regulations, an entity shall open tenders in public at the time and place specified in the tender documentation for an open tendering procedure or selective tendering procedure.

Article 46

Unless otherwise provided for in this Law, an entity shall set a government estimate for a procurement. The government estimate shall be itemized based upon the drawings, specifications, and contract requirements by taking into account the costs, market prices, and past award records of government entities, and be approved by the head of the entity or the personnel authorized by the head.

The time for setting the government estimate referred to in the preceding paragraph shall be determined according to the following,

1. In the case of open tendering procedures, prior to the opening of tenders;
2. In the case of selective tendering procedures, prior to the opening of tenders for the step next to the qualification evaluation; or
3. In the case of limited tendering procedures, prior to the conducting of price negotiation with one single supplier or price comparison among two or more suppliers.

Article 47

Under the following circumstances, an entity may conduct a procurement without setting a government estimate; provided, however, that the reasons of not setting a government estimate and the terms and principles of awarding the contract shall both be provided in the tender documentation:

1. Where there are actual difficulties in setting a government estimate for the procurement;
2. Where the contract is to be awarded to the most advantageous tender; or
3. For small procurement.

For procurement under sub-paragraphs one and two of the preceding paragraph, a tenderer may be required to enumerate in its tender the content of its price offer in details.

The amount of small procurement shall be set, at the central government level, by the responsible entity, and at the local government level, by the municipal or county (city) governments; provided that

the said amount shall not exceed one tenth of the threshold for publication. Where the amount is not set by a local government, the amount set by the central government shall govern.

Article 48

In conducting a procurement pursuant to this Law, an entity shall open the tenders and award the contract in accordance with the timeframe set forth in the tender documentation where there are three or more tenders, except for any of the following circumstances under which tenders may not be opened or awarded.

1. Where the content of tender documentation is amended or supplemented;
2. Where illegal or improper activities that may impair the fairness of the procurement are found;
3. Where the opening of tenders is postponed according to Article 82 hereof;
4. Where the procurement procedure is suspended according to Article 84 hereof;
5. Where the entity corrects its breach of laws and regulations as required by Article 85 hereof;
6. Where there is an emergency;
7. Where the plan for procurement is changed or cancelled; or
8. For any other special circumstances as determined by the responsible entity.

Where the opening of tenders cannot be proceeded due to the lack of three or more tenders, there shall be a second tendering and the time-limit for such tendering may be shortened to half of the time-limit of the first tendering, provided that the shortened period shall not be less than ten days, and in addition the requirement of three tenders of the preceding paragraph shall not apply for the second tendering. For a procurement of a value reaching the threshold for supervision, it shall be approved by the superior entity in advance.

Article 49

In conducting a procurement of a value not reaching the threshold for publication but is not less than one tenth of the threshold, offers or proposals in writing shall be obtained openly from at least three suppliers, except for any of the circumstances specified in each sub-paragraph of paragraph one of Article 22.

Article 50

In case that any of the following circumstances occurs to a tenderer, an entity shall not open the tender of such tenderer when such circumstance is found before tender opening, or award the contract to such tenderer when such circumstance is found after tender opening:

1. The tendering does not comply with the requirements of the tender documentation;
2. The content of the tender is inconsistent with the requirements of the tender documentation;
3. The tenderer borrows or assumes any other's name or certificate to tender, or tenders with forged documents or documents with unauthorized alteration;
4. The tenderer forges documents or alters documents without authorization in tendering;
5. The tenderer has any activities in breach of laws or regulations which impairs the fairness of the procurement; or
6. The tenderer is prohibited from participating in tendering or being awarded of any contract pursuant to paragraph one of Article 103 hereof.

When the circumstance referred to in the preceding paragraph occurs to the winning tenderer before the award of contract but is found after award or signing of the contract, the entity shall revoke the award, terminate or rescind the contract, and may claim for damages against such tenderer except where the revocation of the award or the termination or rescission of the contract is against public interest, and an approval has been obtained from the superior entity.

Where the situation of not opening or not awarding a contract as referred to in paragraph one causes the procurement procedures unable to continue, the entity may declare that the procurement is nullified.

Article 51

An entity shall review the tenders submitted in accordance with the requirements set forth in the tender documentation. In case of any ambiguity as to its content, the entity may request the tenderer to clarify.

The entity shall notify each tenderer of the outcome of the review referred to in the preceding paragraph and provide reasons for disqualified tenderers.

Article 52

The award of contract conducted by an entity shall follow one of the following principles and the principle adopted shall be specified in the tender documentation:

1. Where a government estimate is set for the procurement, a tenderer whose tender meets the requirements set forth in the tender documentation and is the lowest tender within the government estimate shall be awarded;
2. Where no government estimate is set for the procurement, a tenderer whose tender not only meets the requirements set forth in the tender documentation and has a reasonable price, but also is the lowest tender within the budget amount shall be the winning tenderer;
3. The tenderer whose tender meets the requirements set forth in the tender documentation and is the most advantageous one shall be the winning tenderer; or
4. To adopt multiple award. An entity may prescribe in the tender documentation that contracts may be awarded to different tenderers by different items or different quantities, but the spirit of competition as to the lowest price or the most advantageous tender shall be respected.

The preceding sub-paragraph three shall only be applied to cases where tenderers are allowed to submit tenders for construction work, property, and services with different qualities and therefore the preceding sub-paragraphs 1 and 2 are not suitable for application..

Tenderers need not be notified to be present upon the award of contract; provided that they shall be notified of the outcome.

Article 53

Where the lowest tender which meets the requirements set forth in the tender documentation exceeds the government estimate, the entity may request the tenderer to reduce the price once. If the reduced price still exceeds the government estimate, the entity may request all tenderers whose tenders meet the requirements set forth in the tender documentation to reduce their prices and then make a comparison. Such price reduction and comparison shall not be more than three times.

If, after following the procedure set forth in the preceding paragraph, the lowest tender still exceeds the government estimate but not over the budget amount, and the entity needs to award the contract for emergency, then the award of contract shall be approved by the person who has approved the government estimate or the authorized personnel of such person, and the value of the winning

award shall not exceed the government estimate by more than eight percent provided however that the award of contract shall in addition be approved by the superior entity in advance for cases where the value of procurement reaches the threshold for supervision and the value of the award exceeds the government estimate by more than four percent.

Article 54

Where an award is conducted in accordance with sub-paragraph 2 of paragraph 1 of Article 52, and the lowest tender which meets the requirements set forth in the tender documentation exceeds the budget amount or an amount recommended by a committee, the entity may request the tenderer to reduce the price once. If the reduced price still exceeds such amount, the entity may request all tenderers whose tenders meet the requirements set forth in the tender documentation to reduce their prices and then make a comparison. Such price reduction and comparison may be limited to certain times which shall not be more than three times. If, after following the procedure set forth in the foregoing, the lowest tender still exceeds either of the said amounts, the tendering procedure shall be nullified.

Article 55

Where an entity plans to award a contract to the lowest tender but cannot award the contract according to the preceding two Articles, the entity may alternatively award the contract through negotiation, provided that such negotiation has been approved by the superior entity and announced in advance in the notice of invitation and the tender documentation.

Article 56

Where an award is conducted in accordance with sub-paragraph 3 of paragraph 1 of Article 52, the evaluation criteria set forth in the tender documentation shall be used to determine the most advantageous tender by comprehensively evaluating the technology, quality, function, commercial terms, or price of the tenders with ranking or score. The price offered or the quotient of price divided by the score resulted from comprehensive evaluation may be used as a sole item for evaluation or the criteria for award of contract. Other items not listed for evaluation shall not be used as a reference for the evaluation. The most advantageous tender shall be determined by the head of the procuring entity or the concurrence of the majority of the evaluation committee. If the most advantageous tender is unable to be determined, negotiations may be conducted, and then make another comprehensive evaluation to determine the most advantageous tender. A determination thereof shall be accompanied with reasons. Such comprehensive evaluation shall not be more than three times.

If, after following the procedure set forth in the preceding paragraph, the most advantageous tender still can not be determined, the tendering procedure shall be nullified.

Before conducting a tendering procedure that the award of contract is made to the most advantageous tender, the entity shall report to the superior entity and obtain its prior approval.

The evaluation rules for determining the most advantageous tender shall be prescribed by the responsible entity.

Article 57

Where negotiations are adopted according to the provisions of the preceding two Articles, the entity shall conduct the process in accordance with the following principles:

1. The procedures and contents of tender opening, tenders, and tender evaluation shall be kept confidential;
2. No tenderers meeting the requirements set forth in the tender documentation shall be discriminated during the negotiations. If necessary, video or audio recordings shall be used for evidence purpose;
3. Only the content of those items that are specified as negotiable in the tender

documentation may be subject to negotiation;

4. Where the negotiable items referred to in the preceding sub-paragraph is amended, all tenderers permitted to participate shall be informed of such amendment in writing; and
5. Upon completion of negotiation, tenderers referred to in the preceding sub-paragraph shall be given an opportunity to modify their tenders and re-submit their tenders within a time-limit according to the negotiation.

Article 58

Where a contract is to be awarded to the lowest tender, an entity may set a time-limit for the tenderer offering the lowest tender to provide an explanation or a bond/guarantee if the total or a part of the offered price is so low that it evidently appears to be unreasonable, and the quality of performance is likely to be impaired or the contract is not likely to be performed in good faith, or there is any other extraordinary situations. If such tenderer fails to submit a reasonable explanation or a bond/guarantee before the deadline set forth by the entity, the contract may not be awarded to the tenderer, and the tenderer offering the second lowest tender shall then be deemed as the tenderer offering the lowest tender.

Article 59

For procurement conducted in accordance with selective or limited tendering procedures, the contract price shall not be higher than the lowest price the supplier offered for the same construction work, property, or service under the same market conditions.

A supplier shall not induce the procuring entity to sign a contract by giving others commission, percentage, brokerage, kickback, or any other benefits.

Where a supplier is in breach of the requirements of the two preceding paragraphs, the entity may terminate or rescind the contract, or deduct the over-valued portion and any other benefits from the contract amount.

The provisions of the three preceding paragraphs shall apply *mutatis mutandis* to procurement where the tenders received are less than three.

Article 60

Where an entity notifies a supplier to explain, reduce price, engage in price competition, negotiate, modify the content of the original tender, or re-submit a new price offer in accordance with Articles 51, 53, 54 or 57 hereof, and the supplier fails to respond within a time-limit set forth in the notification, then such supplier is deemed waiving its rights.

Article 61

Except for extraordinary circumstances, an entity shall publish the outcome of an award on the Government Procurement Gazette and notify all tenderers in writing within a specific period of time after award of contract provided that the procurement is of a value reaching the threshold for publication. The foregoing shall also apply if the contract cannot be awarded.

Article 62

The award data shall be provided by the procuring entity to the responsible entity periodically.

Chapter IV

Administration of Contract Performance

Article 63

The essential requirements for various types of procurement contracts shall be prescribed by the responsible entity by taking the international and domestic practices into consideration.

In contracting for the services of planning, design, supervision, or management, the contract shall stipulate the responsibility of the supplier in the event that erroneous planning and design, irresponsible supervision, or poor management has caused damages to the entity.

Article 64

It may be provided in a procurement contract that when continuous performance by the supplier pursuant to the contract is against the public interest due to policy change, an entity may, with the approval of a superior entity, terminate or rescind such procurement contract, in part or in whole, and compensate the supplier for any loss resulting therefrom.

Article 65

The contractor shall perform the contract for construction work or services by itself and may not assign the contract to others.

The term of contract assignment referred to in the preceding paragraph means an arrangement under which a contractor makes another supplier perform all or the major part of the contract for it.

The preceding two paragraphs shall apply *mutatis mutandis* to a contract for property not readily available and required to be supplied through certain performance process.

Article 66

In the event that a contractor is in breach of the requirement of paragraph 1 of the preceding Article by assigning a construction work to another supplier, the entity may terminate the contract, rescind the contract, or forfeit the contractor's guarantee bond, and in addition claim for damages.

The assignee referred to in the preceding paragraph and the contractor shall bear the liabilities for performance and damages jointly and severally. The foregoing shall also apply to the cases of re-assignments.

Article 67

A contractor may subcontract the contract to other suppliers. The terms "subcontracting" means an arrangement not constituting an assignment but pursuant to which another supplier performs a part of the contract for the contractor.

In the event that a subcontract has been reported to the entity for file and that the subcontracted part has been pledged by the contractor to the subcontractor, the subcontractor will have the mortgage right under Article 513 and the claim based on addition under Article 816 of the Code of Civil Procedure in terms of the claim of the contractor for the contract value or compensation against the entity.

Under the circumstance referred to in the preceding paragraph, the subcontractor for the part subcontracted to it shares the liabilities of warranty with the contractor jointly and severally.

Article 68

The claim of a contractor against an entity for contract value or compensation under a contract, whether in whole or in part, may be the object of a pledge.

Article 69

In case that an entity and a supplier cannot reach an agreement in respect of a dispute arising from or in connection with the performance of a contract, the dispute may be referred to the Complaint Review Board for Government Procurement for mediation. When the application for mediation hereof is filed by the supplier, the entity shall not reject it.

The requirements of mediation prescribed in the Code of Civil Procedure shall apply *mutatis mutandis* to the procedures and effect of the foregoing mediation conducted by the Complaint Review Board for Government Procurement.

Article 70

An entity conducting a procurement for construction work shall stipulate the responsibility of the supplier for quality control, environment protection, as well as safety and hygiene of the work, and shall also establish inspection procedures and standards for the major items of the construction work.

The entity may effect an inspection by segment during the supplier's performance of the contract, and the outcome of such inspection may be used as a basis for the acceptance.

The two preceding paragraphs shall apply *mutatis mutandis* to a contract for property or services not readily available, and required to be performed through certain performance process.

Chapter V Inspection and Acceptance

Article 71

An entity conducting a procurement for construction work or property shall set a time-limit for inspection and acceptance, and may conduct partial acceptance.

The inspection and acceptance shall be conducted by an appropriate chief inspector, which is appointed by the head of the entity or his/her authorized personnel, and the unit taking or using the work or property shall be informed to accompany the chief inspector for inspection and acceptance.

Personnel of the procurement unit of an entity shall not act as a chief inspector or an inspector for samples or materials of the procurement conducted by the unit.

The provisions of the three preceding paragraphs shall apply *mutatis mutandis* to the procurement for services.

Article 72

In conducting the inspection and acceptance for a procurement, the records thereof shall be made by the entity and signed jointly by the participating personnel. For any item found not in conformity with the requirements specified in the contract, drawings and/or samples after inspection and acceptance, the supplier shall be required, by a notice, to make improvement, remove the rejected item, re-do the work, or recall or replace the rejected item within a time-limit. Where the result of the inspection and acceptance indicates that the non-conforming item is not material and the remaining items are nonetheless usable, and the entity deems that it is necessary to use such remaining items before the said non-conformity is corrected, a partial acceptance may be conducted for the remaining items and the contract value may be paid partially for the accepted portion, subject to the approval by the head of the entity or his/her authorized personnel.

Where the result of inspection indicates any non-conformity with the contractual requirements, but the non-conformity neither hinders the safety or use required nor decreases the general function or the function designated by the contract, an acceptance with price-reduction may be conducted under conditions that the entity has determined that there is no need or it is difficult to make replacement. Before conducting the foregoing, the entity shall report the case to the superior entity for approval if the value of the procurement reaches the threshold for supervision, or to the head of the entity or his/her authorized personnel if the value of the procurement does not reach the threshold.

The inspectors may, as they deem necessary, disassemble the covered parts of a construction work or property for inspection or conduct analytical inspection thereof.

Article 73

For a construction work or property which has passed the inspection and acceptance, the inspection and supervision personnel shall sign on the certificate of settlement and acceptance.

The provision of the preceding paragraph shall apply *mutatis mutandis* to the inspection and acceptance of services.

Chapter VI

Protest and Complaint

Article 74

For any dispute between an entity and a supplier arising out of the invitation to tender, the evaluation of tender, the award of contract, the contract performance, or the inspection and acceptance, a protest or complaint may be filed in accordance with this chapter except for the disputes of the nature of private law and having been resorted to arbitration, mediation, or civil procedures by the entity or the contractor.

Article 75

A supplier may, in the period as specified below, file a protest in writing with an entity if the supplier deems that the entity is in breach of laws or regulations or of a treaty or an agreement to which this nation is a party (hereinafter referred to as the "Laws and Regulations") so as to impair the supplier's rights or interest in a procurement.

1. Where the protest is filed for the content of the tender documentation, one quarter of the period for tendering starting from the date of publication or invitation to tender and a segment of less than one day shall be counted as one day; provided that the whole period shall not be less than ten days;
2. Where the protest is filed for the interpretations, subsequent explanations, amendments or supplements of the tender documentation, ten days from the date of receipt of the notification from an entity or the date of public notice given by the entity; or
3. Where the protest is filed for the procedures or the outcome of the procurement, ten days from the date of receipt of the notification from an entity or the date of public notice given by the entity; or ten days from the date when said procedures or outcome are known or can be known if such procedures or outcome are not notified or published; provided that the period shall not exceed fifteen days from the date of the award of contract for matters of invitation to tender, the evaluation of tender, or the award of contract.

The entity inviting tenders shall make proper disposition and notify the protesting supplier in writing of such disposition within 20 days from the date of receipt of the protest. In case that such disposition involves amendment or supplement to the content of the tender documentation, the entity shall publish a notice concerning such amendment or supplement, or notify each supplier in writing for cases of soliciting technical proposals and price proposals under the selective tendering procedures and for cases of limited tendering procedures, and may extend the time-limit for tendering if required.

Article 76

Where the value of procurement reaches the threshold for publication, a supplier may file a written complaint with the Complaint Review Board for Government Procurement ("CRBGP") as established by the responsible entity, or the municipal or the county (city) governments, depending upon the procurement is conducted at the level of central government or local government, within fifteen days

from the date of receipt of the disposition if the supplier objects to the disposition, or from the expiry of the period specified in paragraph two of the preceding Article if the entity fails to dispose the case within the period. A local government which does not establish a CRBGP may entrust the responsible entity to handle the complaint.

Article 77

The complaining supplier shall prepare a written complaint including the following particulars and affix its signature or seal thereon:

1. The name, address and telephone number of the complaining supplier and the name, gender, birth date, and domicile or residence of the responsible person;
2. The entity which handled the protest;
3. The facts and reasons of the complaint;
4. Evidence; and
5. Year, month, and day of the written complaint.

The complaint can be filed by an agent on behalf of the complainant, and the agent shall submit a power of attorney indicating the name, gender, birth date, occupation, telephone number and domicile or residence of the agent.

The provision of Article 70 of the Code of Civil Procedure shall apply *mutatis mutandis* to the situation referred to in the preceding paragraph.

Article 78

When filing a complaint, the supplier shall also provide a copy of the complaint to the entity. The entity shall present its response in writing to the competent CRBGP within ten days from the date of receipt of such copy.

The CRBGP shall complete its review within forty days upon receipt of the complaint, and shall notify the supplier and the entity of its decision in writing. If necessary, the foregoing period may be extended for another forty days for complaints arising out of the invitation to tender, the evaluation of tender, or the award of contract, or for another three months for complaints arising out of the contract performance or the inspection and acceptance.

Article 79

A complaint shall not be accepted if it is filed beyond the statutory period or is not in conformity with the statutory procedures or format. However, if the aforementioned errors can be corrected, the complainant shall be allowed to make the correction within a specified time-limit. Failure to make the correction within the time-limit shall render the complaint unacceptable.

Article 80

The review of a complaint with respect to a procurement may be conducted only with files.

The CRBGP may, *ex officio* or upon request, inform a complaining supplier or an entity to present their opinions orally at a place designated by the CRBGP.

In conducting a review, the CRBGP may entrust government authorities, schools, associations, or persons that have professional knowledge and experience to provide examination services, and may also call the relevant persons for explanations or request the entity or the supplier to provide relevant documents and materials.

The CRBGP may collect from the supplier review fees, examination fees, and other necessary expenses before conducting a review. The schedules of such fees and expenses and the methods of payment shall be prescribed by the responsible entity.

The rules for the review of complaints shall be prepared by the responsible entity and be promulgated after approval of the Executive Yuan.

Article 81

A supplier may withdraw its complaint at any time before the service of a review decision. Once a complaint is withdrawn, the complainant is barred from submitting another complaint in respect of the same matter.

Article 82

A review decision prepared by the CRBGP shall be in writing, contain the facts and reasons, and indicate whether the procurement was conducted by the procuring entity in a manner that is in breach of Laws and Regulations. Where there is a breach, the CRBGP may recommend to the procuring entity ways to proceed.

The CRBGP may, before completion of review, notify the procuring entity to suspend the procuring procedures, if necessary.

The CRBGP shall take the public interest, the interest of the relevant suppliers, and other relevant circumstances into account when making a recommendation or notification under the preceding two paragraphs.

Article 83

A review decision may be deemed as a decision on an administrative petition or a proposal under mediation based on its nature, with a time-limit for appeal or objection noted in it.

Articles 417 and 418 of the Code of Civil Procedure shall apply *mutatis mutandis* to the latter situation as referred to in the preceding paragraph.

Where a time-limit for appeal or objection referred to in paragraph one is not noted or noted erroneously in a review decision, the time-limit shall be extended to one year.

Article 84

Where a procuring entity deems that a protest or complaint filed by a supplier is justifiable after reviewing the causes related thereto, the procuring entity shall nullify or change the initial result or suspend the procurement procedures, except for emergencies or public interest, or where the causes of complaint or protest are not likely to affect the procurement.

The procuring entity shall promptly notify the competent CRBGP of any outcome arising from the action it takes according to the preceding paragraph in response to a complaint.

Article 85

Where a review decision specifies that the procuring entity is in breach of Laws and Regulations, the procuring entity shall proceed with a lawful alternative.

Where the procuring entity does not follow the recommendation made by the CRBGP, it shall report the case to the superior entity for approval, and the superior entity shall provide a written explanation with reasons to the CRBGP and the supplier if the superior entity so approves.

Where the circumstance set forth in paragraph one occurs, the supplier may request the procuring entity to reimburse the necessary expenses incurred by the supplier for the preparation of tender and the filing of protest and complaint.

Article 86

In order to handle the complaints filed by suppliers for procurement at the levels of central government and local government, CRBGPs established by the responsible entity and the municipal

and the county (city) governments at each level respectively shall consist seven to fifteen members selected from persons impartial and of the professional knowledge in legal or procurement affairs and appointed by the responsible entity or the municipal or county (city) governments. Two of such members may be high-ranking officials of the responsible entity or the municipal or county (city) governments.

The CRBGP shall perform its official duties impartially. The rules governing the organization of CRBGP shall be prepared by the responsible entity and submitted to the Executive Yuan for approval and promulgation.

Chapter VII Penal Provisions

Article 87

A person who commits violence or threat, or administers drugs, or applies hypnosis with the intent to cause a supplier not to tender or to tender contrary to its real intention, or cause the winning tenderer to forego the award or to assign or subcontract after award shall be punished with imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than three million New Taiwan Dollars may be imposed.

If death results from the offense specified in the preceding paragraph, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily injury results therefrom, the offender shall be punished with imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than three million New Taiwan Dollars may be imposed.

A person who commits fraud or uses any other illegal means to make the supplier unable to tender or cause the opening of tenders to have an incorrect result shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than one million New Taiwan Dollars may be imposed.

A person who causes the supplier not to tender or not to proceed with price competition by means of contract, agreement or other forms of meeting of minds, with the intent to adversely affect the price of award or to gain illegal benefits, shall be punished with imprisonment for not less than six months but not more than five years; in addition thereto, a fine of not more than one million New Taiwan Dollars may be imposed.

An attempt to commit an offense specified in paragraphs one, three or four is punishable.

Article 88

The personnel of a supplier who is entrusted by an entity to conduct planning, design, project management, or procurement but imposes improper restrictions as to the tendering requirements of technologies, technical methodology, materials, or equipment with the intent to gain personal illegal benefits, and thereby obtains benefits, shall be punished with imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than three million New Taiwan Dollars may be imposed. In addition, the foregoing personnel who imposes improper restrictions as to the qualifications of tenderers with the intent to gain personal illegal benefits and thereby obtains benefits, shall be subject to the same punishment.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 89

The personnel of a supplier who is entrusted by an entity to conduct planning, design, project management, or procurement but discloses or delivers confidential documents, drawings, information, things, or any other data related to the procurement with the intent to gain personal illegal benefits,

and thereby obtains benefits, shall be punished with imprisonment for not more than five years or detention; in lieu thereof or in addition thereto, a fine of not more than one million New Taiwan Dollars may be imposed.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 90

A person who commits violence or threat with the intent to cause the personnel of an entity who is engaged in planning, design, handling, or supervision of a procurement, or the personnel of a supplier who is entrusted by an entity either to provide services of planning, design, or project management of a procurement or to conduct its procurement, not to decide on matters with respect to the procurement or to decide on such matters contrary to his/her own mind, shall be punished with imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than three million New Taiwan Dollars may be imposed.

If death results from the offense specified in the preceding paragraph, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily injury results therefrom, the offender shall be punished with imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than three million New Taiwan Dollars may be imposed.

An attempt to commit an offense specified in paragraph one is punishable.

Article 91

A person who commits violence or threat with the intent to cause the personnel of an entity who is engaged in planning, design, handling, or supervision of a procurement, or the personnel of a supplier who is entrusted by an entity either to provide services of planning, design, or project management of a procurement or to conduct its procurement, disclose or deliver the confidential documents, drawings, information, things, or any other data related to the procurement, shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than one million New Taiwan Dollars may be imposed.

If death results from the offense specified in the preceding paragraph, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily injury results therefrom, the offender shall be punished with imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than three million New Taiwan Dollars may be imposed respectively.

An attempt to commit an offense specified in paragraph one is punishable.

Article 92

Where a representative, agent, employee, or any other staff of a supplier who, in performing his/her duty, commits an offense specified in this Law, the wrongdoer shall be subject to the punishment prescribed in the relevant Articles; in addition thereto, the supplier shall also be subject to the fine prescribed therein.

Chapter VIII Supplemental Provisions

Article 93

An entity may execute an inter-entity supply contract with a supplier for the supply of property or services that are commonly needed by entities.

Article 94

An entity conducting an evaluation shall establish an evaluation committee in which there shall be five to seventeen members and at least one third of the members shall be experts and scholars. A recommended roster of experts and scholars shall be prepared jointly by the responsible entity, the Ministry of Education, the Ministry of Examination, and other relevant entities.

The rules governing the organization of and the rules for review by the evaluation committee shall be prescribed by the responsible entity.

Article 95

It is preferred for an entity to conduct its procurement by professional procurement personnel. The rules for the above shall be prescribed jointly by the Executive Yuan and the Examination Yuan.

Article 96

An entity may provide in the tender documentation that preference shall be given to a product which has been permitted to use a label of environment protection approved by the government, and in addition has the same or similar functions. The said preference may include a price preference of not exceeding ten percent. Such preference shall also be given where a product or its raw material is manufactured, used, and disposed in line with the requirements of recycling materials, retrievableness, low pollution, or energy-saving.

The preceding paragraph shall apply *mutatis mutandis* to other products which either increase social benefits or reduce social costs, and have the same or similar functions required.

The categories and coverage of products referred to in the two preceding paragraphs and the implementing rules thereof shall be jointly prescribed by the responsible entity, the Environmental Protection Administration of the Executive Yuan, and other competent entities.

Article 97

The responsible entity may take into account the requirements of the relevant laws and regulations to adopt measures assisting small and medium enterprises in contracting or subcontracting to the extent not less than certain percentage of government procurement in value.

Article 98

A winning tenderer who hires more than 100 employees locally shall employ the handicapped or the aborigines to a minimum of two percent of the total number of employees during the term of contract performance; otherwise, shall pay a fee in substitute.

Article 99

Unless otherwise provided for by other laws, the provisions of this Law shall apply to the procedures under which an entity selects an investor to construct or operate a project approved by the competent authority to be open for private investment, provided that the project is one in transportation, energy, environment protection, tourism, etc., and planned or approved by the government.

Article 100

The responsible entity, the superior entity, and the accounting entity may supervise an entity at any time concerning the progress of procurement, inventory, or service conditions of the subject procured, and may also demand the entity to submit a report.

An entity may transfer its surplus property which is still usable to other government agencies or public schools without charge.

Article 101

Where a procuring entity finds that a supplier has any of the following circumstances, the entity shall notify the supplier the facts and reasons related thereto, and indicate with a note in the

notification that it will be published on the Government Procurement Gazette if the supplier does not file a protest:

1. Where the supplier allows any others to borrow its name or certificate to participate in a tender;
2. Where the supplier assumes any other's name or certificate to tender, or tenders with forged documents or documents with unauthorized alteration;
3. Where the supplier has substantially reduced the work or materials without obtaining a prior approval;
4. Where the supplier has been proved to forge or alter without authorization documents related to tendering, contracting, or contract performance;
5. Where the supplier participates in tendering during the period when its business operation has been suspended by a disciplinary action;
6. Where the supplier has committed any of the offenses prescribed in Articles 87 to 92 hereof, and has been sentenced without probation by a court of the first instance;
7. Where the supplier refuses to execute or perform a contract without due cause after award;
8. Where a contract is rescinded or terminated for causes attributable to the supplier;
9. Where an inspection indicates any non-conformity with the contractual requirements, and the supplier fails to file a protest or complaint, or bring an action or take measures according to the relevant requirements within a time-limit specified in notice;
10. Where the supplier is in breach of the requirement of Article 65 by assigning a contract to others;
11. Where the time-limit for contract performance is seriously delayed due to causes attributable to the supplier;
12. Where the supplier is under the procedure of reorganization or bankruptcy; or
13. Where the supplier seriously discriminates women, aborigines, or personnel of disadvantaged groups.

Article 102

A supplier who deems that the notification made by an entity according to the preceding Article is in breach of this Law or untrue may file a written protest to the entity within twenty days upon receipt of the notification.

The supplier may file a written complaint with the competent CRBGP within fifteen days from the date of receipt of the disposition of the protest referred to in the preceding paragraph if the supplier objects to the disposition, or from the expiry of a period of twenty days starting from the date the entity receives the protest if the entity fails to dispose the case within such period, no matter whether the procurement is of a value reaching the threshold for publication or not.

Where an entity has notified a supplier pursuant to the preceding Article and the supplier does not file a protest or complaint within the prescribed time-limit, or the complaint filed is not accepted, or the review decision indicates that the notification is not in breach of this Laws or untrue, the entity shall immediately publish the name of the supplier and the relevant circumstance on the Government Procurement Gazette.

The provisions prescribed in Chapter VI hereof shall apply *mutatis mutandis* to the handling of protests and complaints provided for in paragraphs one and two.

Article 103

A procuring entity shall provide in a tender documentation that a supplier whose name has been published on the Government Procurement Gazette pursuant to paragraph three of the preceding Article is prohibited from participating in tendering, or being awarded or sub-contracted within the following periods:

1. Three years from the date of publication arising from circumstances of sub-paragraphs 1 to 5 of Article 101 hereof, or a sentence of imprisonment under sub-paragraph 6 of the same Article; provided that under the circumstance of sub-paragraph 6 of Article 101, the period shall be suspended where there is a final and irrevocable “not guilty” verdict; or
2. One year from the date of publication arising from circumstances of sub-paragraphs 7 to 13 of Article 101 hereof; or imposition of detention, fine, or probation under sub-paragraph 6 of the same Article; provided that the period shall be suspended where the supplier has been completed its reorganization procedure.

Where there is a special need for an entity to conduct a procurement without following the requirement of the preceding paragraph, the entity may do so with an approval from its superior entity.

Article 104

Procurement conducted by military entities shall follow the provisions of this Law except where procurement is for weapons, ammunition, war supplies, or related to national security or national defense and has one of the following situations:

1. Where this nation is confronted with a war, in mobilization for a war, or in a war, this Law may not apply;
2. Where the procurement is a confidential or strictly confidential one, Articles 27, 45 and 61 hereof may not apply;
3. Where there is an emergency which may jeopardize an important military mission, Articles 26, 28, and 36 may not apply; or
4. Where there is only one supplier invited for tendering, the first sentence of paragraph 3 of Articles 26 may not apply.

The coverage of procurement referred to in the preceding paragraph and the implementation rules thereof shall be prescribed jointly by the responsible entity and the Ministry of National Defense, and be sent to the Legislative Yuan for reviewing.

Article 105

The provisions of invitation to tender and award of contracts of this Law may not apply to the following procurement:

1. Where the procurement is an emergent one in response to wars, natural disasters, epidemics, or economic or financial crises confronted by this nation;
2. Where the procurement is an emergent one in response to imminent danger to the life, body, health, or property of the people;
3. Where the procurement is an acquisition of property or service between governmental entities and approved by an immediate superior entity; or

4. Where the procurement from an international organization, a foreign government, or any of their authorized institutions is conducted in accordance with a treaty or agreement to which this nation is a party and which has specific provisions for the invitation to tender and award of contracts.

Where it is necessary to prescribe implementing rules for procurement referred to in the preceding paragraph, the rules shall be prescribed by the responsible entity.

Article 106

Except otherwise prohibited by the treaties or agreements to which this nation is a party, a procurement conducted by an entity stationed abroad either for itself or as agent may be exempt from the provisions of the following sub-paragraphs in response to local circumstances or the constraint of local practices, provided that the ways to handle the matters referred to in the following sub-paragraphs 2 through 4 shall be specified in the tender documentation.

1. The publication on the Government Procurement Gazette under Article 27 hereof;
2. The bid bond and guarantee bond under Article 30 hereof;
3. The granting of priority in price reduction, and price reduction and comparison under paragraph one of Article 53 and Article 54 hereof; and
4. The protest and complaint set forth in Chapter VI hereof.

Where a procurement referred to in the preceding paragraph is of a value reaching the threshold for supervision, a report explaining the reasons shall be submitted to the superior entity together with relevant documents for file afterwards.

Article 107

An entity shall, in addition to the documents kept pursuant to the requirements of the Accounting Law or other laws, keep a copy of the procurement documents at a place designated by the responsible entity.

Article 108

The central, municipal, and county (city) governments shall each establish procurement control unit(s) to monitor and supervise procurement affairs.

The rules governing the organization as well as the rules of operation of the control unit referred to in the preceding paragraph shall be prescribed by the responsible entity, and submitted to the Executive Yuan for approval and promulgation.

Article 109

For procurement conducted by an entity, an auditing entity may audit it at any time.

Article 110

The Controller of the Directorate-General of Budget, Accounting and Statistics, the Controller of the Ministry of Audit, or the Prosecutor of the Ministry of Justice may bring an action, join the parties of an action, or appeal on behalf of an entity for a procurement case.

Article 111

An entity shall report annually to the responsible entity the service condition and the efficiency analysis of a subject procured in a large procurement during the service period, and the responsible entity may send its personnel to inspect for verification.

The responsible entity shall have an annual efficiency analysis for the important procurement that have been done, and the outcomes shall be published on the Government Procurement Gazette except those shall be confidential.

Article 112

The responsible entity shall prescribe ethics codes for the procurement personnel.

Article 113

The implementation rules of this Law shall be prescribed by the responsible entity.

Article 114

This Law shall take effect one year after promulgation.

Note: In case of discrepancies between the Chinese version and this English version, the Chinese version shall prevail.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Latvia

The following communication has been received from the Permanent Mission of the Republic of Latvia with the request that it be circulated to the Committee on Government Procurement.

With reference to the draft offer of the Republic of Latvia, contained in document GPA/SPEC/5 of 22 June 1999, in relation to the accession of the Republic of Latvia to the Agreement on Government Procurement, I have pleasure in submitting the following information on Latvian government procurement legislation.

LEGISLATION¹

1. Law on State and Local Government Procurement of 24 October 1996.
2. Regulations of the Cabinet of Ministers No. 98 of 18 March 1997 "Regulations on Tendering Procedures and Competitions of Awarding State and Local Government Procurement".
3. Regulations of the Cabinet of Ministers No. 99 of 18 March 1997 "Regulations on Awarding State and Local Government Contracts by the Request for Quotations Method".
4. Regulations of the Cabinet of Ministers No. 100 of 18 March 1997 "Documentation Procedures for the State and Local Government Procurement Awarding Process".
5. Regulations of the Cabinet of Ministers No. 101 of 18 March 1997 "Regulations on Examination of Complaints in Relation to the Awarding of State and Local Government Contracts".

¹ Available for consultation in the Secretariat (Office No. 3012) and on the government procurement page of the WTO website (<http://www.wto.org/wto/govt>).

CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

The Agreement has been transposed into national law. In addition, if an international treaty which has been ratified by Saeima provides for provisions that differ from the provisions of Law on State and Local Government Procurement, the provisions of the international Agreement shall be applied (Section 4 of the Law on state and Local Government Procurement).

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

These categories of entities are autonomous in the implementation of the Agreement, but the Government has the right to control them.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

It is provided that Annex 3 entities will apply a new "Law on Works, Supplies, Lease and Services Procured by Public Utilities" which is submitted in Saeima (Parliament). Saeima has passed the first reading and it is prepared for the second reading.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

There is no difference.

5. *To what extent is information technology used in the process of government procurement?*

Invitation for tendering (competition) shall be published in the government official newspaper "Latvijas Vestnesis", which is also available electronically on the Internet (www.lv-laiks.lv).

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

Principles of national treatment and non-discrimination are reflected in Section 6 of the Law on State and Local Government Procurement.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

According to Section 15 of the Law on State and Local Government Procurement the tender notice has to follow certain models. The tender notice shall give details of the project, provide where and when the tenders shall be delivered and call for tenders or suppliers who wish to be considered to make tenders.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Latvian legislation does not provide for such an opportunity.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent list of suppliers or is there a requirement for list of suppliers to be selected on a contract-by-contract bases?*

Latvian legislation does not provide for use of permanent list of suppliers, the list of suppliers is selected on a contract-by-contract basis.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

Negotiation process is foreseen in Section 24 of the Law on State and Local Government Procurement. The confidentiality of these negotiations shall be guaranteed.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information or any longer time-limits which have been established.*

In tender (competition) procedures the time-limit for receipt of tenders shall not be less than 40 days from the publishing of notice. In urgent cases, the time-limit could be set shorter, but not less than 10 days. The time-limit for delivery is not fixed.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

The entities are allowed to permit tenders to be submitted in any language parallel to the Latvian language, which is the official language in Latvia.

III. CHALLENGE PROCEDURES – ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Section 30 of the Law on State and Local Government Procurement states that:

1. Any competitor that claims to have suffered loss or other damage due to an infringement of this Law by the procuring entity in the procurement proceedings may seek review except in cases mentioned in Paragraph 3 of this Article.
2. The complaints may be submitted to administrative institutions in accordance with the Regulations on Review for Public Procurement approved by the Cabinet of Ministers.

3. The following activities of the procuring entity shall not be subject to the review:
 - 3.1. the selection of a method of procurement;
 - 3.2. the selection of methods and criteria for comparison and evaluation of offers;
 - 3.3. the setting of limitations on the basis of nationality of competitors;
 - 3.4. the rejection of all offers;
 - 3.5. the selection of methods and criteria for checking the qualification of competitors;
 - 3.6. organizing of a request for proposals as a closed competition.
4. The decisions of state and municipal institutions on the submitted complaints may be subject to juridical review in the manner set by current legislation - e.g. in the regular court.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

The time-limit to launch a complaint in domestic legislation is 30 days.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Court is responsible for challenge procedures.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

- Law on State and Local Government Procurement;
- Cabinet Regulations:
 - Regulations about Tendering and Competitions for Awarding a State and Local Government Procurement;
 - Regulations about Price Poll for Awarding a State and Local Government Procurement, Documentation Procedure of Awarding a State and Local Government Procurement;
- Law On the Procedures for Examination of Applications, Complaints and Proposals in State and Local Government Institutions;
- Civil Code;
- Civil Process Code.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial conditions?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

The Law on State and Local Government Procurement doesn't foresee such rapid interim measures.

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

Only a court may order compensation for losses and damages.

(vi) Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.

The complaint shall be examined within 15 days from the moment of its receipt by the institution. If deemed necessary, it is possible to extend the complaint processing term by another period of 15 days.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

In the Court, the complainant must cover the state fee to conduct a challenge procedure. The fee depends on the value of the claim.

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 198

1 - 102

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
05-4961 	U	WT/LET/500 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications - Transmission of Certified True Copies of Replaceme[...]ng the Certified Modifications Preview (HTML)	27/10/2005	E <input checked="" type="checkbox"/> 7 p. 123KB	F <input type="checkbox"/> 7 p. 127KB	S <input type="checkbox"/> 7 p. 123KB
05-4962 	U	WT/LET/501 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications - Transmission of Certified True Copies of Replaceme[...]ng the Certified Modifications Preview (HTML)	27/10/2005	E <input checked="" type="checkbox"/> 7 p. 125KB	F <input type="checkbox"/> 7 p. 127KB	S <input type="checkbox"/> 7 p. 124KB
05-4213 	U	WT/LET/496 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications - Transmission of Certified True Copies of Replaceme[...]ng the Certified Modifications Preview (HTML)	23/09/2005	E <input checked="" type="checkbox"/> 5 p. 79KB	F <input type="checkbox"/> 5 p. 82KB	S <input type="checkbox"/> 5 p. 81KB
05-2633 	U	WT/LET/494 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	24/06/2005	E <input checked="" type="checkbox"/> 3 p. 67KB	F <input type="checkbox"/> 3 p. 70KB	S <input type="checkbox"/> 3 p. 67KB
05-2708	U	WT/LET/495	Agreement on Government Procurement Done at	24/06/2005	E	F	S

		Catalogue record	Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7 p. 121KB	7 p. 124KB	7 p. 130KB
05-0086	U	WT/LET/485 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	10/01/2005	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 61KB	3 p. 66KB	3 p. 62KB
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	10/01/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 p. 87KB	4 p. 89KB	4 p. 86KB
05-0087	U	WT/LET/486 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] ns to the Agreement - Revision Preview (HTML)	26/11/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 67KB	3 p. 70KB	3 p. 68KB
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] ns to the Agreement - Revision Preview (HTML)	23/11/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 p. 93KB	6 p. 93KB	6 p. 91KB
04-5094	U	WT/LET/482/Rev.1 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	18/11/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 p. 70KB	4 p. 72KB	4 p. 75KB
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	18/11/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 p. 80KB	4 p. 80KB	4 p. 80KB
04-4964	U	WT/LET/483 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	01/11/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 67KB	3 p. 67KB	3 p. 67KB
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	01/11/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 p. 84KB	6 p. 86KB	6 p. 85KB
04-4965	U	WT/LET/484 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	14/10/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 p. 111KB	6 p. 113KB	6 p. 111KB
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
04-4628	U	WT/LET/481 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
04-4629	U	WT/LET/482 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
04-4321	U	WT/LET/478 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
		Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

 04-3446	U	WT/LET/476 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True [...] Modifications to the Agreement Preview (HTML)	18/08/2004	E 	E 	S 	4 p. 67KB	4 p. 69KB	4 p. 67KB
 04-2481	U	WT/LET/475 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	08/06/2004	E 	E 	S 	4 p. 83KB	4 p. 85KB	4 p. 81KB
 04-2246	U	WT/LET/473 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True [...] Modifications to the Agreement Preview (HTML)	25/05/2004	E 	E 	S 	4 p. 82KB	4 p. 86KB	4 p. 82KB
 04-2067	U	WT/LET/469 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True [...] Modifications to the Agreement Preview (HTML)	11/05/2004	E 	E 	S 	7 p. 120KB	7 p. 120KB	7 p. 126KB
 04-2068	U	WT/LET/470 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True [...] Modifications to the Agreement Preview (HTML)	11/05/2004	E 	E 	S 	4 p. 81KB	4 p. 81KB	4 p. 81KB
 04-2069	U	WT/LET/471 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True [...] Modifications to the Agreement Preview (HTML)	11/05/2004	E 	E 	S 	5 p. 95KB	5 p. 95KB	5 p. 93KB
 04-2070	U	WT/LET/472 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True [...] Modifications to the Agreement Preview (HTML)	11/05/2004	E 	E 	S 	175 p. 2413KB	175 p. 2423KB	175 p. 2356KB
 04-1357	U	WT/LET/463 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	29/03/2004	E 	E 	S 	7 p. 134KB	7 p. 133KB	7 p. 90KB
 04-0973	U	WT/LET/457 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement Preview (HTML)	04/03/2004	E 	E 	S 	7 p. 90KB	7 p. 92KB	7 p. 99KB
 04-0398	U	WT/LET/456 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	04/02/2004	E 	E 	S 	4 p.	4 p.	4 p.

	04-0252	U	WT/LET/455 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	26/01/2004	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	69KB 11 p. 113KB	69KB 11 p. 114KB	68KB 11 p. 111KB
	04-0192	U	WT/LET/452/Rev.1 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] ns to the Agreement - Revision	21/01/2004	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	6 p. 92KB	6 p. 95KB	6 p. 94KB
	04-0174	U	WT/LET/454 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	20/01/2004	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	11 p. 135KB	11 p. 126KB	11 p. 124KB
	03-6760	U	WT/LET/453 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	24/12/2003	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	4 p. 56KB	4 p. 61KB	4 p. 57KB
	03-6708	U	WT/LET/452 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	23/12/2003	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	6 p. 91KB	6 p. 94KB	6 p. 89KB
	03-3256	U	WT/LET/446 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	18/06/2003	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	7 p. 83KB	7 p. 83KB	7 p. 98KB
	03-1468	U	WT/LET/437 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	14/03/2003	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	6 p. 69KB	6 p. 61KB	6 p. 66KB
	03-1469	U	WT/LET/438 Catalogue record	Preview (HTML) Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Co[...] Modifications to the Agreement	14/03/2003	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	9 p. 80KB	9 p. 75KB	9 p. 79KB
	02-6290	U	WT/LET/431 Catalogue record	Preview (HTML) Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True [...] Modifications to the Agreement	13/11/2002	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	9 p. 69KB	9 p. 68KB	9 p. 69KB
	01-1420	U	WT/LET/386 Catalogue record	Preview (HTML) Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government	19/03/2001	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>			

Procurement - Rectification
[Preview \(HTML\)](#)

3 p. 3 p. 3 p.
61KB 55KB 57KB

Pages: [previous](#) [next](#)

Displaying: 1 - 102

Query= (@meta_Symbol WT/LET/* and @meta_Title Agreement on Government Procurement and Certification of and (the Appendices or modifications))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Number of hits per page 100

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

[Display second format](#)

Matches: 198

103 - 198

Pages: [previous](#) [next](#)

* Second format for document

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
00-0882	U	WT/Let/330 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government Procurement - Tran[...]mission of Certified True Copy Preview (HTML)	01/03/2000	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
					324 p. 1144KB	324 p. 1041KB	324 p. 1131KB
00-0821	U	WT/Let/332 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	29/02/2000	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
					2 p. 45KB	2 p. 45KB	2 p. 46KB
00-0618	U	WT/Let/328 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	11/02/2000	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
					2 p. 46KB	2 p. 46KB	2 p. 50KB
00-0305	U	WT/Let/325 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	21/01/2000	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
					2 p. 46KB	2 p. 47KB	2 p. 48KB
00-0382	U	WT/Let/326 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	21/01/2000	E	E	S

				Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 46KB	2 p. 49KB	2 p. 51KB
00-0304	U	WT/Let/324 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	20/01/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 46KB	2 p. 46KB	2 p. 48KB
99-3701	U	WT/Let/308 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	31/08/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 46KB	2 p. 46KB	2 p. 48KB
99-2195	U	WT/LET/294 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	31/03/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E*	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	131 p. 55KB	131 p. 57KB	131 p. 57KB
99-1388	U	WT/LET/297 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	31/03/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 45KB	2 p. 46KB	2 p. 46KB
98-5000	U	WT/Let/274 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	11/12/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 44KB	1 p. 46KB	1 p. 48KB
98-5001	U	WT/Let/275 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	11/12/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 45KB	1 p. 43KB	1 p. 48KB
98-3642	U	WT/Let/243 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	18/09/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 46KB	2 p. 47KB	2 p. 51KB
98-3349	U	WT/Let/238 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	27/08/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 45KB	2 p. 46KB	2 p. 49KB
98-3027	U	WT/Let/232 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	22/07/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 45KB	2 p. 45KB	2 p. 47KB
98-1917	U	WT/Let/218 Catalogue record		Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	11/05/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E	E	S
						<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p.	3 p.	3 p.

98-1625	U	WT/Let/214 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	17/04/1998	65KB E <input checked="" type="checkbox"/> 2 p. 67KB	76KB E <input type="checkbox"/> 2 p. 64KB	65KB S <input type="checkbox"/> 2 p. 34KB
98-0303	U	WT/Let/211 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	26/01/1998	62KB E <input checked="" type="checkbox"/> 2 p. 62KB	62KB E <input type="checkbox"/> 2 p. 62KB	62KB S <input type="checkbox"/> 2 p. 62KB
98-0296	U	WT/Let/209 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	22/01/1998	62KB E <input checked="" type="checkbox"/> 4 p. 62KB	63KB E <input type="checkbox"/> 4 p. 63KB	21KB S <input type="checkbox"/> 4 p. 21KB
98-0212	U	WT/Let/208 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	21/01/1998	62KB E <input checked="" type="checkbox"/> 2 p. 62KB	62KB E <input type="checkbox"/> 2 p. 62KB	62KB S <input type="checkbox"/> 2 p. 62KB
98-0230	U	WT/Let/207 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	19/01/1998	68KB E <input checked="" type="checkbox"/> 4 p. 68KB	68KB E <input type="checkbox"/> 4 p. 68KB	80KB S <input type="checkbox"/> 4 p. 80KB
98-0159	U	WT/Let/205 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	16/01/1998	63KB E <input checked="" type="checkbox"/> 2 p. 63KB	62KB E <input type="checkbox"/> 2 p. 62KB	22KB S <input type="checkbox"/> 2 p. 22KB
98-0211	U	WT/Let/206 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	16/01/1998	67KB E <input checked="" type="checkbox"/> 4 p. 67KB	66KB E <input type="checkbox"/> 4 p. 66KB	92KB S <input type="checkbox"/> 4 p. 92KB
97-4504	U	WT/LET/183 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	13/10/1997	85KB E <input checked="" type="checkbox"/> 3 p. 85KB	85KB E <input type="checkbox"/> 3 p. 85KB	53KB S <input type="checkbox"/> 3 p. 53KB
97-4205	U	WT/Let/184 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	02/10/1997	85KB E <input checked="" type="checkbox"/> 4 p. 85KB	83KB E <input type="checkbox"/> 4 p. 83KB	43KB S <input type="checkbox"/> 4 p. 43KB
97-4206	U	WT/Let/185 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	02/10/1997	83KB E <input checked="" type="checkbox"/> 2 p. 83KB	81KB E <input type="checkbox"/> 2 p. 81KB	84KB S <input type="checkbox"/> 2 p. 84KB
97-3449	U	WT/Let/163	Agreement on Government Procurement - Done at	20/08/1997	E <input type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>

		Catalogue record	Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8 p. 98KB	7 p. 153KB	8 p. 100KB
97-3450	U	WT/Let/164 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	20/08/1997	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E	E	S
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 p. 90KB	6 p. 93KB	6 p. 99KB
97-2809	U	WT/Let/146 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	03/07/1997	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E	E	S
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 81KB	3 p. 81KB	3 p. 41KB
96-4742	U	WT/Let/119 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	05/11/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E	E	S
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 55KB	2 p. 56KB	2 p. 55KB
96-3286	U	WT/Let/105 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications Preview (HTML)	16/08/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E	E	S
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 54KB	3 p. 55KB	3 p. 50KB
96-0743	U	WT/Let/68 Catalogue record	AGREEMENT ON GOVERNMENT PROCUREMENT - DONE AT MARRAKESH ON 15 APRIL 1994 - CERTIFICATION OF MODIFICATIONS Preview (HTML)	27/02/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E	E	S
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 50KB	3 p. 50KB	3 p. 51KB
96-0241	U	WT/Let/57 Catalogue record	AGREEMENT ON GOVERNMENT PROCUREMENT - DONE AT MARRAKESH ON 15 APRIL 1994 - CERTIFICATION OF MODIFICATIONS Preview (HTML)	19/01/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E	E	S
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13 p. 74KB	13 p. 71KB	13 p. 94KB

Pages: [previous](#) [next](#)

Displaying: 103 - 198

Query= (@meta_Symbol WT/LET/* and @meta_Title Agreement on Government Procurement and Certification of and (the Appendices or modifications))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Number of hits per page

Search results							
Submitted: 09/01/2006 9:26:52 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 23 KB	05-4961	WT/LET/500	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System for Appendices C/.../ng the Certified Modifications	27/10/2005	7	U	T/WT/LET/500.doc
2 24 KB	05-4962	WT/LET/501	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System for Appendices C/.../ng the Certified Modifications	27/10/2005	7	U	T/WT/LET/501.doc
3 11 KB	05-4213	WT/LET/496	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System for Appendices C/.../ng the Certified Modifications	23/09/2005	5	U	T/WT/LET/496.doc
4 8 KB	05-2633	WT/LET/494	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../Modifications to the Agreement	24/06/2005	3	U	T/WT/LET/494.doc
5 23 KB	05-2708	WT/LET/495	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../Modifications to the Agreement	24/06/2005	7	U	T/WT/LET/495.doc
6 8 KB	05-0086	WT/LET/485	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	10/01/2005	3	U	T/WT/LET/485.doc
7 13 KB	05-0087	WT/LET/486	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the	10/01/2005	4	U	T/WT/LET/486.doc

			Agreement				
8 8 KB	04-5152	WT/LET/481/Rev.1	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../ns to the Agreement - Revision	26/11/2004	3	U	T/WT/LET/481R1.doc
9 16 KB	04-5094	WT/LET/482/Rev.1	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../ns to the Agreement - Revision	23/11/2004	6	U	T/WT/LET/482R1.doc
10 11 KB	04-4964	WT/LET/483	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	18/11/2004	4	U	T/WT/LET/483.doc
11 13 KB	04-4965	WT/LET/484	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	18/11/2004	4	U	T/WT/LET/484.doc
12 8 KB	04-4628	WT/LET/481	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	01/11/2004	3	U	T/WT/LET/481.doc
13 15 KB	04-4629	WT/LET/482	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	01/11/2004	6	U	T/WT/LET/482.doc
14 20 KB	04-4321	WT/LET/478	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	14/10/2004	6	U	T/WT/LET/478.doc
15 9 KB	04-3446	WT/LET/476	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the	18/08/2004	4	U	T/WT/LET/476.doc

			Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf Syst/.../Modifications to the Agreement				
16 12 KB	04-2481	WT/LET/475	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	08/06/2004	4	U	T/WT/LET/475.doc
17 13 KB	04-2246	WT/LET/473	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf Syst/.../Modifications to the Agreement	25/05/2004	4	U	T/WT/LET/473.doc
18 23 KB	04-2067	WT/LET/469	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf Syst/.../Modifications to the Agreement	11/05/2004	7	U	T/WT/LET/469.doc
19 12 KB	04-2068	WT/LET/470	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf Syst/.../Modifications to the Agreement	11/05/2004	4	U	T/WT/LET/470.doc
20 16 KB	04-2069	WT/LET/471	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf Syst/.../Modifications to the Agreement	11/05/2004	5	U	T/WT/LET/471.doc
21 370 KB	04-2070	WT/LET/472	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf Syst/.../Modifications to the Agreement	11/05/2004	175	U	T/WT/LET/472.doc
22 23 KB	04-1357	WT/LET/463	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	29/03/2004	7	U	T/WT/LET/463.doc
23	04-0973	WT/LET/457	Agreement on Government Procurement	04/03/2004	7	U	T/WT/LET/457.doc

17 KB			Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement				
24 8 KB	04-0398	WT/LET/456	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	04/02/2004	4	U	T/WT/LET/456.doc
25 16 KB	04-0252	WT/LET/455	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../Modifications to the Agreement	26/01/2004	11	U	T/WT/LET/455.doc
26 15 KB	04-0192	WT/LET/452/Rev.1	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../ns to the Agreement - Revision	21/01/2004	6	U	T/WT/LET/452R1.doc
27 29 KB	04-0174	WT/LET/454	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../Modifications to the Agreement	20/01/2004	11	U	T/WT/LET/454.doc
28 9 KB	03-6760	WT/LET/453	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../Modifications to the Agreement	24/12/2003	4	U	T/WT/LET/453.doc
29 14 KB	03-6708	WT/LET/452	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../Modifications to the Agreement	23/12/2003	6	U	T/WT/LET/452.doc
30 23 KB	03-3256	WT/LET/446	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf System/.../Modifications to the	18/06/2003	7	U	T/WT/LET/446.doc

			Agreement				
31 14 KB	03-1468	WT/LET/437	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	14/03/2003	6	U	T/WT/LET/437.doc
32 24 KB	03-1469	WT/LET/438	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-leaf System/.../Modifications to the Agreement	14/03/2003	9	U	T/WT/LET/438.doc
33 16 KB	02-6290	WT/LET/431	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications to the Agreement - Transmission of Certified True Copies of Replacement Pages in the Loose-Leaf Syst/.../Modifications to the Agreement	13/11/2002	9	U	T/WT/LET/431.doc
34 10 KB	01-1420	WT/LET/386	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government Procurement - Rectification	19/03/2001	3	U	T/WT/LET/386.doc
(@meta_Symbol WT/LET/* and @meta_Title Agreement on Government Procurement and Certification of and (the Appendices or modifications)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num							
Result of the search: 198 (for 34 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

Search results							
Submitted: 09/01/2006 9:28:02 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 273 KB	00-0882	WT/Let/330	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government Procurement - Transmission of Certified True Copy	01/03/2000	324	U	T/WT/LET/330.DOC
2 3 KB	00-0821	WT/Let/332	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	29/02/2000	2	U	T/WT/LET/332.DOC
3 3 KB	00-0618	WT/Let/328	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	11/02/2000	2	U	T/WT/LET/328.DOC
4 4 KB	00-0305	WT/Let/325	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	21/01/2000	2	U	T/WT/LET/325.DOC
5 5 KB	00-0382	WT/Let/326	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	21/01/2000	2	U	T/WT/LET/326.DOC
6 4 KB	00-0304	WT/Let/324	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	20/01/2000	2	U	T/WT/LET/324.DOC
7 4 KB	99-3701	WT/Let/308	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	31/08/1999	2	U	T/WT/LET/308.DOC
8 11 KB	99-2195	WT/LET/294	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	31/03/1999	131	U	T/WT/LET/294.doc
9 3 KB	99-1388	WT/LET/297	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	31/03/1999	2	U	T/WT/LET/297.DOC
10 4 KB	98-5000	WT/Let/274	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	11/12/1998	1	U	T/WT/LET/274.DOC
11 4 KB	98-5001	WT/Let/275	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	11/12/1998	1	U	T/WT/LET/275.DOC
12 5 KB	98-3642	WT/Let/243	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	18/09/1998	2	U	T/WT/LET/243.DOC
13 4 KB	98-3349	WT/Let/238	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	27/08/1998	2	U	T/WT/LET/238.DOC
14 4 KB	98-3027	WT/Let/232	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	22/07/1998	2	U	T/WT/LET/232.DOC
15	98-1917	WT/Let/218	Agreement on Government Procurement -	11/05/1998	3	U	T/WT/LET/218.WPF

6 KB			Done at Marrakesh on 15 April 1994 - Certification of Modifications				
16 4 KB	98-1625	WT/Let/214	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	17/04/1998	2	U	T/WT/LET/214.WPF
17 4 KB	98-0303	WT/Let/211	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	26/01/1998	2	U	T/WT/LET/211.WPF
18 5 KB	98-0296	WT/Let/209	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	22/01/1998	4	U	T/WT/LET/209.WPF
19 4 KB	98-0212	WT/Let/208	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	21/01/1998	2	U	T/WT/LET/208.WPF
20 8 KB	98-0230	WT/Let/207	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	19/01/1998	4	U	T/WT/LET/207.WPF
21 4 KB	98-0159	WT/Let/205	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	16/01/1998	2	U	T/WT/LET/205.WPF
22 6 KB	98-0211	WT/Let/206	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	16/01/1998	4	U	T/WT/LET/206.WPF
23 4 KB	97-4504	WT/LET/183	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	13/10/1997	3	U	T/WT/LET/183.WPF
24 5 KB	97-4205	WT/Let/184	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	02/10/1997	4	U	T/WT/LET/184.WPF
25 4 KB	97-4206	WT/Let/185	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	02/10/1997	2	U	T/WT/LET/185.WPF
26 10 KB	97-3449	WT/Let/163	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	20/08/1997	8	U	T/WT/LET/163.WPF
27 11 KB	97-3450	WT/Let/164	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	20/08/1997	6	U	T/WT/LET/164.WPF
28 4 KB	97-2809	WT/Let/146	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	03/07/1997	3	U	T/WT/LET/146.WPF
29 4 KB	96-4742	WT/Let/119	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	05/11/1996	2	U	T/WT/LET/119.WPF
30 4 KB	96-3286	WT/Let/105	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modifications	16/08/1996	3	U	T/WT/LET/105.WPF
31 4 KB	96-0743	WT/Let/68	AGREEMENT ON GOVERNMENT PROCUREMENT - DONE AT MARRAKESH ON 15 APRIL 1994 -	27/02/1996	3	U	T/WT/LET/68.WPF

			CERTIFICATION OF MODIFICATIONS				
32 23 KB	96-0241	WT/Let/57	AGREEMENT ON GOVERNMENT PROCUREMENT - DONE AT MARRAKESH ON 15 APRIL 1994 - CERTIFICATION OF MODIFICATIONS	19/01/1996	13	U	T/WT/LET/57.WPF
(@meta_Symbol WT/LET/* and @meta_Title Agreement on Government Procurement and Certification of and (the Appendices or modifications)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num							
Result of the search: 198 (for 32 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

27 October 2005

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT
PAGES IN THE LOOSE-LEAF SYSTEM FOR APPENDICES
CONTAINING THE CERTIFIED MODIFICATIONS

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **7 October 2005**.

Pascal Lamy
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/W/274) on 23 September 2003 pursuant to the procedures of Article XXIV:6, became effective as of **7 October 2005**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each Party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of October, two thousand and five.

Pascal Lamy

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Japan Water Agency
- Japan Regional Development Corporation
- Japan Green Resources Agency
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Agency
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Welfare and Medical Service Agency
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprise
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (b)
- Environmental Restoration and Conservation Agency
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- Japan Student Services Organization

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Agency for the Advancement of Sports and Health
 - Social Insurance Medical Fee Payment Fund
 - National Center for Persons with Severe Intellectual Disabilities, Nozominosono
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - The Japan Institute for Labour Policy and Training
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agriculture and Bio-oriented Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization
- National University Corporation
- Inter-University Research Institute Corporation
- Institute of National Colleges of Technology, Japan
- National Institution for Academic Degrees and University Evaluation
- Center for National University Finance and Management
- National Institute of Multimedia Education

Services**Threshold:****Construction services:**

4,500 thousand SDR for Japan Post in Group A

15,000 thousand SDR for all other entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Japan Water Agency
- Japan Regional Development Corporation
- Japan Green Resources Agency

- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Agency
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Welfare and Medical Service Agency
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprises
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (b)
 - Environmental Restoration and Conservation Agency
 - Fund for the Promotion and Development of the Amami Islands
 - Japan Foundation
 - Japan Student Services Organization
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Agency for the Advancement of Sports and Health
 - Social Insurance Medical Fee Payment Fund
 - National Center for Persons with Severe Intellectual Disabilities, Nozominosono
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - The Japan Institute for Labour Policy and Training
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
- National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agriculture and Bio-oriented Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute

Services (cont'd)

- Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute
 - National Traffic Safety and Environment Laboratory
 - National Maritime Research Institute
 - Port and Airport Research Institute
 - Electronic Navigation Research Institute
 - Civil Engineering Research Institute of Hokkaido
 - Marine Technical College
 - National Institute for Sea Training
 - Schools for Seafarers Training
 - Civil Aviation College
 - National Institute for Environmental Studies
 - Labor Management Organization for USFJ Employees
 - National Agency for Vehicle Inspection
 - National Statistics Center
 - Japan Mint
 - National Printing Bureau
 - Japan Nuclear Energy Safety Organization
 - National Hospital Organization
 - National University Corporation
 - Inter-University Research Institute Corporation
 - Institute of National Colleges of Technology, Japan
 - National Institution for Academic Degrees and University Evaluation
 - Center for National University Finance and Management
 - National Institute of Multimedia Education
- 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 in Group A 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.
 - (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

27 October 2005

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT
PAGES IN THE LOOSE-LEAF SYSTEM FOR APPENDICES
CONTAINING THE CERTIFIED MODIFICATIONS

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **12 October 2005**.

Pascal Lamy
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/21) on 12 September 2005 pursuant to the procedures of Article XXIV:6, became effective as of **12 October 2005**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each Party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of October, two thousand and five.

Pascal Lamy

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Japan Water Agency
- Japan Regional Development Corporation
- Japan Green Resources Agency
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- East Nippon Expressway Company Limited
- Central Nippon Expressway Company Limited
- West Nippon Expressway Company Limited
- Metropolitan Expressway Company Limited
- Hanshin Expressway Company Limited
- Honshu-Shikoku Bridge Expressway Company Limited
- Japan Expressway Holding and Debt Repayment Agency
- Urban Development Corporation (a)
- Japan Science and Technology Agency
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Welfare and Medical Service Agency
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprise
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (b)
- Environmental Restoration and Conservation Agency
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- Japan Student Services Organization

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Agency for the Advancement of Sports and Health
 - Social Insurance Medical Fee Payment Fund
 - National Center for Persons with Severe Intellectual Disabilities, Nozominosono
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - The Japan Institute for Labour Policy and Training
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agriculture and Bio-oriented Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization
- National University Corporation
- Inter-University Research Institute Corporation
- Institute of National Colleges of Technology, Japan
- National Institution for Academic Degrees and University Evaluation
- Center for National University Finance and Management
- National Institute of Multimedia Education

Services**Threshold:****Construction services:**

4,500 thousand SDR for Japan Post in Group A

15,000 thousand SDR for all other entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Japan Water Agency
- Japan Regional Development Corporation
- Japan Green Resources Agency

- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- East Nippon Expressway Company Limited
- Central Nippon Expressway Company Limited
- West Nippon Expressway Company Limited
- Metropolitan Expressway Company Limited
- Hanshin Expressway Company Limited
- Honshu-Shikoku Bridge Expressway Company Limited
- Japan Expressway Holding and Debt Repayment Agency
- Urban Development Corporation (a)
- Japan Science and Technology Agency
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Welfare and Medical Service Agency
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprises
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (b)
 - Environmental Restoration and Conservation Agency
 - Fund for the Promotion and Development of the Amami Islands
 - Japan Foundation
 - Japan Student Services Organization
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Agency for the Advancement of Sports and Health
 - Social Insurance Medical Fee Payment Fund
 - National Center for Persons with Severe Intellectual Disabilities, Nozominosono
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - The Japan Institute for Labour Policy and Training
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
- National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agriculture and Bio-oriented Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute

Services (cont'd)

- Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute
 - National Traffic Safety and Environment Laboratory
 - National Maritime Research Institute
 - Port and Airport Research Institute
 - Electronic Navigation Research Institute
 - Civil Engineering Research Institute of Hokkaido
 - Marine Technical College
 - National Institute for Sea Training
 - Schools for Seafarers Training
 - Civil Aviation College
 - National Institute for Environmental Studies
 - Labor Management Organization for USFJ Employees
 - National Agency for Vehicle Inspection
 - National Statistics Center
 - Japan Mint
 - National Printing Bureau
 - Japan Nuclear Energy Safety Organization
 - National Hospital Organization
 - National University Corporation
 - Inter-University Research Institute Corporation
 - Institute of National Colleges of Technology, Japan
 - National Institution for Academic Degrees and University Evaluation
 - Center for National University Finance and Management
 - National Institute of Multimedia Education
- 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 in Group A 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.
 - (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

23 September 2005

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES
CONTAINING THE CERTIFIED MODIFICATIONS

I have the honour to furnish herewith certified true copies of replacement page 1/4 of Appendix III (in English, French and Spanish) containing the certified modifications.

The modifications concern **Hong Kong, China** and are effective as of **15 August 2005**.

Pascal Lamy
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix III of the Agreement on Government Procurement (1994) concerning **Hong Kong, China**, which were notified to the Committee on Government Procurement (GPA/MOD/HKG/3) on 15 July 2005 pursuant to the procedures of Article XXIV:6, became effective as of **15 August 2005**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace page 1/4 of Appendix III (in English, French and Spanish) of **Hong Kong, China** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with Article XXIV:14 of the Agreement on Government Procurement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this eighth day of September, two thousand and five.

Pascal Lamy

Certified true copy:

Director-General

15 August 2005 (WT/Let/496)

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****CANADA**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

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

HONG KONG, CHINA*Annex 1*

For the Environment, Transport and Works Bureau of the Government Secretariat:
Home Page on the Internet (<http://www.etwb.gov.hk>)

For the other Annex 1 entities:
The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Any of the following: - The Government of the Hong Kong Special Administrative Region Gazette - Daily Press - Home Page on the Internet (http://www.kcrc.com)
MTR Corporation Limited	-	Not applicable

APPENDICE III**PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX****CANADA**

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Les Etats membres ne tiennent pas normalement de listes permanentes de fournisseurs de produits et de services. Dans les rares cas où de telles listes existent, elles sont publiées au Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

Pour le Bureau de l'environnement, des transports et des travaux publics
du secrétariat du gouvernement:
Page d'accueil sur Internet (<http://www.etwb.gov.hk>)

Pour les autres entités figurant à l'Annexe I:
The Government of the Hong Kong Special Administrative Region Gazette

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	non applicable

APÉNDICE III

**MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.**

CANADÁ

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Los Estados miembros normalmente no establecen listas permanentes de proveedores de bienes y servicios. En los pocos casos en que existe tal lista, se publicará en el Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

Para la Oficina de Medio Ambiente, Transporte y Obras Públicas
de la Secretaría del Gobierno:

Página de presentación en Internet (<http://www.etwb.gov.hk>)

Para las demás entidades del Anexo 1:

The Government of the Hong Kong Special Administrative Region Gazette

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton		Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Página web en Internet (http://www.kcrc.com)
MTR S.A.	-	no aplicable



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

24 June 2005

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith a certified true copy of replacement page 1/2 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Korea** and became effective as of **26 May 2005**.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Korea**, which were notified to the Committee on Government Procurement (GPA/W/207) pursuant to the procedures of Article XXIV:6, became effective as of **26 May 2005**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement page to the loose-leaf system. Accordingly, the attached page replaces page 1/2 of Annex 3 to Appendix I of **Korea** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

The certification is deposited with the Director-General of the World Trade Organization, who hereby furnishes a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ninth day of June, two thousand and five.

Supachai Panitchpakdi

Certified true copy:

Director-General

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
- Industrial Bank of Korea
- Korea Minting and Security Printing Corporation
- Korea Electric Power Corporation (except purchases of products in the categories of HS Nos. 8504, 8535, 8537 and 8544)
- Korea Coal Corporation
- Korea Resources Corporation
- Korea National Oil Corporation
- Korea General Chemical Corporation
- Korea Trade-Investment Promotion Agency
- Korea Highway Corporation
- Korea National Housing Corporation
- Korea Water Resources Corporation
- Korea Land Corporation
- Korea Agriculture and Rural Infrastructure Corporation
- Agricultural and Fishery Marketing Corporation
- Korea National Tourism Organization
- 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



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

24 June 2005

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **31 May 2005**.

Supachai Panitchpakdi
Director-General

05-2708

WT/Let/495

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/W/276) pursuant to the procedures of Article XXIV:6, became effective as of **31 May 2005**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each Party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ninth day of June, two thousand and five.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Welfare and Medical Service Agency
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprise
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (The Institute of Physical and Chemical Research) (b)
- Environmental Restoration and Conservation Agency
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- Japan Student Services Organization

31 May 2005 (WT/Let/495)

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - The Japan Institute for Labour Policy and Training
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization
- National University Corporation
- Inter-University Research Institute Corporation
- Institute of National Colleges of Technology, Japan
- National Institution for Academic Degrees and University Evaluation
- Center for National University Finance and Management
- National Institute of Multimedia Education

Services**Threshold:****Construction services:**

4,500 thousand SDR for Japan Post in Group A

15,000 thousand SDR for all other entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Welfare and Medical Service Agency
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprises
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (The Institute of Physical and Chemical Research) (b)
 - Environmental Restoration and Conservation Agency
 - Fund for the Promotion and Development of the Amami Islands
 - Japan Foundation
 - Japan Student Services Organization
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - The Japan Institute for Labour Policy and Training
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing

Services (cont'd)

- Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute
 - National Traffic Safety and Environment Laboratory
 - National Maritime Research Institute
 - Port and Airport Research Institute
 - Electronic Navigation Research Institute
 - Civil Engineering Research Institute of Hokkaido
 - Marine Technical College
 - National Institute for Sea Training
 - Schools for Seafarers Training
 - Civil Aviation College
 - National Institute for Environmental Studies
 - Labor Management Organization for USFJ Employees
 - National Agency for Vehicle Inspection
 - National Statistics Center
 - Japan Mint
 - National Printing Bureau
 - Japan Nuclear Energy Safety Organization
 - National Hospital Organization
 - National University Corporation
 - Inter-University Research Institute Corporation
 - Institute of National Colleges of Technology, Japan
 - National Institution for Academic Degrees and University Evaluation
 - Center for National University Finance and Management
 - National Institute of Multimedia Education
- 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 in Group A 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.
 - (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

10 January 2005

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement page 1/1 of the Note to Appendix I containing the certified modifications.

The modifications concern **Israel** and are effective as of **16 December 2004**.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to the Note to Appendix I of the Agreement on Government Procurement (1994) concerning **Israel**, pursuant to the Decision of the Committee on Government Procurement (GPA/83) and to the procedures of Article XXIV:6, became effective as of **16 December 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached page replaces the Note to Appendix I of **Israel** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each Party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifth day of January, two thousand and five.

Supachai Panitchpakdi

Certified true copy:

Director-General

NOTE

Offset

1. Having regard to Article XVI and to general policy considerations regarding development, Israel may operate provisions which require the limited incorporation of domestic content, offset procurement or transfer of technology, in the form of objective and clearly defined conditions for participation in procedures for the award of contracts, which do not discriminate between other Parties.

This shall be done under the following terms:

- (a) Israel shall ensure that its entities indicate the existence of such conditions in their tender notices and specify them clearly in the contract documents.
 - (b) Suppliers will not be required to purchase goods that are not offered on competitive terms, including price and quality, or to take any action which is not justified from a commercial standpoint.
 - (c) Offsets in any form may be required up to 35 per cent of the contract going down to 30 per cent after five years and 20 per cent after ten years, beginning from the date Israel implements the Agreement.
2.
 - (a) At the end of each period of five 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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

10 January 2005

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 2/5 and 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **10 December 2004**.

Supachai Panitchpakdi
Director-General

05-0087

WT/Let/486

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/16) pursuant to the procedures of Article XXIV:6, became effective as of **10 December 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 2/5 and 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each Party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifth day of January, two thousand and five.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Services (cont'd)

- Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information and Training
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute
 - National Traffic Safety and Environment Laboratory
 - National Maritime Research Institute
 - Port and Airport Research Institute
 - Electronic Navigation Research Institute
 - Civil Engineering Research Institute of Hokkaido
 - Marine Technical College
 - National Institute for Sea Training
 - Schools for Seafarers Training
 - Civil Aviation College
 - National Institute for Environmental Studies
 - Labor Management Organization for USFJ Employees
 - National Agency for Vehicle Inspection
 - National Statistics Center
 - Japan Mint
 - National Printing Bureau
 - Japan Nuclear Energy Safety Organization
 - National Hospital Organization
 - National University Corporation
 - Inter-University Research Institute Corporation
 - Institute of National Colleges of Technology, Japan
 - National Institution for Academic Degrees and University Evaluation
 - Center for National University Finance and Management
 - National Institute of Multimedia Education
- 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 in Group A 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.
 - (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

26 November 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

Revision

I have the honour to furnish herewith a certified true copy of replacement page 1/2 of Annex 3 to Appendix I containing the certified modifications. This document and the annexed pages replace WT/LET/481

The modifications concern **Korea** and became effective as of **6 October 2004**.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Korea**, which were notified to the Committee on Government Procurement (GPA/W/250 and GPA/MOD/KOR/1) pursuant to the procedures of Article XXIV:6, became effective as of **6 October 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement page to the loose-leaf system. Accordingly, the attached page replaces page 1/2 of Annex 3 to Appendix I of **Korea** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

The certification is deposited with the Director-General of the World Trade Organization, who hereby furnishes a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of October, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

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
- Industrial Bank of Korea
- Korea Minting and Security Printing Corporation
- Korea Electric Power Corporation (except purchases of products in the categories of HS Nos. 8504, 8535, 8537 and 8544)
- Korea Coal Corporation
- Korea Resources Corporation
- Korea National Oil Corporation
- Korea General Chemical Corporation
- Korea Trade-Investment Promotion Agency
- Korea Highway Corporation
- Korea National Housing Corporation
- Korea Water Resources Corporation
- Korea Land Corporation
- Korea Agriculture and Rural Infrastructure Corporation
- Agricultural and Fishery Marketing Corporation
- Korea Telecom (except purchases of common telecommunications commodity products and telecommunications network equipment)
- Korea National Tourism Organization
- 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



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

23 November 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

Revision

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 3/5 of Annex 1 and 1/2 of Annex 3 to Appendix I containing the certified modifications. This document and the annexed pages replace WT/LET/482.

The modifications concern the **United States** and are effective as of **1 October 2004**

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annexes 1 and 3 to Appendix I of the Agreement on Government Procurement (1994) concerning the **United States**, which were notified to the Committee on Government Procurement (GPA/W/153 and GPA/MOD/USA/1) pursuant to the procedures of Article XXIV:6, became effective as of **1 October 2004** (with the exception of the proposed change to "Uranium Enrichment Corporation" in Annex 1 to Appendix I where an objection is still in place).

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 3/5 of Annex 1 and 1/2 of Annex 3 to Appendix I of the **United States** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of October, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

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)
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. National Science Foundation
19. Executive Office of the President
20. Farm Credit Administration
21. National Credit Union Administration
22. Merit Systems Protection Board
23. The Corporation for National and Community Service

1 October 2004 (WT/Let/482/Rev.1)

24. Office of Thrift Supervision
25. Federal Housing Finance Board
26. National Labor Relations Board
27. National Mediation Board
28. Railroad Retirement Board
29. American Battle Monuments Commission
30. Federal Communications Commission
31. Federal Trade Commission
32. Securities and Exchange Commission
33. Office of Personnel Management
34. United States International Trade Commission
35. Export-Import Bank of the United States
36. Federal Mediation and Conciliation Service
37. Selective Service System
38. Smithsonian Institution
39. Federal Deposit Insurance Corporation
40. Consumer Product Safety Commission
41. Equal Employment Opportunity Commission
42. Federal Maritime Commission
43. National Transportation Safety Board
44. Nuclear Regulatory Commission
45. Overseas Private Investment Corporation
46. Broadcasting Board of Governors
47. Commission on Civil Rights
48. Commodity Futures Trading Commission
49. Peace Corps
50. National Archives and Records Administration
51. Advisory Commission on Intergovernmental Relations
52. African Development Foundation
53. Alaska Natural Gas Transportation System
54. Appalachian Regional Commission
55. Commission of Fine Arts
56. Delaware River Basin Commission
57. Federal Election Commission
58. Department of Homeland Security (except procurement by the Transportation Security Administration; and the national security considerations applicable to the Department of Defense are equally applicable to the U.S. Coast Guard.)
59. Federal Home Loan Mortgage Corporation
60. Federal Mine Safety and Health Review Commission
61. Federal Reserve System
62. Federal Retirement Thrift Investment Board
63. Holocaust Memorial Council
64. Inter-American Foundation
65. National Capital Planning Commission
66. National Commission on Libraries and Information Science
67. National Council on Disability
68. National Foundation on the Arts and the Humanities
69. Occupational Safety and Health Review Commission

70. Office of Government Ethics
71. Office of the Nuclear Waste Negotiator
72. Office of Special Counsel
73. Small Business Administration
74. Susquehanna River Basin Commission
75. Pennsylvania Avenue Development Corporation
76. Federal Crop Insurance Corporation
77. Federal Prison Industries, Inc.
78. Government National Mortgage Association
79. Uranium Enrichment Corporation
80. Department of Defense, including the Corps of Army Engineers

This Agreement will not apply to the following purchases of the Department of Defense:

- (a) Federal Supply Classification (FSC) 83 - all elements of this classification other than pins, needles, sewing kits, flagstaffs, flagpoles, and flagstaff trucks;
- (b) FSC 84 - all elements other than sub-class 8460 (luggage);
- (c) FSC 89 - all elements other than sub-class 8975 (tobacco products);
- (d) FSC 2310 - (buses only);
- (e) Speciality metals, defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by DOD: (1) manganese, 1.65 per cent; silicon, 0.60 per cent; or copper, 0.06 per cent; or which contains more than 0.25 per cent of any of the following elements: aluminium, chromium, cobalt, columbium, oylbdenum, 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.

ANNEX 3

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

Threshold: 400,000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

List of Entities:

The following entities at the SDR equivalent of \$250,000 for supplies and services:

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- St. Lawrence Seaway Development Corporation

The following entities are 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing);
- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors;
- Procurements pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of New York in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Utilities Service Financing:

- (1) waiver of Buy American restriction on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
- (2) application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

18 November 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/3 and 2/3 of Annex 1 to Appendix I, containing the certified modifications.

The modifications concern **Japan** and are effective as of **17 October 2004**

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 1 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/11) pursuant to the procedures of Article XXIV:6, became effective as of **17 October 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/3 and 2/3 of Annex 1 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ninth day of October, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

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
- Cabinet Office
- Imperial Household Agency
- National Public Safety Commission (National Police Agency)
- Defense Agency
- Financial Services Agency
- Ministry of Internal Affairs and Communications
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Finance
- Ministry of Education, Culture, Sports, Science and Technology
- Ministry of Health, Labour and Welfare

- Ministry of Agriculture, Forestry and Fisheries
- Ministry of Economy, Trade and Industry
- Ministry of Land, Infrastructure and Transport
- Ministry of Environment

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
- Cabinet Office
- Imperial Household Agency
- National Public Safety Commission (National Police Agency)

Services (cont'd)

	<i>FSC</i>	<i>Description</i>
- Defense Agency		
- Financial Services Agency		
- Ministry of Internal Affairs and Communications	22	Railway Equipment
- Ministry of Justice	24	Tractors
- Ministry of Foreign Affairs	32	Woodworking Machinery and Equipment
- Ministry of Finance	34	Metalworking Machinery
- Ministry of Education, Culture, Sports, Science and Technology	35	Service and Trade Equipment
- Ministry of Health, Labour and Welfare	36	Special Industry Machinery
- Ministry of Agriculture, Forestry and Fisheries	37	Agricultural Machinery and Equipment
- Ministry of Economy, Trade and Industry	38	Construction, Mining, Excavating, and Highway Maintenance Equipment
- Ministry of Land, Infrastructure and Transport	39	Materials Handling Equipment
- Ministry of Environment	40	Rope, Cable, Chain, and Fittings
	41	Refrigeration, Air Conditioning, and Air Circulating Equipment
	43	Pumps and Compressors
	45	Plumbing, Heating and Sanitation Equipment

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 and the Law establishing the Cabinet Office. | 46 | Water Purification and Sewage Treatment Equipment |
| 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. | 47 | Pipe, Tubing, Hose, and Fittings |
| 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. | 48 | Valves |
| 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: | 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 |



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

18 November 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5 and 3/5 of Annex 3 to Appendix I, containing the certified modifications.

The modifications concern **Japan** and are effective as of **20 October 2004**

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/15) pursuant to the procedures of Article XXIV:6, became effective as of **20 October 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 and 3/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ninth day of October, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprise
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (The Institute of Physical and Chemical Research) (b)
- Environmental Restoration and Conservation Agency
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- Japan Student Services Organization

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization
- National University Corporation
- Inter-University Research Institute Corporation
- Institute of National Colleges of Technology, Japan
- National Institution for Academic Degrees and University Evaluation
- Center for National University Finance and Management
- National Institute of Multimedia Education

Services**Threshold:****Construction services:**

4,500 thousand SDR for Japan Post in Group A

15,000 thousand SDR for all other entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small and Medium Enterprise
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

1 November 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith a certified true copy of replacement page 1/2 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Korea** and became effective as of **6 October 2004**.

Supachai Panitchpakdi
Director-General

04-4628

WT/Let/481

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Korea**, which were notified to the Committee on Government Procurement (GPA/W/250 and GPA/MOD/KOR/1) pursuant to the procedures of Article XXIV:6, became effective as of **6 October 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement page to the loose-leaf system. Accordingly, the attached page replaces page 1/2 of Annex 3 to Appendix I of **Korea** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

The certification is deposited with the Director-General of the World Trade Organization, who hereby furnishes a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of October, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

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
- Industrial Bank of Korea
- Korea Minting and Security Printing Corporation
- Korea Electric Power Corporation (except purchases of products in the categories of HS Nos. 8504, 8535, 8537 and 8544)
- Korea Coal Corporation
- Korea Resources Corporation
- Korea National Oil Corporation
- Korea General Chemical Corporation
- Korea Trade-Investment Promotion Agency
- Korea Highway Corporation
- Korea National Housing Corporation
- Korea Water Resources Corporation
- Korea Land Corporation
- Korea Agriculture and Rural Infrastructure Corporation
- Agricultural and Fishery Marketing Corporation
- Korea National Tourism Organization
- 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



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

1 November 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 3/5 of Annex 1 and 1/2 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern the **United States** and are effective as of **1 October 2004**

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annexes 1 and 3 to Appendix I of the Agreement on Government Procurement (1994) concerning the **United States**, which were notified to the Committee on Government Procurement (GPA/W/153) pursuant to the procedures of Article XXIV:6, became effective as of **1 October 2004** (with the exception of the proposed change to "Uranium Enrichment Corporation" in Annex 1 to Appendix I where an objection is still in place).

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 3/5 of Annex 1 and 1/2 of Annex 3 to Appendix I of the **United States** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of October, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

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. National Science Foundation
19. Executive Office of the President
20. Farm Credit Administration
21. National Credit Union Administration

1 October 2004 (WT/Let/482)

22. Merit Systems Protection Board
23. The Corporation for National and Community Service
24. Office of Thrift Supervision
25. Federal Housing Finance Board
26. National Labor Relations Board
27. National Mediation Board
28. Railroad Retirement Board
29. American Battle Monuments Commission
30. Federal Communications Commission
31. Federal Trade Commission
32. Securities and Exchange Commission
33. Office of Personnel Management
34. United States International Trade Commission
35. Export-Import Bank of the United States
36. Federal Mediation and Conciliation Service
37. Selective Service System
38. Smithsonian Institution
39. Federal Deposit Insurance Corporation
40. Consumer Product Safety Commission
41. Equal Employment Opportunity Commission
42. Federal Maritime Commission
43. National Transportation Safety Board
44. Nuclear Regulatory Commission
45. Overseas Private Investment Corporation
46. Broadcasting Board of Governors
47. Commission on Civil Rights
48. Commodity Futures Trading Commission
49. Peace Corps
50. National Archives and Records Administration
51. Advisory Commission on Intergovernmental Relations
52. African Development Foundation
53. Alaska Natural Gas Transportation System
54. Appalachian Regional Commission
55. Commission of Fine Arts
56. Delaware River Basin Commission
57. Federal Election Commission
58. Federal Emergency Management Agency
59. Federal Home Loan Mortgage Corporation
60. Federal Maritime Commission
61. Federal Mine Safety and Health Review Commission
62. Federal Reserve System
63. Federal Retirement Thrift Investment Board
64. Holocaust Memorial Council
65. Inter-American Foundation
66. National Capital Planning Commission
67. National Commission on Libraries and Information Science
68. National Council on Disability
69. National Foundation on the Arts and the Humanities

70. Occupational Safety and Health Review Commission
71. Office of Government Ethics
72. Office of the Nuclear Waste Negotiator
73. Office of Special Counsel
74. Small Business Administration
75. Susquehanna River Basin Commission
76. Pennsylvania Avenue Development Corporation
77. Federal Crop Insurance Corporation
78. Federal Prison Industries, Inc.
79. Government National Mortgage Association
80. Uranium Enrichment Corporation
81. 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.

ANNEX 3

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

Threshold: 400,000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

List of Entities:

The following entities at the SDR equivalent of \$250,000 for supplies and services:

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- St. Lawrence Seaway Development Corporation

The following entities are 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing);
- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors;
- Procurements pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of New York in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Utilities Service Financing:

- (1) waiver of Buy American restriction on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
- (2) application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

14 October 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/5, 3/5, 4/5 and 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **17 September 2004**.

Supachai Panitchpakdi
Director-General

04-4321

WT/Let/478

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/8 and GPA/MOD/JPN/9) pursuant to the procedures of Article XXIV:6, became effective as of **17 September 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5, 3/5, 4/5 and 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this first day of October, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (The Institute of Physical and Chemical Research) (b)
- Environmental Restoration and Conservation Agency
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- Japan Student Services Organization

17 September 2004 (WT/Let/478)

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization
- National University Corporation
- Inter-University Research Institute Corporation
- Institute of National Colleges of Technology, Japan
- National Institution for Academic Degrees and University Evaluation
- Center for National University Finance and Management
- National Institute of Multimedia Education

Services**Threshold:****Construction services:**

4,500 thousand SDR for Japan Post in Group A

15,000 thousand SDR for all other entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (The Institute of Physical and Chemical Research) (b)
 - Environmental Restoration and Conservation Agency
 - Fund for the Promotion and Development of the Amami Islands
 - Japan Foundation
 - Japan Student Services Organization
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
- National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute

Services (cont'd)

- Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute
 - National Traffic Safety and Environment Laboratory
 - National Maritime Research Institute
 - Port and Airport Research Institute
 - Electronic Navigation Research Institute
 - Civil Engineering Research Institute of Hokkaido
 - Marine Technical College
 - National Institute for Sea Training
 - Schools for Seafarers Training
 - Civil Aviation College
 - National Institute for Environmental Studies
 - Labor Management Organization for USFJ Employees
 - National Agency for Vehicle Inspection
 - National Statistics Center
 - Japan Mint
 - National Printing Bureau
 - Japan Nuclear Energy Safety Organization
 - National Hospital Organization
 - National University Corporation
 - Inter-University Research Institute Corporation
 - Institute of National Colleges of Technology, Japan
 - National Institution for Academic Degrees and University Evaluation
 - Center for National University Finance and Management
 - National Institute of Multimedia Education
- 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 in Group A 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.
 - (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

18 August 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/2 and 2/2 of Annex 1 to Appendix I containing the certified modifications.

The modifications concern **Hong Kong, China** and are effective as of **5 August 2004**.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to pages 1/2 and 2/2 of Annex 1 to Appendix I of the Agreement on Government Procurement (1994) concerning **Hong Kong, China**, which were notified to the Committee on Government Procurement (GPA/MOD/HKG/1) pursuant to the procedures of Article XXIV:6, became effective as of **5 August 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/2 and 2/2 of Annex 1 to Appendix I of **Hong Kong, China** in the loose-leaf system of Appendices in conformity with the aforementioned decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this seventeenth day of August, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

HONG KONG, CHINA

ANNEX 1

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

Threshold: 130,000 SDR for goods and services other than construction services
5,000,000 SDR for construction services

List of Entities:

1. Agriculture, Fisheries and Conservation Department
2. Architectural Services Department
3. Audit Commission
4. Auxiliary Medical Services
5. Buildings Department
6. Census and Statistics Department
7. Civil Aid Services
8. Civil Aviation Department
9. Civil Engineering and Development Department
10. Companies Registry
11. Correctional Services Department
12. Customs and Excise Department
13. Department of Health
14. Department of Justice
15. Drainage Services Department
16. Electrical and Mechanical Services Department
17. Environmental Protection Department
18. Fire Services Department
19. Food and Environmental Hygiene Department
20. Government Flying Service
21. Government Laboratory
22. Government Logistics Department
23. Government Property Agency
24. Government Secretariat
25. Highways Department
26. Home Affairs Department
27. Hong Kong Monetary Authority
28. Hong Kong Observatory
29. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
30. Hospital Services Department

31. Immigration Department
 32. Independent Commission Against Corruption
 33. Information Services Department
 34. Inland Revenue Department
 35. Intellectual Property Department
 36. Invest Hong Kong
 37. Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service
 38. Judiciary
 39. Labour Department
 40. Land Registry
 41. Lands Department
 42. Legal Aid Department
 43. Leisure and Cultural Services Department
 44. Marine Department
 45. Office of the Ombudsman
 46. Office of the Telecommunications Authority
 47. Official Receiver's Office
 48. Planning Department
 49. Post Office
 50. Public Service Commission
 51. Radio Television Hong Kong
 52. Rating and Valuation Department
 53. Registration and Electoral Office
 54. Secretariat, Independent Police Complaints Council
 55. Secretariat, University Grants Committee
 56. Social Welfare Department
 57. Student Financial Assistance Agency
 58. Technical Education and Industrial Training Department
 59. Television and Entertainment Licensing Authority
 60. Trade and Industry Department
 61. Transport Department
 62. Treasury
 63. Water Supplies Department
-



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

8 June 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5 and 3/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **20 May 2004**.

Supachai Panitchpakdi
Director-General

04-2481

WT/Let/475

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/5) pursuant to the procedures of Article XXIV:6, became effective as of **20 May 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 and 3/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifth day of June, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (The Institute of Physical and Chemical Research) (b)
- Environmental Restoration and Conservation Agency
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- The Japan Scholarship Foundation

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization

Services*Threshold:***Construction services:**

- 4,500 thousand SDR for Japan Post in Group A
- 15,000 thousand SDR for all other entities in Group A
- 4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)

- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (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
- National Consumer Affairs Center of Japan



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

25 May 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 3/5 and 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **7 May 2004**.

Supachai Panitchpakdi
Director-General

04-2246

WT/Let/473

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/4) pursuant to the procedures of Article XXIV:6, became effective as of **7 May 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 3/5 and 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-fourth day of May, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization

Services*Threshold:***Construction services:**

- 4,500 thousand SDR for Japan Post in Group A
- 15,000 thousand SDR for all other entities in Group A
- 4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- National Consumer Affairs Center of Japan

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization

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 in Group A 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.
 - (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

11 May 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **29 January 2004**.

Supachai Panitchpakdi
Director-General

04-2067

WT/Let/469

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/W/273 and GPA/W/274) pursuant to the procedures of Article XXIV:6, became effective as of **29 January 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this thirtieth day of April, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization

Services**Threshold:****Construction services:**

- 4,500 thousand SDR for Japan Post in Group A
- 15,000 thousand SDR for all other entities in Group A
- 4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- National Consumer Affairs Center of Japan

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (The 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
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization

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 in Group A 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.
 - (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

11 May 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/5 and 3/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **14 April 2004**.

Supachai Panitchpakdi
Director-General

04-2068

WT/Let/470

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/2) pursuant to the procedures of Article XXIV:6, became effective as of **14 April 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 and 3/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifth day of May, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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

14 April 2004 (WT/Let/470)

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization

Services**Threshold:****Construction services:**

- 4,500 thousand SDR for Japan Post in Group A
- 15,000 thousand SDR for all other entities in Group A
- 4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- National Consumer Affairs Center of Japan



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

11 May 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5, 3/5 and 4/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **16 April 2004**.

Supachai Panitchpakdi
Director-General

04-2069

WT/Let/471

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/3) pursuant to the procedures of Article XXIV:6, became effective as of **16 April 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5, 3/5 and 4/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifth day of May, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- National Consumer Affairs Center of Japan
- Japan Atomic Energy Research Institute (b)
- RIKEN (The Institute of Physical and Chemical Research) (b)
- Environmental Restoration and Conservation Agency
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- The Japan Scholarship Foundation

16 April 2004 (WT/Let/471)

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization

Services**Threshold:****Construction services:**

- 4,500 thousand SDR for Japan Post in Group A
- 15,000 thousand SDR for all other entities in Group A
- 4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a)(d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- National Consumer Affairs Center of Japan

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (The Institute of Physical and Chemical Research) (b)
 - Environmental Restoration and Conservation Agency
 - Fund for the Promotion and Development of the Amami Islands
 - Japan Foundation
 - The Japan Scholarship Foundation
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
- National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

11 May 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/94 to 94/94 of Annex 1 to Appendix I; pages 1/49 to 49/49 of the Attachment to Annexes 2 and 3 to Appendix I; pages 1/4 to 4/4 in English, and pages 1/5 to 5/5 in French and Spanish of Appendix II and pages 1/5 to 5/5 in English, French and Spanish of Appendix IV containing the certified modifications.

The modifications concern the **European Communities** and are effective as of **1 May 2004**.

Supachai Panitchpakdi
Director-General

04-2070

WT/Let/472

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 1 of Appendix I; the Attachment to Annexes 2 and 3 of Appendix I; Appendix II; and Appendix IV of the Agreement on Government Procurement (1994) concerning the **European Communities**, which were notified to the Committee on Government Procurement (GPA/MOD/EEC/1 and GPA/MOD/EEC/1/Add.1) pursuant to the procedures of Article XXIV:6, became effective as of **1 May 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/94 to 94/94 of Annex 1 to Appendix I; pages 1/49 to 49/49 of the Attachment to Annexes 2 and 3 to Appendix I; pages 1/4 to 4/4 in English, and pages 1/5 to 5/5 in French and Spanish of Appendix II and pages 1/5 to 5/5 in English, French and Spanish of Appendix IV of the **European Communities** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of May, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

ANNEX 1- ANNEXE 1 - ANEXO 1

*Entities which Procure in Accordance with the Provisions of this Agreement
Entités qui passent des marchés conformément aux dispositions du présent accord
Entidades que se rigen en sus contratos por las disposiciones del presente acuerdo*

SUPPLIES / FOURNITURES / SUMINISTROS

Thresholds: SDR 130,000
Valeurs de seuil: DTS 130 000
Valores de umbral: DEG 130.000

SERVICES / SERVICES / SERVICIOS

specified in Annex 4 / spécifiés dans l'Annexe 4 / detallados en el Anexo 4

Thresholds: SDR 130,000
Valeurs de seuil: DTS 130 000
Valores de umbral: DEG 130.000

WORKS / TRAVAUX / OBRAS

specified in Annex 5 / spécifiés dans l'Annexe 5 / detalladas en el Anexo 5

Thresholds: SDR 5,000,000
Valeurs de seuil: DTS 5 000 000
Valores de umbral: DEG 5.000.000

LIST OF ENTITIES / LISTE DES ENTITES / LISTA DE LAS ENTIDADES:

1.	EUROPEAN COMMUNITIES ENTITIES ENTITES DE LA COMMUNAUTE EUROPEENNE ENTIDADES DE LA COMUNIDAD EUROPEA:
-----------	---

1. THE COUNCIL OF THE EUROPEAN UNION / LE CONSEIL DE L'UNION EUROPEENNE / EL CONSEJO DE LA UNIÓN EUROPEA.
2. THE EUROPEAN COMMISSION / LA COMMISSION EUROPEENNE / LA COMISIÓN EUROPEA.

2.	THE FOLLOWING CONTRACTING AUTHORITIES OF THE STATE LES POUVOIRS ADJUDICATEURS DE L'ÉTAT QUI SUIVENT LOS SIGUIENTES PODERES ADJUDICADORES DEL ESTADO:
-----------	---

BELGIUM - BELGIQUE - BÉLGICA

(La version française fait foi)

(A) L'État fédéral:

1. Services du Premier Ministre
2. Ministère des Affaires économiques
3. Ministère des Affaires étrangères, du Commerce extérieur et de la Coopération au développement
4. Ministère des Affaires sociales, de la Santé publique et de l'Environnement
5. Ministère des Classes moyennes et de l'Agriculture
6. Ministère des Communications et de l'Infrastructure
7. Ministère de la Défense nationale¹
8. Ministère de l'Emploi et du Travail
9. Ministère des Finances
10. Ministère de la Fonction publique
11. Ministère de l'Intérieur
12. Ministère de la Justice

(B) Autres:

1. la Poste²
2. la Régie des Bâtiments
3. L'Office national de Sécurité Sociale
4. L'Institut national d'Assurances sociales pour Travailleurs indépendants
5. L'Institut national d'Assurance Maladie-Invalidité
6. L'Office national des Pensions
7. La Caisse auxiliaire d'Assurance Maladie-Invalidité
8. Le Fonds des Maladies professionnelles
9. L'Office national de l'Emploi

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

² Activités postales visées par la loi du 24 décembre 1993

CZECH REPUBLIC – REPUBLIQUE TCHEQUE – REPÚBLICA CHECA

(Authentic in the English language only)

Contracting authorities are the following:

Ministerstvo dopravy (Ministry of Transport)

Ministerstvo informatiky (Ministry of Informatics)

Ministerstvo financí (Ministry of Finance)

Ministerstvo kultury (Ministry of Culture)

Ministerstvo obrany (Ministry of Defence)³

Ministerstvo pro místní rozvoj (Ministry for Regional Development)

Ministerstvo práce a sociálních věcí (Ministry of Labour and Social Affairs)

Ministerstvo průmyslu a obchodu (Ministry of Industry and Trade)

Ministerstvo spravedlnosti (Ministry of Justice)

Ministerstvo školství, mládeže a tělovýchovy (Ministry of Education, Youth and Sports)

Ministerstvo vnitra (Ministry of the Interior)

Ministerstvo zahraničních věcí (Ministry of Foreign Affairs)

Ministerstvo zdravotnictví (Ministry of Health)

Ministerstvo zemědělství (Ministry of Agriculture)

Ministerstvo životního prostředí (Ministry of the Environment)

Poslanecká sněmovna PČR (Chamber of Deputies of the Parliament of the Czech Republic)

Senát PČR (Senate of the Parliament of the Czech Republic)

Kancelář prezidenta (Office of the President)

Český statistický úřad (Czech Statistical Office)

Český úřad zeměměřičský a katastrální (Czech Office for Surveying, Mapping and Cadastre)

Úřad průmyslového vlastnictví (Industrial Property Office)

Úřad pro ochranu osobních údajů (Office for Personal Data Protection)

Bezpečnostní informační služba (Security Information Service)

Národní bezpečnostní úřad (National Security Authority)

Česká akademie věd (Academy of Sciences of the Czech Republic)

Vězeňská služba (Prison Service)

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

Český báňský úřad (Czech Mining Authority)
Úřad pro ochranu hospodářské soutěže (Office for the Protection of Competition)
Správa státních hmotných rezerv (Administration of the State Material Reserves)
Státní úřad pro jadernou bezpečnost (State Office for Nuclear Safety)
Komise pro cenné papíry (Czech Securities Commission)
Energetický regulační úřad (Energy Regulatory Office)
Úřad vlády České republiky (Office of the Government of the Czech Republic)
Ústavní soud (Constitutional Court)
Nejvyšší soud (Supreme Court)
Nejvyšší správní soud (Supreme Administrative Court)
Nejvyšší státní zastupitelství (Supreme Public Prosecutor's Office)
Nejvyšší kontrolní úřad (Supreme Audit Office)
Kancelář Veřejného ochránce práv (Office of the Public Defender of Rights)
Grantová agentura České republiky (Grant Agency of the Czech Republic)
Český úřad bezpečnosti práce (Czech Authority of Safety Work)
Český telekomunikační úřad (Czech Telecommunication Office)

DENMARK - DANEMARK - DINAMARCA

(Authentic in the English language only)

- | | | | |
|-----|---|---|--|
| 1. | (Parliament) - (Auditor General of Denmark) | | Folketinget - Rigsrevisionen |
| 2. | Prime Minister's Office | | |
| 3. | Ministry of Foreign Affairs | - | 2 departments |
| 4. | Ministry of Labour | - | 5 agencies and institutions |
| 5. | Ministry of Housing and Urban Affairs | - | 7 agencies and institutions |
| 6. | Ministry of Industry and Trade | - | 7 agencies and institutions |
| 7. | Ministry of Finance | - | 3 agencies and institutions |
| 8. | Ministry of Research | - | 1 agency |
| 9. | Ministry of Defence ⁴ (1) | - | Several institutions |
| 10. | Ministry of the Interior | - | 2 agencies |
| 11. | Ministry of Justice | - | 2 directorates and several police offices and courts |
| 12. | Ministry of Ecclesiastical Affairs | - | 10 diocesan authorities |
| 13. | Ministry of Cultural Affairs | - | 3 institutions and several state-owned museums and higher education institutions |
| 14. | Ministry of Agriculture and Fisheries | - | 23 directorates and institutions |
| 15. | Ministry of Environment and Energy | - | 6 agencies and research establishment "Risø" |
| 16. | Ministry of Taxes and Duties | - | 1 agency |
| 17. | Ministry of Social Affairs | - | 4 agencies and institutions |
| 18. | Ministry of Health | - | Several institutions including the State Serum Institute |
| 19. | Ministry of Education | - | 6 directorates and 12 universities and other higher education institutions |
| 20. | Ministry of Economic Affairs | - | Statistical bureau (Statistics Denmark) |
| 21. | Ministry of Transport | | |

⁴ Non-warlike materials contained in Part (3) of this Annex

GERMANY - ALLEMAGNE - ALEMANIA

(Authentic in the English language only)

1.	Federal Foreign Office	Auswärtiges Amt
2.	Federal Chancellery	Bundeskanzleramt
3.	Federal Ministry of Labour and Social Affairs	Bundesministerium für Arbeit und Sozialordnung
4.	Federal Ministry of Education, Science, Research and Technology	Bundesministerium für Bildung, Wissenschaft, Forschung und Technologie
5.	Federal Ministry for Food, Agriculture and Forestry	Bundesministerium für Ernährung, Landwirtschaft und Forsten
6.	Federal Ministry of Finance	Bundesministerium der Finanzen
7.	Federal Ministry of the Interior (civil goods only)	Bundesministerium des Innern
8.	Federal Ministry of Health	Bundesministerium für Gesundheit
9.	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth	Bundesministerium für Familie, Senioren, Frauen und Jugend
10.	Federal Ministry of Justice	Bundesministerium der Justiz
11.	Federal Ministry for Regional Planning, Building and Urban Development	Bundesministerium für Raumordnung, Bauwesen und Städtebau
12.	Federal Ministry of Post and Telecommunications ⁵	Bundesministerium für Post- und Telekommunikation
13.	Federal Ministry of Transport	Bundesministerium für Verkehr
14.	Federal Ministry of Economic Affairs	Bundesministerium für Wirtschaft
15.	Federal Ministry for Economic Co-operation	Bundesministerium für wirtschaftliche Zusammenarbeit
16.	Federal Ministry of Defence ⁶	Bundesministerium der Verteidigung
17.	Federal Ministry of Environment, Nature Conservation and Reactor Safety	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit

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.

⁵ Except telecommunication equipment

⁶ Non-warlike materials contained in Part (3) of this Annex

ESTONIA – ESTONIE - ESTONIA

(Authentic in the English language only)

1. Vabariigi Presidendi Kantselei (Office of the President of the Republic of Estonia)
2. Eesti Vabariigi Riigikogu (Parliament of the Republic of Estonia)
3. Eesti Vabariigi Riigikohus (Supreme Court of the Republic of Estonia)
4. Riigikontroll (The State Audit Office of the Republic of Estonia)
5. Õiguskantsler (Legal Chancellor)
6. Riigikantselei (The State Chancellery)
7. Rahvusarhiiv (The National Archives of Estonia)
8. Haridus- ja Teadusministeerium (Ministry of Education and Research)
9. Justiitsministeerium (Ministry of Justice)
10. Kaitseministeerium (Ministry of Defence)⁷
11. Keskkonnaministeerium (Ministry of Environment)
12. Kultuuriministeerium (Ministry of Culture)
13. Majandus- ja Kommunikatsiooniministeerium (Ministry for Economy and Communication)
14. Põllumajandusministeerium (Ministry of Agriculture)
15. Rahandusministeerium (Ministry of Finance)
16. Siseministeerium (Ministry of Internal Affairs)
17. Sotsiaalministeerium (Ministry of Social Affairs)
18. Välisministeerium (Ministry of Foreign Affairs)
19. Keeleinspeksioon (The Language Inspectorate)
20. Riigiprokuratuur (Prosecutor's Office)
21. Teabeamet (The Information Board)
22. Maa-amet (Land Board)
23. Keskkonnainspeksioon (Environmental Inspectorate)
24. Metsakaitse- ja Metsauenduskeskus (Centre of Forest Protection and Silviculture)
25. Muinsuskaitseamet (The Heritage Conservation Inspectorate)
26. Patendiamet (Patent Office)
27. Tehnilise Järelevalve Inspeksioon (The Technical Inspectorate)
28. Energiaturu Inspeksioon (The Energy Market Inspectorate)

⁷ Non-warlike materials contained in Part (3) of this Annex

29. Tarbijakaitseamet (The Consumer Protection Board)
30. Riigihangete Amet (Public Procurement Office)
31. Eesti Patendiraamatukogu (Estonian Patent Library)
32. Taimetoodangu Inspektsioon (The Plant Production Inspectorate)
33. Põllumajanduse Registre ja Informatsiooni Amet (Agricultural Registers and Information Board)
34. Veterinaar- ja Toiduamet (The Veterinary and Food Board)
35. Konkurentsiamet (The Competition Board)
36. Maksu –ja Tolliamet (Tax and Customs Board)
37. Statistikaamet (Statistical Office)
38. Kaitsepolitsei (The Security Police Board)
39. Proovikoda (Assay Office)
40. Kodakondsus- ja Migratsiooniamet (Citizenship and Migration Board)
41. Piirivalveamet (The Border Guard Administration)
42. Politsei (The Police Board)
43. Kohtuekspertiisi ja Kriminialistika Keskus (Centre of Forensic and Criminalistic Science)
44. Keskkriminaalpolitsei (Central Criminal Police)
45. Päästeamet (The Rescue Board)
46. Andmekaitse Inspektsioon (The Data Protection Inspectorate)
47. Ravimiamet (Agency of Medicines)
48. Sotsiaalkindlustusamet (Social Insurance Board)
49. Tööturuamet (Labour Market Board)
50. Tervishoiuamet (Health Care Board)
51. Tervisekaitseinspektsioon (Health Protection Inspectorate)
52. Tööinspektsioon (Labour Inspectorate)
53. Lennuamet (Civil Aviation Administration)
54. Maanteeamet (Road Administration)
55. Sideamet (Communications Board)
56. Veeteede Amet (Maritime Administration)
57. Raudteeamet (Estonian Railway Administration)

GREECE - GRÈCE - GRECIA

(Authentic in the English language only)

List of entities

1. Ministry of the Interior, Public Administration and Decentralization
2. Ministry of Foreign Affairs
3. Ministry of National Economy
4. Ministry of Finance
5. Ministry of Development
6. Ministry of Environment, Planning and Public Works
7. Ministry of Education and Religion
8. Ministry of Agriculture
9. Ministry of Labour and Social security
10. Ministry of Health and Social Selfare
11. Ministry of Justice
12. Ministry of Culture
13. Ministry of Merchant Marine
14. Ministry of Macedonia and Thrace
15. Ministry of the Aegean
16. Ministry of Transport and Communications
17. Ministry for Press and Media
18. Ministry to the Prime Minister
19. Army General Staff
20. Navy General Staff
21. Airforce General Staff
22. General Secretariat for Equality
23. General Secretariat for Greeks Living Abroad
24. General Secretariat for Commerce
25. General Secretariat for Research and Technology
26. General Secretariat for Industry
27. General Secretariat for Public Works
28. General Secretariat for Youth

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

SPAIN - ESPAGNE - ESPAÑA

(Esta lista es auténtica en la versión española)

1. Ministerio de Asuntos Exteriores
2. Ministerio de Justicia
3. Ministerio de Defensa⁸
4. Ministerio de Economía y Hacienda
5. Ministerio del Interior
6. Ministerio de Fomento
7. Ministerio de Educación y Cultura
8. Ministerio de Trabajo y Asuntos Sociales
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 Sanidad y Consumo
14. Ministerio de Medio Ambiente

⁸ Material no militar incluido en la parte (3) de este Anexo

FRANCE - FRANCE - FRANCIA

(La version française fait foi)

- (A) Principales entités acheteuses
- (a) *Budget général*
1. Services du Premier Ministre
 2. Ministère des Affaires Sociales, de la Santé et de la Ville
 3. Ministère de l'Intérieur et de l'Aménagement du Territoire
 4. Ministère de la Justice
 5. Ministère de la Défense
 6. Ministère des Affaires Etrangères
 7. Ministère de l'Education Nationale
 8. Ministère de l'Economie
 9. Ministère de l'Industrie, des Postes et Télécommunications et du Commerce Extérieur
 10. Ministère de l'Équipement, des Transports et du Tourisme
 11. Ministère des Entreprises et du Développement Economique, chargé des Petites et Moyennes Entreprises et du Commerce et de l'Artisanat
 12. Ministère du Travail, de l'Emploi et de la Formation Professionnelle
 13. Ministère de la Culture et de la Francophonie
 14. Ministère du Budget
 15. Ministère de l'Agriculture et de la Pêche
 16. Ministère de l'Enseignement Supérieur et de la Recherche
 17. Ministère de l'Environnement
 18. Ministère de la Fonction Publique
 19. Ministère du Logement
 20. Ministère de la Coopération
 21. Ministère des Départements et Territoires d'Outre-Mer
 22. Ministère de la Jeunesse et des Sports
 23. Ministère de la Communication
 24. Ministère des anciens Combattants et Victimes de Guerre

(b) *Budget annexe*

On peut notamment signaler:

1. Imprimerie Nationale

(c) *Comptes spéciaux du Trésor*

On peut notamment signaler:

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

(B) Etablissements publics nationaux à caractère administratif

1. Académie de France à Rome;
2. Académie de Marine;
3. Académie des Sciences d'Outre-Mer;
4. Agence Centrale des Organismes de Sécurité Sociale (A.C.O.S.S.);
5. Agences Financières de Bassins;
6. Agence Nationale pour l'Amélioration des Conditions de Travail (A.N.A.C.T.);
7. Agence Nationale pour l'Amélioration de l'Habitat (A.N.A.H.);
8. Agence Nationale pour l'Emploi (A.N.P.E.);
9. Agence Nationale pour l'Indemnisation des Français d'Outre-Mer (A.N.I.F.O.M.);
10. Assemblée Permanente des Chambres d'Agriculture (A.P.C.A.);
11. Bibliothèque Nationale;
12. Bibliothèque Nationale et Universitaire de Strasbourg;
13. Bureau d'Etudes des Postes et Télécommunications d'Outre-Mer (B.E.P.T.O.M.);
14. Caisse des Dépôts et Consignations;
15. Caisse Nationale des Allocations Familiales (C.N.A.F.);
16. Caisse Nationale d'Assurance Maladie des Travailleurs Salariés (C.N.A.M.);
17. Caisse Nationale d'Assurance-Vieillesse des Travailleurs Salariés (C.N.A.V.T.S.);
18. Caisse Nationale des Autoroutes (C.N.A.);
19. Caisse Nationale Militaire de Sécurité Sociale (C.N.M.S.S.);

20. Caisse Nationale des Monuments Historiques et des Sites;
21. Caisse Nationale des Télécommunications⁹;
22. Caisse de Garantie du Logement Social;
23. Casa de Velasquez;
24. Centre d'Enseignement Zootechnique de Rambouillet;
25. Centre d'Etudes du Milieu et de Pédagogie Appliquée du Ministère de l'Agriculture;
26. Centre d'Etudes Supérieures de Sécurité Sociale;
27. Centres de Formation Professionnelle Agricole;
28. Centre National d'Art et de Culture Georges Pompidou;
29. Centre National de la Cinématographie Française;
30. Centre National d'Etudes et de Formation pour l'Enfance Inadaptée;
31. Centre National d'Etudes et d'Expérimentation du Machinisme Agricole, du Génie Rural, des Eaux et des Forêts;
32. Centre National de Formation pour l'Adaptation Scolaire et l'Education Spécialisée (C.N.E.F.A.S.E.S.);
33. Centre National de Formation et de Perfectionnement des Professeurs d'Enseignement Ménager Agricole;
34. Centre National des Lettres;
35. Centre National de Documentation Pédagogique;
36. Centre National des Oeuvres Universitaires et Scolaires (C.N.O.U.S.);
37. Centre National d'Ophthalmologie des Quinze-Vingts;
38. Centre National de Préparation au Professorat de Travaux Manuels Éducatifs et d'Enseignement Ménager;
39. Centre National de Promotion Rurale de Marmilhat;
40. Centre National de la Recherche Scientifique (C.N.R.S.);
41. Centre Régional d'Education Populaire d'Ile de France;
42. Centres d'Education Populaire et de Sport (C.R.E.P.S.);
43. Centres Régionaux des Oeuvres Universitaires (C.R.O.U.S.);
44. Centres Régionaux de la Propriété Forestière;
45. Centre de Sécurité Sociale des Travailleurs Migrants;
46. Chancelleries des Universités;
47. Collège de France

⁹ Postes seulement

48. Commission des Opérations de Bourse;
49. Conseil Supérieur de la Pêche;
50. Conservatoire de l'Espace Littoral et des Rivages Lacustres;
51. Conservatoire National des Arts et Métiers;
52. Conservatoire National Supérieur de Musique;
53. Conservatoire National Supérieur d'Art Dramatique;
54. Domaine de Pompadour;
55. Ecole Centrale - Lyon;
56. Ecole Centrale des Arts et Manufactures;
57. Ecole Française d'Archéologie d'Athènes;
58. Ecole Française d'Extrême-Orient;
59. Ecole Française de Rome;
60. Ecole des Hautes Études en Sciences Sociales;
61. Ecole Nationale d'Administration;
62. Ecole Nationale de l'Aviation Civile (E.N.A.C.);
63. Ecole Nationale des Chartes;
64. Ecole Nationale d'Equitation;
65. Ecole Nationale du Génie Rural des Eaux et des Forêts (E.N.G.R.E.F.);
66. Ecoles Nationales d'Ingénieurs;
67. Ecole Nationale d'Ingénieurs des Industries des Techniques Agricoles et Alimentaires;
68. Ecoles Nationales d'Ingénieurs des Travaux Agricoles;
69. Ecole Nationale des Ingénieurs des Travaux Ruraux et des Techniques Sanitaires;
70. Ecole Nationale des Ingénieurs des Travaux des Eaux et Forêts (E.N.I.T.E.F.);
71. Ecole Nationale de la Magistrature;
72. Ecoles Nationales de la Marine Marchande;
73. Ecole Nationale de la Santé Publique (E.N.S.P.);
74. Ecole Nationale de Ski et d'Alpinisme;
75. Ecole Nationale Supérieure Agronomique - Montpellier;
76. Ecole Nationale Supérieure Agronomique - Rennes;
77. Ecole Nationale Supérieure des Arts Décoratifs;
78. Ecole Nationale Supérieure des Arts et Industries - Strasbourg;
79. Ecole Nationale Supérieure des Arts et Industries Textiles - Roubaix;
80. Ecoles Nationales Supérieures d'Arts et Métiers;

81. Ecole Nationale Supérieure des Beaux-Arts;
82. Ecole Nationale Supérieure des Bibliothécaires;
83. Ecole Nationale Supérieure de Céramique Industrielle;
84. Ecole Nationale Supérieure de l'Electronique et de ses Applications (E.N.S.E.A.);
85. Ecole Nationale Supérieure d'Horticulture;
86. Ecole Nationale Supérieure des Industries Agricoles Alimentaires;
87. Ecole Nationale Supérieure du Paysage (Rattachée à l'Ecole Nationale Supérieure d'Horticulture);
88. Ecole Nationale Supérieure des Sciences Agronomiques Appliquées (E.N.S.S.A.);
89. Ecoles Nationales Vétérinaires;
90. Ecole Nationale de Voile;
91. Ecoles Normales d'Instituteurs et d'Institutrices;
92. Ecoles Normales Nationales d'Apprentissage;
93. Ecoles Normales Supérieures;
94. Ecole Polytechnique;
95. Ecole Technique Professionnelle Agricole et Forestière de Meymac (Corrèze)
96. Ecole de Sylviculture - Crogny (Aube);
97. Ecole de Viticulture et d'Oenologie de la Tour Blanche (Gironde);
98. Ecole de Viticulture - Avize (Marne);
99. Etablissement National de Convalescents de Saint-Maurice;
100. Etablissement National des Invalides de la Marine (E.N.I.M.);
101. Etablissement National de Bienfaisance Koenigs-Wazter;
102. Fondation Carnegie;
103. Fondation Singer-Polignac;
104. Fonds d'Action Sociale pour les Travailleurs Immigrés et leurs Familles;
105. Hôpital-Hospice National Dufresne-Sommeiller;
106. Institut de l'Elevage et de Médecine Vétérinaire des Pays Tropicaux (I.E.M.V.P.T.)
107. Institut Français d'Archéologie Orientale du Caire;
108. Institut Géographique National;
109. Institut Industriel du Nord;
110. Institut International d'Administration Publique (I.I.A.P.);
111. Institut National Agronomique de Paris-Grignon;
112. Institut National des Appellations d'Origine des Vins et Eux-de-Vie (I.N.A.O.V.E.V.);

113. Institut National d'Astronomie et de Géophysique (I.N.A.G.);
114. Institut National de la Consommation (I.N.C.);
115. Institut National d'Education Populaire (I.N.E.P.);
116. Institut National d'Etudes Démographiques (I.N.E.D.);
117. Institut National des Jeunes Aveugles - Paris;
118. Institut National des Jeunes Sourdes - Bordeaux;
119. Institut National des Jeunes Sourds - Chambéry;
120. Institut National des Jeunes Sourds - Metz;
121. Institut National des Jeunes Sourds - Paris;
122. Institut National de Physique Nucléaire et de Physique des Particules (I.N.P.N.P.P);
123. Institut National de Promotion Supérieure Agricole;
124. Institut National de la Propriété Industrielle;
125. Institut National de la Recherche Agronomique (I.N.R.A.);
126. Institut National de Recherche Pédagogique (I.N.R.P.);
127. Institut National de la Santé et de la Recherche Médicale (I.N.S.E.R.M.);
128. Institut National des Sports;
129. Instituts Nationaux Polytechniques;
130. Instituts Nationaux des Sciences Appliquées;
131. Instituts National Supérieur de Chimie Industrielle de Rouen;
132. Institut National de Recherche en Informatique et en Automatique (I.N.R.I.A.);
133. Institut National de Recherche sur les Transports et leur Sécurité (I.N.R.T.S.);
134. Instituts Régionaux d'Administration;
135. Institut Supérieur des Matériaux et de la Construction Mécanique de Saint-Ouen
136. Musée de l'Armée;
137. Musée Gustave Moreau;
138. Musée de la Marine;
139. Musée National J.J. Henner;
140. Musée National de la Légion d'Honneur;
141. Musée de la Poste;
142. Muséum National d'Histoire Naturelle;
143. Musée Auguste Rodin;
144. Observatoire de Paris;
145. Office de Coopération et d'Accueil Universitaire;

146. Office Français de Protection des Réfugiés et Apatrides;
 147. Office National des Anciens Combattants;
 148. Office National de la Chasse;
 149. Office National d'Information sur les Enseignements et les Professions (O.N.I.E.P.);
 150. Office National d'Immigration (O.N.I.);
 151. O.R.S.T.O.M. – Institut Français de Recherche Scientifique pour le Développement en Coopération;
 152. Office Universitaire et Culturel Français pour l'Algérie;
 153. Palais de la Découverte;
 154. Parcs Nationaux;
 155. Réunion des Musées Nationaux;
 156. Syndicat des Transports Parisiens;
 157. Thermes Nationaux - Aix-les-Bains;
 158. Universités.
- (C) Autre organisme public national
1. Union des Groupements d'Achats Publics (U.G.A.P.).

IRELAND - IRLANDE - IRLANDA

(Authentic in the English language only)

(A) Main purchasing entities

1. Office of Public Works

(B) Other Departments

1. President's Establishment;
2. Houses of the Oireachtas (Parliament);
3. Department of the Taoiseach (Prime Minister);
4. Office of the Tánaiste (Deputy Prime Minister);
5. Central Statistics Office;
6. Department of Arts, Culture and the Gaeltacht;
7. National Gallery of Ireland;
8. Department of Finance;
9. State Laboratory;
10. Office of the Comptroller and Auditor General;
11. Office of the Attorney General;
12. Office of the Director of Public Prosecutions;
13. Valuation Office;
14. Civil Service Commission;
15. Office of the Ombudsman;
16. Office of the Revenue Commissioners;
17. Department of Justice;
18. Commissioners of Charitable Donations and Bequests for Ireland;

19. Department of the Environment;
20. Department of Education;
21. Department of the Marine;
22. Department of Agriculture, Food and Forestry;
23. Department of Enterprise and Employment
24. Department of Tourism and Trade
25. Department of Defence¹⁰;
26. Department of Foreign Affairs;
27. Department of Social Welfare;
28. Department of Health;
29. Department of Transport, Energy and Communications

¹⁰ Non-warlike materials contained in Part (3) of this Annex

ITALY - ITALIE – ITALIA

(Authentic in the English language only)

Purchasing Entities

1.	Presidency of the Council of Ministers with Ministry of Cultural Affairs	Presidenza del Consiglio dei Ministri con il Ministero del Beni Culturali
2.	Ministry of Foreign Affairs	Ministero degli affari esteri
3.	Ministry of the Interior	Ministero dell'Interno
4.	Ministry of Justice	Ministero di Grazia e Giustizia
5.	Ministry of the Treasury ¹¹	Ministero del Tesoro
6.	Ministry of Finance ¹²	Ministero delle Finanze
7.	Ministry of Defence ¹³	Ministero della Difesa
8.	Ministry of Industry, Trade, Handicraft and Tourism	Ministero dell'Industria, del Commercio e Dell'artigianato
9.	Ministry of Public Works	Ministero del Lavori Pubblici
10.	Ministry of Transports	Ministero del Trasporti
11.	Ministry of Posts and Telecommunications ¹⁴	Ministero delle Poste e Telecomunicazioni
12.	Ministry of Health	Ministero della Sanità
13.	Ministry of Education, University, Scientific and Technological Research	Ministero della Pubblica Istruzione, dell'Università e della ricerca scientifica e tecnologica
14.	Ministry of Employment and Social Security	Ministero del Lavoro e della Previdenza Sociale
15.	Ministry of Environment	Ministero dell'Ambiente
16.	Ministry of Foreign Trade	Ministero del Commercio con l'Estero
17.	Ministry of Agriculture resources	Ministero delle Risorse Agricole, Alimentari e Forestali

¹¹ Acting as the central purchasing entity for most of the other Ministries or entities

¹² Not including purchases made by the tobacco and salt monopolies

¹³ Non-warlike materials contained in Part (3) of this Annex

¹⁴ Postal business only

CYPRUS – CHYPRE - CHIPRE

(Authentic in the English language only)

1. (a) Προεδρία και Προεδρικό Μέγαρο (Presidency and Presidential Palace)
(b) Γραφείο Συντονιστή Εναρμόνισης (Office of the Coordinator for Harmonisation)
2. Υπουργικό Συμβούλιο (Council of Ministers)
3. Βουλή των Αντιπροσώπων (House of Representatives)
4. Δικαστική Υπηρεσία (Judicial Service)
5. Νομική Υπηρεσία της Δημοκρατίας (Law Office of the Republic)
6. Ελεγκτική Υπηρεσία της Δημοκρατίας (Audit Office of the Republic)
7. Επιτροπή Δημόσιας Υπηρεσίας (Public Service Commission)
8. Επιτροπή Εκπαιδευτικής Υπηρεσίας (Educational Service Commission)
9. Γραφείο Επιτρόπου Διοικήσεως (Office of the Commissioner for Administration (Ombudsman))
10. Επιτροπή Προστασίας Ανταγωνισμού (Commission for the Protection of Competition)
11. Υπηρεσία Εσωτερικού Ελέγχου (Internal Audit Service)
12. Γραφείο Προγραμματισμού (Planning Bureau)
13. Γενικό Λογιστήριο της Δημοκρατίας (Treasury of the Republic)
14. Γραφείο Επιτρόπου Προστασίας Δεδομένων Προσωπικού Χαρακτήρα (Office of the Personal Character Data Protection Commissioner)
15. Γραφείο Επιτρόπου Νομοθεσίας (Law Commissioner Office)
16. Γραφείο Εφόρου Δημοσίων Ενισχύσεων (Office of the Commissioner for the Public Aid)
17. Υπουργείο Άμυνας (Ministry of Defence)¹⁵
18. (a) Υπουργείο Γεωργίας, Φυσικών Πόρων και Περιβάλλοντος (Ministry of Agriculture, Natural Resources and Environment)
(b) Τμήμα Γεωργίας (Department of Agriculture)

¹⁵ Non-warlike materials contained in Part (3) of this Annex

- (c) Κτηνιατρικές Υπηρεσίες (Veterinary Services)
- (d) Τμήμα Δασών (Forest Department)
 - (e) Τμήμα Αναπτύξεως Υδάτων (Water Development Department)
 - (f) Τμήμα Γεωλογικής Επισκόπησης (Geological Survey Department)
 - (g) Μετεωρολογική Υπηρεσία (Meteorological Service)
 - (h) Τμήμα Αναδασμού (Land Consolidation Department)
 - (i) Υπηρεσία Μεταλλείων (Mines Service)
 - (j) Ινστιτούτο Γεωργικών Ερευνών (Agricultural Research Institute)
 - (k) Τμήμα Αλιείας και Θαλάσσιων Ερευνών (Department of Fisheries and Marine Research)
- 19. (a) Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως (Ministry of Justice and Public Order)
 - (b) Αστυνομία (Police)
 - (c) Πυροσβεστική Υπηρεσία Κύπρου (Cyprus Fire Service)
 - (d) Τμήμα Φυλακών (Prison Department)
 - (e) Κεντρική Υπηρεσία Πληροφοριών (Central Information Service)
- 20. (a) Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού (Ministry of Commerce, Industry and Tourism)
 - (b) Υπηρεσία Εποπτείας και Ανάπτυξης Συνεργατικών Εταιρειών (Cooperative Societies' Supervision and Development Authority)
 - (c) Τμήμα Εφόρου Εταιρειών και Επίσημου Παραλήπτη (Department of Registrar of Companies and Official Receiver)
- 21. (a) Υπουργείο Εργασίας και Κοινωνικών Ασφαλίσεων (Ministry of Labour and Social Insurance)
 - (b) Τμήμα Εργασίας (Department of Labour)
 - (c) Τμήμα Κοινωνικών Ασφαλίσεων (Department of Social Insurance)
 - (d) Τμήμα Υπηρεσιών Κοινωνικής Ευημερίας (Department of Social Welfare Services)
 - (e) Κέντρο Παραγωγικότητας Κύπρου (Productivity Centre Cyprus)
 - (f) Ανώτερο Ξενοδοχειακό Ινστιτούτο Κύπρου (Higher Hotel Institute Cyprus)
 - (g) Ανώτερο Τεχνολογικό Ινστιτούτο (Higher Technical Institute)

- (h) Τμήμα Επιθεώρησης Εργασίας (Department of Labour Inspection)
- (i) Υπηρεσία Βιομηχανικών Σχέσεων (Industrial Relations Service)
- 22. (a) Υπουργείο Εσωτερικών (Ministry of the Interior)
- (b) Επαρχιακές Διοικήσεις (District Administrations)
- (c) Τμήμα Πολεοδομίας και Οικήσεως (Town Planning and Housing Department)
- (d) Τμήμα Αρχείου Πληθυσμού και Μεταναστεύσεως (Civil Registry and Migration Department)
- (e) Τμήμα Κτηματολογίου και Χωρομετρίας (Department of Lands and Surveys)
- (f) Γραφείο Τύπου και Πληροφοριών (Press and Information Office)
- (g) Πολιτική Άμυνα (Civil Defence)
- (h) Κυπριακό Πρακτορείο Ειδήσεων (Cyprus News Agency)
- (i) Ταμείο Θήρας (Game Fund)
- (j) Υπηρεσία Μέριμνας και Αποκαταστάσεων Εκτοπισθέντων (Service for the care and rehabilitation of displaced persons)
- 23. Υπουργείο Εξωτερικών (Ministry of Foreign Affairs)
- 24. (a) Υπουργείο Οικονομικών (Ministry of Finance)
- (b) Τελωνεία (Customs and Excise)
- (c) Τμήμα Εσωτερικών Προσόδων (Department of Inland Revenue)
- (d) Στατιστική Υπηρεσία (Statistical Service)
- (e) Τμήμα Κρατικών Αγορών και Προμηθειών (Department of Government Purchasing and Supply)
- (f) Τμήμα Δημόσιας Διοίκησης και Προσωπικού (Public Administration and Personnel Department)
- (g) Κυβερνητικό Τυπογραφείο (Government Printing Office)
- (h) Τμήμα Υπηρεσιών Πληροφορικής (Department of Information Technology Services)
- 25. Υπουργείο Παιδείας και Πολιτισμού (Ministry of Education and Culture)
- 26. (a) Υπουργείο Συγκοινωνιών και Έργων (Ministry of Communications and Works)
- (b) Τμήμα Δημοσίων Έργων (Department of Public Works)

- (c) Τμήμα Αρχαιοτήτων (Department of Antiquities)
 - (d) Τμήμα Πολιτικής Αεροπορίας (Department of Civil Aviation)
 - (e) Τμήμα Εμπορικής Ναυτιλίας (Department of Merchant Shipping)
 - (f) Τμήμα Ταχυδρομικών Υπηρεσιών (Postal Services Department)
 - (g) Τμήμα Οδικών Μεταφορών (Department of Road Transport)
 - (h) Τμήμα Ηλεκτρομηχανολογικών Υπηρεσιών (Department of Electrical and Mechanical Services)
 - (i) Τμήμα Ηλεκτρονικών Επικοινωνιών (Department of Electronic Telecommunications)
27. (a) Υπουργείο Υγείας (Ministry of Health)
- (b) Φαρμακευτικές Υπηρεσίες (Pharmaceutical Services)
 - (c) Γενικό Χημείο (General Laboratory)
 - (d) Ιατρικές Υπηρεσίες και Υπηρεσίες Δημόσιας Υγείας (Medical and Public Health Services)
 - (e) Οδοντιατρικές Υπηρεσίες (Dental Services)
 - (f) Υπηρεσίες Ψυχικής Υγείας (Mental Health Services)

LATVIA – LETTONIE - LETONIA

(Authentic in the English language only)

1. Valsts prezidenta kanceleja (Chancellery of the State President)
2. Saeimas kanceleja (Chancellery of the Parliament)
3. Aizsardzības ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Defence and institutions subordinate to it and under its supervision)¹⁶
4. Ārlietu ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Foreign Affairs and institutions subordinate to it and under its supervision)
5. Ekonomikas ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Economics and institutions subordinate to it and under its supervision)
6. Finanšu ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Finance and institutions subordinate to it and under its supervision)
7. Iekšlietu ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of the Interior and institutions subordinate to it and under its supervision)
8. Izglītības un zinātnes ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Education and Science and institutions subordinate to it and under its supervision)
9. Kultūras ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Culture and institutions subordinate to it and under its supervision)
10. Labklājības ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Welfare and institutions subordinate to it and under its supervision)
11. Reģionālās attīstības un pašvaldību lietu ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Regional Development and local governments and institutions subordinate to it and under its supervision)
12. Satiksmes ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Transport and institutions subordinate to it and under its supervision)
13. Tieslietu ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Justice and institutions subordinate to it and under its supervision)
14. Veselības ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Health and institutions subordinate to it and under its supervision)

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

15. Vides ministrija un tās pakļautībā un pārraudzībā esošās iestādes (Ministry of Environment and institutions subordinate to it and under its supervision)
16. Zemkopības ministrija un tās pārraudzībā esošās iestādes (Ministry of Agriculture and institutions under its supervision)
17. Īpašu uzdevumu ministrs bērnu un ģimenes lietās un tā pakļautībā un pārraudzībā esošās iestādes (Minister for Special Assignments for Children and Family Affairs and institutions subordinate to it and under its supervision)
18. Īpašu uzdevumu ministrs sabiedrības integrācijas lietās un tā pakļautībā un pārraudzībā esošās iestādes (Minister for Special Assignments for Integration Affairs and institutions subordinate to it and under its supervision)
19. Augstākās izglītības padome (Council of Higher Education)
20. Eiropas lietu birojs (European Affairs Bureau)
21. Valsts kanceleja un tās pakļautībā un pārraudzībā esošās iestādes (State Chancellery and institutions subordinate to it and under its supervision)
22. Centrālā vēlēšanu komisija (Central Election Commission)
23. Finanšu un kapitāla tirgus komisija (Financial and Capital Market Commission)
24. Latvijas Banka (Bank of Latvia)
25. Nacionālie bruņotie spēki (National Armed Forces)
26. Nacionālā radio un televīzijas padome (National Broadcasting Council)
27. Sabiedrisko pakalpojumu regulēšanas komisija (Public Utilities Commission)
28. Satversmes aizsardzības birojs (Constitution Defence Bureau)
29. Valsts cilvēktiesību birojs (State Human Rights Bureau)
30. Valsts kontrole (State Audit Office)
31. Satversmes tiesa (Constitutional Court)
32. Augstākā tiesa (Supreme Court)
33. Prokuratūra un tās pārraudzībā esošās iestādes (Prosecutor's Office and institutions under its supervision)

LITHUANIA – LITUANIE - LITUANIA

(Authentic in the English language only)

1. Prezidento kanceliarija (Chancellery of the Office of the President)
2. Seimo kanceliarija (Chancellery of the Seimas (Parliament))
3. Konstitucinis Teismas (The Constitutional Court)
4. Vyriausybės kanceliarija (Chancellery of the Government)
5. Aplinkos ministerija ir įstaigos prie ministerijos (Ministry of Environment and institutions under the Ministry)
6. Finansų ministerija ir įstaigos prie ministerijos (Ministry of Finance and institutions under the Ministry)
7. Krašto apsaugos ministerija ir įstaigos prie ministerijos (Ministry of National Defence and institutions under the Ministry)¹⁷
8. Kultūros ministerija ir įstaigos prie ministerijos (Ministry of Culture and institutions under the Ministry)
9. Socialinės apsaugos ir darbo ministerija ir įstaigos prie ministerijos (Ministry of Social Security and Labour and institutions under the Ministry)
10. Susisiekimo ministerija ir įstaigos prie ministerijos (Ministry of Transport and Communications and institutions under the Ministry)
11. Sveikatos apsaugos ministerija ir įstaigos prie ministerijos (Ministry of Health and institutions under the Ministry)
12. Švietimo ir mokslo ministerija ir įstaigos prie ministerijos (Ministry of Education and Science and institutions under the Ministry)
13. Teisingumo ministerija ir įstaigos prie ministerijos (Ministry of Justice and institutions under the Ministry)
14. Ūkio ministerija ir įstaigos prie ministerijos (Ministry of Economy and institutions under the Ministry)
15. Užsienio reikalų ministerija ir įstaigos prie ministerijos (Ministry of Foreign Affairs and institutions under the Ministry)
16. Vidaus reikalų ministerija ir įstaigos prie ministerijos (Ministry of Internal Affairs and institutions under the Ministry)
17. Žemės ūkio ministerija ir įstaigos prie ministerijos (Ministry of Agriculture and institutions under the Ministry)
18. Nacionalinė teismų administracija (National Courts Administration)

¹⁷ Non-warlike materials contained in Part (3) of this Annex

19. Lietuvos kariuomenė ir jos padaliniai (Lithuanian Armed Forces and structure thereof)¹⁸
20. Generalinė prokuratūra (The General Public Prosecutor's Office)
21. Valstybės kontrolė (State Control)
22. Lietuvos bankas (Bank of Lithuania)
23. Specialiųjų tyrimų tarnyba (Special Investigation Service)
24. Konkurencijos taryba (Competition Council)
25. Lietuvos gyventojų genocido ir rezistencijos tyrimo centras (Genocide and Resistance Research Centre of Lithuania)
26. Nacionalinė sveikatos taryba (National Health Council)
27. Moterų ir vyrų lygių galimybių kontrolieriaus tarnyba (Office of the Equal Opportunities Ombudsman)
28. Vaiko teisių apsaugos kontrolieriaus įstaiga (Children's Rights Ombudsmen Institution)
29. Seimo kontrolierių įstaiga (Ombudsman Office of the Seimas)
30. Valstybinė lietuvių kalbos komisija (State Commission of the Lithuanian Language)
31. Valstybinė paminklosaugos komisija (State Commission for Cultural Heritage Protection)
32. Vertybinių popierių komisija (Lithuanian Security Commission)
33. Vyriausioji rinkimų komisija (Central Electoral Committee)
34. Vyriausioji tarnybinės etikos komisija (Chief Commission of Official Ethics)
35. Etninės kultūros globos taryba (Council for the Protection of Ethnic Culture)
36. Žurnalistų etikos inspektoriaus tarnyba (Office of the Inspector of Journalists' Ethics)
37. Valstybės saugumo departamentas (State Security Department)
38. Valstybinė kainų ir energetikos kontrolės komisija (National Control Commission for Prices and Energy)
39. Vyriausioji administracinių ginčų komisija (Chief Administrative Disputes Commission)
40. Mokestinių ginčų komisija (Commission on Tax Disputes)
41. Valstybinė lošimų priežiūros komisija (State Gambling Supervisory Commission)
42. Lietuvos archyvų departamentas (Lithuanian Archives Department)
43. Europos teisės departamentas (European Law Department)
44. Lietuvos mokslo taryba (The Lithuanian Council of Science)
45. Ginklų fondas (Weaponry Fund)

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

46. Lietuvos valstybinis mokslo ir studijų fondas (Lithuanian State Science and Studies Foundation)
47. Informacinės visuomenės plėtros komitetas (Information Society Development Committee)
48. Kūno kultūros ir sporto departamentas (Lithuanian State Department of Physical Culture and Sport)
49. Ryšių reguliavimo tarnyba (Lithuanian Telecommunications Regulator)
50. Statistikos departamentas (Department of Statistics)
51. Tautinių mažumų ir išeivijos departamentas (Department of National Minorities and Lithuanians Living Abroad)
52. Valstybinė atominės energetikos saugos inspekcija (State Nuclear Safety Inspectorate)
53. Valstybinė duomenų apsaugos inspekcija (State Data Protection Inspectorate)
54. Valstybinė maisto ir veterinarijos tarnyba (State Food and Veterinary Service)
55. Valstybinė ligonių kasa (State Patients' Fund)
56. Valstybinė tabako ir alkoholio kontrolės tarnyba (State Tobacco and Alcohol Control Service)
57. Viešųjų pirkimų tarnyba (Public Procurement Office)
58. Lietuvos Aukščiausiasis Teismas (The Supreme Court of Lithuania)
59. Lietuvos apeliacinis teismas (The Court of Appeal of Lithuania)
60. Lietuvos vyriausiasis administracinis teismas (The Supreme Administrative Court of Lithuania)
61. Apygardų teismai (County Courts of Lithuania)
62. Apygardų administraciniai teismai (County Administrative Courts of Lithuania)
63. Apylinkių teismai (District Courts of Lithuania).

LUXEMBOURG - LUXEMBOURG - LUXEMBURGO

(La version française fait foi)

1. Ministère du Budget: Service Central des Imprimés et des Fournitures de l'Etat;
2. Ministère de l'Agriculture: Administration des Services Techniques de l'Agriculture;
3. Ministère de l'Education 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: Armée¹⁹ - 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: Administration de l'Environnement.

¹⁹ Matériel non-militaire figurant dans la partie (3) de la présente annexe

HUNGARY – HONGRIE - HUNGRÍA

(Authentic in the English language only)

Belügyminisztérium (Ministry of the Interior)

Egészségügyi, Szociális és Családügyi Minisztérium (Ministry of Health, Social and Family Affairs)

Foglalkoztatáspolitikai és Munkaügyi Minisztérium (Ministry of Employment Policy and Labour Affairs)

Földművelésügyi és Vidékfejlesztési Minisztérium (Ministry of Agriculture and Rural Development)

Gazdasági és Közlekedési Minisztérium (Ministry of Economy and Transport)

Gyermek-, Ifjúsági és Sportminisztérium (Ministry of Children, Youth and Sports)

Honvédelmi Minisztérium (Ministry of Defence)²⁰

Igazságügyi Minisztérium (Ministry of Justice)

Informatikai és Hírközlési Minisztérium (Ministry of Informatics and Communications)

Környezetvédelmi és Vízügyi Minisztérium (Ministry of Environment and Water Management)

Külügyminisztérium (Ministry of Foreign Affairs)

Miniszterelnöki Hivatal (Prime Minister's Office)

Nemzeti Kulturális Örökség Minisztériuma (Ministry of Cultural Heritage)

Oktatási Minisztérium (Ministry of Education)

Pénzügyminisztérium (Ministry of Finance)

Központi Szolgáltatási Főigazgatóság (Central Services Directorate)

²⁰ Non-warlike materials contained in Part (3) of this Annex

MALTA – MALTE - MALTA

(Authentic in the English language only)

1. Uffiċċju tal-President (Office of the President)
2. Uffiċċju ta' l-Iskrivan tal-Kamra tad-Deputati (Office of the Clerk to the House of Representatives)
3. Uffiċċju tal-Prim Ministru (Office of the Prime Minister)²¹
4. Ministeru għall-Politika Soċjali (Ministry for Social Policy)
5. Ministeru ta' l-Edukazzjoni (Ministry of Education)
6. Ministeru tal-Finanzi u l-Affarijiet Ekonomiċi (Ministry of Finance and Economic Affairs)
7. Ministeru tar-Riżorsi u l-Infrastruttura (Ministry for Resources and Infrastructure)
8. Ministeru tat-Turiżmu (Ministry for Tourism)
9. Ministeru għat-Trasport u Komunikazzjoni (Ministry for Transport and Communications)
10. Ministeru tal-Ġustizzja u l-Intern (Ministry for Justice and Home Affairs)
11. Ministeru għall-Affarijiet Rurali u l-Ambjent (Ministry for Rural Affairs and the Environment)
12. Ministeru għal Ghawdex (Ministry for Gozo)
13. Ministeru tas-Saħħa (Ministry of Health)
14. Ministeru ta' l-Affarijiet Barranin (Ministry of Foreign Affairs)
15. Ministeru għat-Teknoloġija ta' l-Infommazzjoni u Investiment (Ministry for Information Technology and Investment)
16. Ministeru għaż-Żgħażaġh u l-Kultura (Ministry for Youth and the Arts)

²¹ Procurement for the Armed Forces of Malta: non-warlike materials contained in Part (3) of this Annex

NETHERLANDS - PAYS BAS - PAÍSES BAJOS

(Authentic in the English Language only)

*List of entities**Ministries and central governmental bodies*

- | | | |
|----|--|---|
| 1. | MINISTRY OF GENERAL AFFAIRS
Advisory Council on Government Policy

National Information Office | MINISTERIE VAN ALGEMENE ZAKEN
Bureau van de Wetenschappelijke Raad voor het Regeringsbeleid

Rijksvoorlichtingsdienst (Directie voorlichting, RVD-DV; Directie toepassing communicatietechniek, RVD-DTC) |
| 2. | MINISTRY OF THE INTERIOR

Government Personnel Information System Service
Public Servants Medical Expenses Agency
Central Archives

Netherlands Institute for Firemen and Combatting Calamities

Netherlands Bureau for Exams of Firemen

National Institute for Selection and Education of Policemen

25 Individual Police Regions

National Police Forces | MINISTERIE VAN BINNENLANDSE ZAKEN

Dienst Informatievoorziening Overheidspersoneel

Dienst Ziektekostenvoorziening Overheidspersoneel
Centrale Archiefselectiedienst
Binnenlandse Veiligheidsdienst (BVD)

Nederlands Instituut voor Brandweer en Rampenbestrijding (NIBRA)

Nederlands Bureau Brandweer Examens (NBBE)

Landelijk Selectie en Opleidingsinstituut Politie (LSOP)

25 Afzonderlijke politieregio's

Korps Landelijke Politiediensten |
| 3. | MINISTRY OF FOREIGN AFFAIRS

SNV Organisation for Development Cooperation and Awareness
CBI, Centre for promotion of import from developing countries | MINISTERIE VAN BUITENLANDSE ZAKEN

SNV, Organisatie voor Ontwikkelingssamenwerking en Bewustwording
CBI, Centrum tot Bevordering van de Import uit Ontwikkelingslanden |

4.	<p>MINISTRY OF DEFENCE²²</p> <p>Central Organisation, Ministry of Defense</p> <p>Staff, Defense Interservice Command</p> <p>Defense telematics Agency (establishment of this new service is expected to take place on 1 September 1997)</p> <p>Duyverman Computer Centre (This service will be part of DTO and will consequently loose, as from 1 January 1998, its status as independent procurement service)</p> <p>Central Directorate, Defense Infrastructure Agency</p> <p>The individual regional directorates of the Defence Infrastructure Agency</p> <p>Directorate of material Royal Netherlands Navy</p> <p>Directorate of material Royal Netherlands Army</p> <p>Information Technology Support Centre, Royal Netherlands Army</p> <p>Directorate of material Royal Netherlands Airforce</p> <p>Defense Pipeline Organisation</p>	<p>MINISTERIE VAN DEFENSIE</p> <p>Centrale organisatie van het ministerie van Defensie</p> <p>Staf Defensie Interservice Commando (DICO)</p> <p>Defensie telematica Organisatie (DTO)</p> <p>Duyverman Computer Centrum (DCC)</p> <p>Centrale directie van de Dienst Gebouwen, Werken en Terreinen</p> <p>De afzonderlijke regionale directies van de Dienst Gebouwen, Werken en Terreinen</p> <p>Directie materieel Koninklijke Marine</p> <p>Directie materieel Koninklijke Landmacht</p> <p>Dienstcentrum Automatisering Koninklijke Landmacht</p> <p>Directie materieel Koninklijke Luchtmacht</p> <p>Defensie Pijpleiding Organisatie</p>
5.	<p>MINISTRY OF ECONOMIC AFFAIRS</p> <p>Economic Investigation Agency</p> <p>Central Plan Bureau</p> <p>Netherlands Central Bureau of Statistics Senter</p> <p>Industrial Property Office</p> <p>Central Licensing Office for Import and Export</p> <p>State Supervision of Mines</p>	<p>MINISTERIE VAN ECONOMISCHE ZAKEN</p> <p>Economische Controledienst</p> <p>Centraal Planbureau</p> <p>Centraal Bureau voor de Statistiek Senter</p> <p>Bureau voor de Industriële Eigendom</p> <p>Centrale Dienst voor de In- en Uitvoer</p> <p>Staatstoezicht op de Mijnen</p>

²² Non-warlike materials contained in Part (3) of this Annex

6.	<p>MINISTRY OF FINANCE</p> <p>Directorates of the State Tax Department</p> <p>State Tax Department/Fiscal Intelligence and Information Department</p> <p>State Tax Department/Computer Centre</p> <p>State Tax Department/Training</p>	<p>MINISTERIE VAN FINANCIËN</p> <p>Directies der Rijksbelastingen</p> <p>Belastingdienst/FIOD</p> <p>Belastingdienst/Automatiseringscentrum</p> <p>Belastingdienst/Opleidingen</p>
7.	<p>MINISTRY OF JUSTICE</p> <p>Service for judicial institutions</p> <p>Service prevention, Youth protection and rehabilitation</p> <p>Service Administration of justice</p> <p>Central Debt Collection Agency of the Ministry of Justice</p> <p>National Police Services Force</p> <p>Immigration and Naturalisation Service</p> <p>Public Prosecutor</p>	<p>MINISTERIE VAN JUSTITIE</p> <p>Dienst justitiële inrichtingen</p> <p>Dienst preventie, Jeugd bescherming en reclassering</p> <p>Dienst rechtspleging</p> <p>Centraal Justitie Incassobureau</p> <p>Korps Landelijke Politiediensten</p> <p>Immigratie- en Naturalisatiedienst</p> <p>Openbaar Ministerie</p>
8.	<p>MINISTRY OF AGRICULTURE, NATURE MANAGEMENT AND FISHERIES</p> <p>Game Fund</p> <p>National Inspection Service for Animals and Animal Protection</p> <p>Plant Protection Service</p> <p>National Forest Service</p> <p>General Inspection Service</p> <p>Agricultural Research Service</p> <p>National Fisheries Research Institute</p> <p>Government Institute for Quality Control of Agricultural Products</p> <p>National Institute for Nature Management</p>	<p>MINISTERIE VAN LANDBOUW, NATUURBEHEER EN VISSERIJ</p> <p>Dienst Landelijke Service bij Regelingen (LASER)</p> <p>Jachtfonds</p> <p>Rijksdienst voor de Keuring van Vee en Vlees (RVV)</p> <p>Plantenziektenkundige Dienst (PD)</p> <p>Staatsbosbeheer (SBB)</p> <p>Algemene Inspectiedienst (AID)</p> <p>Dienst Landinrichting Beheer Landbouwgronden (LBL)</p> <p>Dienst Landbouwkundig Onderzoek (DLO)</p> <p>Rijksinstituut voor Visserijonderzoek (RIVO-DLO)</p> <p>Rijkskwaliteit Instituut voor Land- en Tuinbouwprodukten (RILJIT-DLO)</p> <p>Instituut voor Bos- en Natuuronderzoek</p> <p>De afzonderlijke Regionale Beleidsdirecties</p>

9.	MINISTRY OF EDUCATION, CULTURE AND SCIENCE Netherlands State Institute for War Documentation Public Record Office Council for Education Advisory Council for Science and Technology Policy Central Financial Entities Inspection of Education National Institute for Ancient Monuments National Institute for Archeological Soil Exploration Council for Cultural Heritage	MINISTERIE VAN ONDERWIJS, CULTUUR EN WETENSCHAPPEN Rijksinstituut voor Oorlogsdocumentatie Rijksarchiefdienst Onderwijsraad Adviesraad voor het Wetenschap en Technologiebeleid Centrale Financiën Instellingen Onderwijsinspectie Rijksdienst voor de Monumentenzorg Rijksdienst Oudheidkundig Bodemonderzoek Raad voor Cultuur
10.	MINISTRY OF SOCIAL AFFAIRS AND EMPLOYMENT	MINISTERIE VAN SOCIALE ZAKEN EN WERKGELEGENHEID
11.	MINISTRY OF TRANSPORT, PUBLIC WORKS AND WATER MANAGEMENT Directorate-General for Civil Aviation Directorate-General for Navigation and Maritime Affairs Directorate-General for Transport Directorate-General for Public Works and Water Management Telecommunications and Post Department Royal Netherlands Meteorological Institute Central Services The individual regional directories of Water Management The individual specialised services of Water Management Service for Construction Geometric Service	MINISTERIE VAN VERKEER EN WATERSTAAT Directoraat-Generaal Rijksluchtvaartdienst Directoraat-Generaal Scheepvaart en Maritieme Zaken Directoraat-Generaal Vervoer Directoraat-Generaal Rijkswaterstaat Hoofddirectie Telecommunicatie en Post Koninklijk Nederlands Meteorologisch Instituut Centrale Diensten De afzonderlijke regionale directies van Rijkswaterstaat De afzonderlijke specialistische diensten van Rijkswaterstaat Bouwdienst Meetkundige dienst

	Advisory Council for Traffic and Transport	Adviesdienst Verkeer en Vervoer
	National Institute for Coastal and Marine Management	Rijksinstituut voor Kust en Zee
	National Institute for Sweet Water Management and Waste Water Treatment	Rijksinstituut voor Integraal Zoetwaterbeheer en Afvalwaterbehandeling
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 VOLKSGEZONDHEID, WELZIJN EN SPORT
	Inspection Health Protection	Inspectie Gezondheidsbescherming
	Inspection Public Health	Inspectie Gezondheidszorg
	Veterinary Inspection	Veterinaire Inspectie
	Inspectorate for Child and Youth Care and Protection Services	Inspectie Jeugdhulpverlening en Jeugdbescherming
	National Institute of Public Health and Environmental Protection	Rijksinstituut voor de Volksgezondheid en Milieuhygiëne (RIVM)
	Social and Cultural Planning Office	Sociaal en Cultureel Planbureau
	Agency to the College for Assessment of Pharmaceuticals	Agentschap t.b.v. het College ter Beoordeling van Geneesmiddelen
14.	SECOND CHAMBER OF THE STATES GENERAL	TWEEDE KAMER DER STATEN-GENERAAL
15.	FIRST CHAMBER OF THE STATES GENERAL	EERSTE KAMER DER STATEN-GENERAAL
16.	CABINET FOR NETHERLANDS ANTILLEAN AND ARUBAN AFFAIRS	KABINET VOOR NEDERLANDS-ANTILLIAANSE EN ARUBAANSE ZAKEN
17.	COUNCIL OF STATE	RAAD VAN STATE
18.	NETHERLANDS COURT OF AUDIT	ALGEMENE REKENKAMER

- | | | |
|-----|---|----------------------------------|
| 19. | NATIONAL OMBUDSMAN | NATIONALE OMBUDSMAN |
| 20. | CHANCELLERY OF THE
NETHERLANDS ORDER | KANSELARIJ DER NEDERLANDSE ORDEN |
| 21. | THE QUEEN'S CABINET | KABINET DER KONINGIN |

AUSTRIA - AUTRICHE - AUSTRIA

(Authentic in the English language only)

(A) Present coverage of entities:

1.	Federal Chancellery	Bundeskanzleramt
2.	Federal Ministry for Foreign Affairs	Bundesministerium für auswärtige Angelegenheiten
3.	Federal Ministry of Labour, health and social affairs	Bundesministerium für arbeit, Gesundheit und soziales
4.	Federal Ministry of Finance	Bundesministerium für Finanzen
	(a) Procurement Office	Amtswirtschaftsstelle
	(b) Division III/1 (procurement of technical appliances, equipments and goods for the customs guard)	Abteilung III/1 (Beschaffung von technischen Geräten, Einrichtungen und Sachgütern für die Zollwache)
	(c) Federal EDP-Office (procurement of the Federal Ministry of Finance and of the Federal Office of Accounts)	Bundesrechenamt (EDV-Bereich des Bundesministeriums für Finanzen und des Bundesrechenamtes)
5.	Federal Ministry for Environment, Youth and Family – Procurement Office	Bundesministerium für Umwelt, Jugend und Familie, Amtswirtschaftsstelle
6.	Federal Ministry for Economic Affairs	Bundesministerium für wirtschaftliche Angelegenheiten, Amtswirtschaftsstelle
7.	Federal Ministry of Internal Affairs	Bundesministerium für Inneres
	(a) Division I/5 (Procurement Office)	Abteilung I/5 (Amtswirtschaftsstelle)
	(b) Division I/6 [procurement of goods (other than those procured by Division II/3) for the Federal Police]	Abteilung I/6 (Beschaffung aller Sachgüter für die Bundespolizei soweit sie nicht von der Abteilung II/3 beschafft werden)
	(c) EDP-Centre (procurement of electronical data processing machines (hardware))	EDV-Zentrale (Beschaffung von EDV- "Hardware")
	(d) Division II/3 (procurement of technical appliances and equipments for the Federal Police)	Abteilung II/3 (Beschaffung von technischen Geräten und Einrichtungen für die Bundespolizei)
	(e) Division II/5 (procurement of technical appliances and equipment for the Federal Provincial Police)	Abteilung II/5 (Beschaffung von technischenGeräten und Einrichtungen für die Bundesgendarmerie)

	(f)	Division II/19 (procurement of equipment for supervision of road traffic)	Abteilung II/19 (Beschaffung von Einrichtungen zur Überwachung des Straßenverkehrs)
	(g)	Division II/21 (procurement of aircraft)	Abteilung II/21 (Beschaffung von Flugzeugen)
8.		Federal Ministry for Justice – Procurement Office	Bundesministerium für Justiz, Amtswirtschaftsstelle
9.		Federal Ministry of Defence ²³	Bundesministerium für Landesverteidigung (Nichtkriegsmaterial wie in Annex I, Teil 3 angeführt)
10.		Federal Ministry of Agriculture and Forestry	Bundesministerium für Land- und Forstwirtschaft
11.		Federal Ministry of Education and Cultural Affairs	Bundesministerium für Unterricht und kulturelle Angelegenheiten
12.		Federal Ministry for Science and Transport	Bundesministerium für Wissenschaft und Verkehr
13.		Austrian Central Statistical Office	Österreichisches Statistisches Zentralamt
14.		Austrian Federal Academy of Public Administration	Verwaltungsakademie des Bundes
15.		Federal Office of Metrology and Surveying	Bundesamt für Eich- und Vermessungswesen
16.		Federal Institute for Testing and Research, Arsenal (BVFA)	Bundesforschungs- und Prüfzentrum Arsenal
17.		Austro control GES. M.B.H. - Austrian office for civil aviation	Austro Control GES. M.B.H. - Österreichische Gesellschaft für Zivilluftfahrt
18.		Federal Institute for Testing of Motor Vehicles	Bundesprüfanstalt für Kraftfahrzeuge
19.		Post and Telecom Austria	Post und Telecom Austria Aktiengesellschaft

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

²³ Non-warlike materials contained in Part (3) of this Annex

POLAND – POLOGNE - POLONIA

(Authentic in the English language only)

1. Kancelaria Prezydenta RP (Chancellery of the President of the Republic of Poland)
2. Kancelaria Sejmu RP (Chancellery of the Sejm)
3. Kancelaria Senatu RP (Chancellery of the Senate)
4. Sąd Najwyższy (Supreme Court)
5. Naczelny Sąd Administracyjny (Supreme Administrative Court)
6. Trybunał Konstytucyjny (Constitutional Court)
7. Najwyższa Izba Kontroli (Supreme Chamber of Control)
8. Biuro Rzecznika Praw Obywatelskich (Office of the Ombudsman)
9. Krajowa Rada Radiofonii i Telewizji (National Broadcasting Council)
10. Generalny Inspektor Ochrony Danych Osobowych (Inspector General for the Protection of Personal Data)
11. Państwowa Komisja Wyborcza (State Election Commission)
12. Krajowe Biuro Wyborcze (National Election Office)
13. Państwowa Inspekcja Pracy (National Labour Inspectorate)
14. Biuro Rzecznika Praw Dziecka (Office of the Children's Rights Ombudsman)
15. Kancelaria Prezesa Rady Ministrów (Prime Minister's Chancellery)
16. Ministerstwo Finansów (Ministry of Finance)
17. Ministerstwo Gospodarki Pracy i Polityki Społecznej (Ministry of Economy, Labour and Social Policy)
18. Ministerstwo Kultury (Ministry of Culture)
19. Ministerstwo Nauki i Informatyzacji (Ministry of Science and Informatisation)
20. Ministerstwo Obrony Narodowej (Ministry of National Defence)²⁴
21. Ministerstwo Rolnictwa i Rozwoju Wsi (Ministry of Agriculture and Rural Development)
22. Ministerstwo Skarbu Państwa (Ministry of the State Treasury)
23. Ministerstwo Sprawiedliwości (Ministry of Justice)
24. Ministerstwo Infrastruktury (Ministry of Infrastructure)
25. Ministerstwo Środowiska (Ministry of Environment)

²⁴ Non-warlike materials contained in Part (3) of this Annex

26. Ministerstwo Spraw Wewnętrznych i Administracji (Ministry of Internal Affairs and Administration)
27. Ministerstwo Spraw Zagranicznych (Ministry of Foreign Affairs)
28. Ministerstwo Zdrowia (Ministry of Health)
29. Ministerstwo Edukacji Narodowej i Sportu (Ministry of National Education and Sport)
30. Urząd Komitetu Integracji Europejskiej (Office of the Committee for European Integration)
31. Rządowe Centrum Studiów Strategicznych (Government Centre for Strategic Studies)
32. Agencja Restrukturyzacji i Modernizacji Rolnictwa (Agency for Restructuring and Modernisation of Agriculture)
33. Agencja Rynku Rolnego (Agriculture Market Agency)
34. Agencja Własności Rolnej Skarbu Państwa (State Treasury Agricultural Property Agency)
35. Narodowy Fundusz Zdrowia (National Health Fund)
36. Polska Akademia Nauk (Polish Academy of Science)
37. Polskie Centrum Akredytacji (Polish Accreditation Centre)
38. Polski Komitet Normalizacyjny (Polish Committee for Standardisation)
39. Rządowe Centrum Legislacji (Government Legislation Centre)
40. Zakład Ubezpieczeń Społecznych (Social Insurance Office)
41. Komisja Nadzoru Ubezpieczeń i Funduszy Emerytalnych (Insurance and Pension Funds Supervisory Commission)
42. Komisja Papierów Wartościowych i Giełd (Polish Securities and Exchange Commission)
43. Główny Urząd Miar (Main Office of Measures)
44. Urząd Patentowy Rzeczypospolitej Polskiej (Patent Office of the Republic of Poland)
45. Urząd Regulacji Energetyki (The Energy Regulatory Authority of Poland)
46. Urząd do Spraw Kombatantów i Osób Represjonowanych (Office for Military Veterans and Victims of Repression)
47. Generalna Dyrekcja Dróg Krajowych i Autostrad (The General Directorate of National Roads and Motorways)
48. Urząd Transportu Kolejowego (Office for Railroad Transport)
49. Urząd Głównego Inspektora Transportu Drogowego (Office of the Main Inspector of Road Transport)
50. Główny Urząd Geodezji i Kartografii (The Main Office of Geodesy and Cartography)

51. Główny Urząd Nadzoru Budowlanego (The Main Office for Construction Supervision)
52. Urząd Lotnictwa Cywilnego (The Main Office for Civil Aviation)
53. Urząd Regulacji Telekomunikacji i Poczty (Office for Telecommunication Regulation and Post)
54. Naczelna Dyrekcja Archiwów Państwowych (The Main Directorate for National Archives)
55. Kasa Rolniczego Ubezpieczenia Społecznego (Farmers Social Security Fund)
56. Główny Inspektorat Inspekcji Ochrony Roślin i Nasiennictwa (The Main Inspectorate for the Inspection of Plant and Seeds Protection)
57. Główny Inspektorat Jakości Handlowej Artykułów Rolno-Spożywczych (The Main Inspectorate of Commercial Quality of Agri-Food Products)
58. Główny Inspektorat Weterynarii (The Main Veterinary Inspectorate)
59. Komenda Główna Państwowej Straży Pożarnej (The Chief Command of the National Fire-guard)
60. Komenda Główna Policji (The Chief Police Command)
61. Komenda Główna Straży Granicznej (The Chief Border Guards Command)
62. Urząd do Spraw Repatriacji i Cudzoziemców (Office for Repatriation and Foreigners)
63. Urząd Zamówień Publicznych (Public Procurement Office)
64. Wyższy Urząd Górniczy (Main Mining Office)
65. Główny Inspektorat Ochrony Środowiska (The Main Inspectorate for Environment Protection)
66. Państwowa Agencja Atomistyki (State Atomic Agency)
67. Główny Inspektorat Farmaceutyczny (Main Pharmaceutical Inspectorate)
68. Główny Inspektorat Sanitarny (Main Sanitary Inspectorate)
69. Agencja Bezpieczeństwa Wewnętrznego (Internal Security Agency)
70. Agencja Wywiadu (Foreign Intelligence Agency)
71. Główny Urząd Statystyczny (Main Statistical Office)
72. Urząd Ochrony Konkurencji i Konsumentów (Office for Competition and Consumer Protection)
73. Urząd Służby Cywilnej (Civil Service Office)
74. Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni Przeciwko Narodowi Polskiemu (National Remembrance Institute – Commission for the Prosecution of Crimes Against the Polish Nation)

75. Państwowa Agencja Inwestycji Zagranicznych (State Foreign Investment Agency)
76. Polska Konfederacja Sportu (Polish Confederation of Sport)
77. Narodowy Bank Polski (National Bank of Poland)
78. Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej (The National Fund for Environmental Protection and Water Management)
79. Państwowy Fundusz Rehabilitacji Osób Niepełnosprawnych (State Fund for the Rehabilitation of the Disabled)
80. Polskie Centrum Badań i Certyfikacji (Polish Centre for Testing and Certification)
81. Agencja Mienia Wojskowego (Agency for Military Property)²⁵

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

PORTUGAL - PORTUGAL - PORTUGAL

(Authentic in the English language only)

- | | | |
|----|---|--|
| 1. | <p>PRIME MINISTER'S OFFICE</p> <p>Secretariat-General, Prime Minister's Office</p> <p>High Commissioner for Immigration and Ethnic Minorities</p> <p>High Commissioner for the Questions on Equality Promotion and Family</p> <p>Legal Centre</p> <p>Government Computer Network Management Centre</p> <p>Commission for Equality and Women's Rights</p> <p>Economic and Social Council</p> <p>High Council on Administration and Civil Service</p> <p>Ministerial Department on Planning, Studies and Support</p> <p>Ministerial Department with Special Responsibility for Macao</p> <p>Ministerial Department responsible for Community Service by Conscientious Objectors</p> <p>Ministerial Department for European Affairs</p> <p>Secretariat for Administrative Modernization</p> <p>High Council on Sports</p> | <p>PRESIDÊNCIA DO CONSELHO DE MINISTROS</p> <p>Secretaria-Geral da Presidência do Conselho de Ministros</p> <p>Alto Comissário para a Imigração e Minorias Étnicas</p> <p>Alto Comissário para as Questões da Promoção da Igualdade e da Família</p> <p>Centro Juridico-CEJUR</p> <p>Centro de Gestão da Rede Informática do Governo</p> <p>Comissão para a Igualdade e para os Direitos das Mulheres</p> <p>Conselho Económico e Social</p> <p>Conselho Superior da Administração e da Função Pública</p> <p>Gabinete de Apoio, Estudos e Planeamento</p> <p>Gabinete de Macau</p> <p>Gabinete do Serviço Cívico e dos Objectores de Consciência</p> <p>Gabinete dos Assuntos Europeus</p> <p>Secretariado para a Modernização Administrativa</p> <p>Conselho Superior do Desporto</p> |
| 2. | <p>MINISTRY OF HOME AFFAIRS</p> <p>Secretariat-General</p> <p>Legal Service</p> <p>Directorate-General for Roads</p> | <p>MINISTÉRIO DA ADMINISTRAÇÃO INTERNA</p> <p>Secretaria-Geral</p> <p>Auditoria Jurídica</p> <p>Direcção-Geral de Viação</p> |

	Ministerial Department responsible for Studies and Planning	Gabinete de Estudos e Planeamento de Instalações
	Ministerial Department for European Affairs	Gabinete dos Assuntos Europeus
	National Fire Service	Gabinete Nacional Sirene
	Republican National Guard	Guarda Nacional Republicana
	Civilian Administrations	Governos Civis
	Police	Polícia de Segurança Pública
	General Inspectorate on Internal Administration	Inspecção-Geral da Administração Interna
	Technical Secretariat for Electoral Matters	Secretariado técnico dos Assuntos para e Processo Eleitoral
	Customs and Immigration Department	Serviço de Estrangeiros e Fronteiras
	Intelligence and Security Department	Serviço de Informações de Segurança
3.	MINISTRY OF AGRICULTURE, OF RURAL DEVELOPMENT AND FISHERIES	MINISTÉRIO DA AGRICULTURA, DO DESENVOLVIMENTO RURAL E DAS PESCAS
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica
	Environment Audit Office	Auditor do Ambiente
	National Council of Agriculture, Rural Development and Fisheries	Conselho Nacional da Agricultura, do Desenvolvimento Rural et das Pescas
	Directorate-General for Forests	Direcção-Geral das Florestas
	Directorate-General for Fisheries and Agriculture	Direcção-Geral das Pescas e Agricultura
	Directorate-General for Rural Development	Direcção-Geral do Desenvolvimento Rural
	Directorate-General for Control of Food Quality	Direcção-Geral de Fiscalização e Controlo da Qualidade Alimentar
	Institute for Hydraulic questions, Rural Engineering and Environment	Instituto de Hidráulica, Engenharia Rural e Ambiente
	Directorate-General for Culture Protection	Direcção-Geral de Protecção das Culturas
	Directorate-General of Veterinary	Direcção-Geral de Veterinária
	Regional Directorates for Agriculture (7)	Direcções Regionais de Agricultura (7)

	Ministerial Department for Planning and Agri-food Policy	Gabinete de Planeamento e Política Agroalimentar
	General Inspectorate and Audit Office (Management Audits)	Inspecção-Geral e Auditoria de Gestão
	General Inspectorate for fisheries	Inspecção-Geral das Pescas
	Equestrian National Service	Serviço Nacional Coudêlico
	National Laboratory for Veterinary Research	Laboratório Nacional de Investigação Veterinária
4.	MINISTRY OF THE ENVIRONMENT	MINISTÉRIO DO AMBIENTE
	Secretariat-General	Secretaria-Geral
	Directorate-General for Environment	Direcção-Geral do Ambiente
	Regional Directorates for Environment (5)	Direcções Regionais do Ambiente (5)
5.	MINISTRY OF SCIENCE AND TECHNOLOGY	MINISTÉRIO DA CIÊNCIA E DA TECNOLOGIA
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica
	High Council for Science and Technology	Conselho Superior da Ciência e Tecnologia
	Ministerial Department for Scientific Policy and Technology	Gabinete coordenador da Política Científica e Tecnologia
6.	MINISTRY OF CULTURE	MINISTÉRIO DA CULTURA
	Secretariat-General	Secretaria-Geral
	Regional Directorates for Culture (6)	Delegações Regionais da Cultura (6)
	Ministerial Department for International Relations	Gabinete das Relações Internacionais
	Ministerial Department for Copyright	Gabinete do Direito de Autor
	General Inspectorate for Cultural Activities	Inspecção-Geral das Actividades Culturais
7.	MINISTRY OF DEFENCE	MINISTÉRIO DA DEFESA NACIONAL
	Secretariat-General of the Ministry of Defence	Secretaria-Geral do Ministério da Defesa Nacional
	Legal Service	Auditoria Jurídica

Directorate-General for the Navy	Direcção-Geral da Marinha
Directorate-General for Armaments and Defence Equipments	Direcção-Geral de Armamento e Equipamento de Defesa
Directorate-General for Infrastructure	Direcção-Geral de Infra-Estruturas
Directorate-General for Personnel	Direcção-Geral de Pessoal
Directorate-General for National Defence Policy	Direcção-Geral de Política de Defesa Nacional
National Security Authority	Autoridade Nacional de Segurança
General-Inspectorate of Armed Forces	Inspecção-Geral das Forças Armadas
National Defence Institute	Instituto da Defesa Nacional
Council of Defence Science and Technology	Conselho de Ciência et Tecnologia da Defesa
Council of Chiefs of Staff	Conselho da Chefes de Estado Maior
Military Police	Policia Judiciária Militar
Maritime Authority System	Sistema de Autoridade Marítima
Hydrographic Institute	Instituto Hidrográfico
Alfeite Arsenal	Arsenal do Alfeite
Chief of Staff of the Armed Forces	Estado Maior General das Forças Armadas
Chief of Staff of the Army	Estado Maior do Exército
Chief of Staff of the Navy	Estado Maior da Armada
Chief of Staff of the Air Force	Estado Maior da Força Aéria
Commission on International Law of the Sea	Comissão do Direito Marítimo Internacional
Defence and Military Information Service	Serviço de Informações de Defesa e Militares
Portuguese Commission of Military History	Comissão Portuguesa da História Militar
8. MINISTRY OF ECONOMY	MINISTÉRIO DA ECONOMIA
Secretariat-General	Secretaria-Geral
Commission for the Imposition of Sanctions in Advertising Matters	Comissão de Aplicação de Coimas em Matéria de Publicidade
Commission for Emergency Energy Planning	Comissão de Planeamento Energético de Emergência
Commission for Emergency Industrial Planning	Comissão de Planeamento Industrial de Emergência
Council of Competition	Conselho da Concorrência

Council of Financial Securities	Conselho de Garantías Financeiras
Sectoral Councils for Industry, Construction, Energy, Trade and Tourism	Conselhos Sectoriais da Indústria, da Construção, da Energia, do Comércio e do Turismo
National Council of Quality	Conselho Nacional da Qualidade
Directorate-General for Trade and Competition	Direcção-Geral do Comércio e da Concorrência
Directorate-General for Energy	Direcção-Geral da Energia
Directorate-General for Industry	Direcção-Geral da Indústria
Directorate-General for Tourism	Direcção-Geral do Turismo
Regional Delegations	Delegações Regionais
Ministerial Department for Studies and Economic Prospective	Gabinete de Estudos e Prospectiva Económica
Directorate-General for International Economic Relations	Direcção-Geral das Relações Económicas Internacionais
General Inspectorate for Economic Activities	Inspeção-Geral das Actividades Económicas
General Inspectorate for Gambling	Inspeção-Geral de Jogos
Council for the Economic Development	Conselho para o Desenvolvimento Económico
9. MINISTRY OF EDUCATION	MINISTÉRIO DA EDUCAÇÃO
Secretariat-General	Secretaria-Geral
Social Security Fund	Caixa da Previdência
Education National Council	Conselho Nacional de Educação
Council of Directors-General	Conselho de Directores Gerais
Department for Primary Education	Departamento de Educação Básica
Department for Educational Resources Management	Departamento de Gestão dos Recursos Educativos
Department for Secondary Education	Departamento do Ensino Secundário
Department for Higher Education	Departamento do Ensino Superior
Regional Directorates for Education (5)	Direcções Regionais de Educação (5)
University Stadium of Lisbon	Estádio Universitário de Lisboa
Nursery, Primary and Secondary Education Establishments	Estabelecimentos de Educação Pré-Escolar e dos Ensinos Básico e Secundário
Ministerial Department of Scholar Sport	Gabinete Coordenador do Desporto Escolar

	Ministerial Department of European Affairs and International Relations	Gabinete dos Assuntos Europeus e Relações Internacionais
	General Inspectorate of Education	Inspeção-Geral da Educação
	Ministerial Department for Financial Management	Gabinete de Gestão Financeira
	Ministerial Department for Prospective and Planning	Departamento de Avaliação, Prospectiva e Planeamento
10.	MINISTRY OF EQUIPMENT, PLANNING, AND TERRITORIAL ADMINISTRATION	MINISTÉRIO DO EQUIPAMENTO, DO PLANEAMENTO E DA ADMINISTRAÇÃO DO TERRITÓRIO
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica
	Environment Service	Auditoria Ambiental
	Commission for Support to Rehabilitation of the Territorial Administration	Comissão de Apoio à Reestruturação da Administração do Território
	Regional Coordination Committees	Comissões de Coordenação Regional
	Commission for Planning of Emergency Maritime Transport	Comissão de Planeamento do Transporte Marítimo de Emergência
	Council for Public and Particular Works Contracts	Conselho de Mercados de Obras Públicas e Particulares
	High Council for Telecommunications	Conselho Superior de Telecomunicações
	Department for Prospective and Planning	Departamento de Prospectiva e Planeamento
	Directorate General for Autarquic Administration	Direcção-Geral da Administração Autárquica
	Directorate General for Civil Aviation	Direcção-Geral da Aviação Civil
	Directorate General for Ports, Navigation and Maritime Transport	Direcção-Geral de Portos, Navegação e Transportes Marítimos
	Directorate General for Regional Development	Direcção-Geral do Desenvolvimento Regional
	Directorate General for Territorial Planning and Urban Development	Direcção-Geral do Ordenamento do território e do Desenvolvimento Urbano
	Directorate General for National Buildings and Monuments	Direcção-Geral dos Edifícios e Monumentos Nacionais
	Directorate General for Land Transport	Direcção-Geral dos Transportes Terrestres

	Ministerial Department for Investment Coordination	Gabinete de Coordenação dos Investimentos e do Financiamento
	Ministerial Department for European Issues and External Relations	Gabinete para os Assuntos Europeus e Relações Externas
	General Inspectorate of the Ministry of Equipment, Planning and Territorial Administration	Inspecção-Geral do Ministério do Equipamento, do Planeamento e da Administração do Território
	High Council for Public Works and Transport	Conselho Superior de Obras Públicas e Transportes
11.	MINISTRY OF FINANCE	MINISTÉRIO DAS FINANÇAS
	Secretariat-General	Secretaria-Geral
	Directorate-General for Customs and Special Taxes on Consumption	Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o consumo
	Directorate-General for European Studies and International Relations	Direcção-Geral de Assuntos Europeus e Relações Internacionais
	Directorate-General for Studies	Direcção-Geral de Estudos e Previsão
	Directorate-General for Informatics and Support to Taxation and Customs Services	Direcção-Geral de Informática e Apoio aos Serviços Tributários e Aduaneiros
	Directorate-General for the Protection of Civil Servants-ADSE	Direcção-Geral de Protecção Social aos Funcionários e Agentes de Administração Pública-ADSE
	Directorate-General for the Budget	Direcção-Geral do Orçamento
	Directorate-General of Patrimony	Direcção-Geral do Património
	Directorate-General for the Treasury	Direcção-Geral do Tesouro
	Directorate-General for Taxation	Direcção-Geral dos Impostos
	General Inspectorate for Finance	Inspecção-Geral de Finanças
	Institute for Information Technology	Instituto de Informática
	Customs Stabilization Fund	Fundo de Estabilização Aduaneiro
	Taxation Stabilization Fund	Fundo de Estabilização Tributário
	Public Debt Regularization Fund	Fundo de Regularização da Dívida Pública
12.	MINISTRY OF JUSTICE	MINISTÉRIO DA JUSTIÇA
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica

Directorate-General for Fighting Against Corruption, Fraud and Economic-Financial Infractions	Direcção Central para o Combate à Corrupção, Fraudes e Infracções Económico-Financeiras
Directorate-General for Registers and Other Official Documents	Direcção-Geral dos Registos e Notariado
Directorate-General for Computerized Services	Direcção-Geral dos Serviços de Informática
Directorate-General for Judiciary Services	Direcção-Geral dos Serviços Judiciários
Directorate-General for the Prison Service	Direcção-Geral dos Serviços Prisionais
Directorate-General for the Protection and Care of Minors Prison Establishments	Direcção-Geral dos Serviços Tutelares de Menores
Ministerial Department responsible for European Law	Gabinete de Direito Europeu
Ministerial Department responsible for Documentation and Comparative Law	Gabinete de Documentação e Direito Comparado
Ministerial Department responsible for Studies and Planning	Gabinete de Estudos e Planeamento
Ministerial Department responsible for Financial Management	Gabinete de Gestão Financeira
Ministerial Department responsible for Planning and Coordinating Drug Control	Gabinete de Planeamento e Coordenação do Combate à Droga
Criminal Investigation Department	Polícia Judiciária
Social Services	Serviços Sociais
National Police and Forensic Science Institute	Instituto Nacional de Polícia e Ciências Criminais
Forensic Medicine Institutes	Serviços Médico-Legais
Legal Courts	Tribunais Judiciais
The High Council of the Judiciary	Conselho Superior de Magistratura
Public Prosecutor office	Ministério Público
13. MINISTRY OF FOREIGN AFFAIRS	MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Secretariat-General	Secretaria-Geral
Legal Affairs Department	Departamento dos Assuntos Jurídicos

	Interministerial Commission for Cooperation	Comissão Interministerial para a cooperação
	Interministerial Commission for Community Affairs	Comissão Interministerial para os Assuntos Comunitários
	Interministerial Commission for Migration and Portuguese Communities	Comissão Interministerial as Migrações e Comunidades Portuguesas
	Council of Portuguese Communities	Conselho das Comunidades Portuguesas
	Directorate-General for Bilateral Relations	Direcção-Geral das Relações Bilaterais
	Directorate-General for Foreign Policy	Direcção-Geral de Política Externa
	Directorate-General for Community Affairs	Direcção-Geral dos Assuntos Comunitários
	Directorate-General for Consular Affairs and Portuguese Communities	Direcção-Geral dos Assuntos Consulares e Comunidades Portuguesas
	Directorate-General for Multilateral Affairs	Direcção-Geral dos Assuntos Multilaterais
	Ministerial Department for Information and Press	Gabinete de Informação e Imprensa
	Diplomatic and Consular Inspectorate	Inspeção Diplomática e Consular
	Diplomatic Institute	Instituto Diplomático
14.	MINISTRY FOR QUALIFICATION AND EMPLOYMENT	MINISTÉRIO PARA A QUALIFICAÇÃO E O EMPREGO
	Secretariat-General	Secretaria-Geral
	Interministerial Commission for Employment	Comissão Interministerial para o Emprego
	National Council for Health and Safety in the workplace	Conselho Nacional de Higiene e Segurança no Trabalho
	Statistics Department	Departamento de Estatística
	Studies and Planning Department	Departamento de Estudos e Planeamento
	European Social Fund Department	Departamento para os Assuntos do Fundo Social Europeu
	Department of European Affairs and External Relations	Departamento para os Assuntos Europeus e Relações Externas
	Directorate-General for Employment and Vocational Training	Direcção-Geral do Emprego e Formação Profissional

	Directorate-General for Labour Conditions	Direcção-Geral das Condições de Trabalho
	Legal Department	Gabinete Jurídico
	Centre for Scientific and Technical Information	Centro de Informação Científica e Técnica
15.	MINISTRY OF HEALTH	MINISTÉRIO DA SAÚDE
	Secretariat-General	Secretaria-Geral
	Department for Studies and Health Planning	Departamento de Estudos e Planeamento da Saúde
	Health Human Resource Department	Departamento de Recursos Humanos da Saúde
	Directorate-General for Health Installations & Equipment	Direcção-Geral das instalações e Equipamentos da Saúde
	Directorate-General for Health	Direcção-Geral da Saúde
	General Inspectorate of Health	Inspeção-Geral da Saúde
	Institutes of General Clinics	Institutos de Clínica Geral
	National Health Council	Conselho Nacional de Saúde
16.	MINISTRY OF SOLIDARITY AND SOCIAL SECURITY	MINISTÉRIO DA SOLIDARIEDADE E SEGURANÇA SOCIAL
	Secretariat-General	Secretaria-Geral
	National Council for Social Economy	Conselho Nacional para a Economia Social
	National Council for third-age policy	Conselho Nacional para a Política de Terceira Idade
	National Council for Rehabilitation and Integration of Dissable People	Conselho nacional para a Reabilitação e Integração das pessoas com Deficiência
	Department of Statistics, Studies and Planning	Departamento de Estatística, Estudos e Planeamento
	Ministerial Department for European Affairs and International Relations	Gabinete de Assuntos Europeus e de Relações Internacionais
	Directorate-General for Social Works	Direcção-Geral da Acção Social
	Directorate-General for Social Security Schemes	Direcção-Geral dos Regimes de Segurança Social
	General Inspectorate for Social Security	Inspeção-Geral da Segurança Social
	Social Observatory	Observatório Social

17.	PRESIDENCY OF THE REPUBLIC Secretariat-General of the Presidency of the Republic	PRESIDÊNCIA DA REPÚBLICA Secretaria-Geral da Presidência da República
18.	CONSTITUTIONAL COURT	TRIBUNAL CONSTITUCIONAL
19.	COURT OF AUDITORS Directorate-General of the Court of Auditors	TRIBUNAL DE CONTAS Direcção-Geral do Tribunal de Contas
20.	OMBUDSMAN	PROVEDORIA DE JUSTIÇA

SLOVENIA – SLOVENIE - ESLOVENIA

(Authentic in the English language only)

1. Predsednik Republike Slovenije (President of the Republic of Slovenia)
2. Državni zbor (The National Assembly)
3. Državni svet (The National Council)
4. Varuh človekovih pravic (The Ombudsman)
5. Ustavno sodišče (The Constitutional Court)
6. Računsko sodišče (The Court of Audits)
7. Državna revizijska komisija (The National Review Commission)
8. Slovenska akademija znanosti in umetnosti (The Slovenian Academy of Science and Art)
9. Vladne službe (The Government Services)
10. Ministrstvo za finance (Ministry of Finance)
11. Ministrstvo za notranje zadeve (Ministry of Internal Affairs)
12. Ministrstvo za zunanje zadeve (Ministry of Foreign Affairs)
13. Ministrstvo za obrambo (Ministry of Defence)²⁶
14. Ministrstvo za pravosodje (Ministry of Justice)
15. Ministrstvo za gospodarstvo (Ministry of the Economy)
16. Ministrstvo za kmetijstvo, gozdarstvo in prehrano (Ministry of Agriculture, Forestry and Food)
17. Ministrstvo za promet (Ministry of Transport)
18. Ministrstvo za okolje, prostor in energijo (Ministry of Environment, Spatial Planning and Energy)
19. Ministrstvo za delo, družino in socialne zadeve (Ministry of Labour, Family and Social Affairs)
20. Ministrstvo za zdravje (Ministry of Health)
21. Ministrstvo za informacijsko družbo (Ministry of Information Society)
22. Ministrstvo za šolstvo, znanost in šport (Ministry of Education, Science and Sport)
23. Ministrstvo za kulturo (Ministry of Culture)
24. Vrhovno sodišče Republike Slovenije (The Supreme Court of the Republic of Slovenia)
25. Višja sodišča (Higher Courts)

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

26. Okrožna sodišča (District Courts)
27. Okrajna sodišča (County Courts)
28. Vrhovno tožilstvo Republike Slovenije (The Supreme Prosecutor of the Republic of Slovenia)
29. Okrožna državna tožilstva (Districts' State Prosecutors)
30. Družbeni pravobranilec Republike Slovenije (Social Attorney of the Republic of Slovenia)
31. Državno pravobranilstvo Republike Slovenije (National Attorney of the Republic of Slovenia)
32. Upravno sodišče Republike Slovenije (Administrative Court of the Republic of Slovenia)
33. Senat za prekrške Republike Slovenije (Senat of Minor Offenses of the Republic of Slovenia)
34. Višje delovno in socialno sodišče v Ljubljani (Higher Labour and Social Court)
35. Delovna sodišča (Labour Courts)
36. Sodniki za prekrške (Judges of Minor Offenses)
37. Upravne enote (Local Administration Units)

SLOVAKIA – SLOVAQUIE - ESLOVAQUIA

(Authentic in the English language only)

Ministries and other State administration authorities:

Kancelária Prezidenta Slovenskej republiky (The Office of the President of the Slovak Republic)

Národná rada Slovenskej republiky (National Council of the Slovak Republic)

Úrad vlády Slovenskej republiky (The Office of the Government of the Slovak Republic)

Ministerstvo zahraničných vecí Slovenskej republiky (Ministry of Foreign Affairs)

Ministerstvo hospodárstva Slovenskej republiky (Ministry of Economy of the Slovak Republic)

Ministerstvo obrany Slovenskej republiky (Ministry of Defence of the Slovak Republic)²⁷

Ministerstvo vnútra Slovenskej republiky (Ministry of the Interior of the Slovak Republic)

Ministerstvo financií Slovenskej republiky (Ministry of Finance of the Slovak Republic)

Ministerstvo kultúry Slovenskej republiky (Ministry of Culture of the Slovak Republic)

Ministerstvo zdravotníctva Slovenskej republiky (Ministry of Health of the Slovak Republic)

Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky (Ministry of Labour, Social Affairs and Family of the Slovak Republic)

Ministerstvo školstva Slovenskej republiky (Ministry of Education of the Slovak Republic)

Ministerstvo spravodlivosti Slovenskej republiky (Ministry of Justice of the Slovak Republic)

Ministerstvo životného prostredia Slovenskej republiky (Ministry of Environment of the Slovak Republic)

Ministerstvo pôdohospodárstva Slovenskej republiky (Ministry of Agriculture of the Slovak Republic)

Ministerstvo dopravy, pôšt a telekomunikácií Slovenskej republiky (Ministry of Transport, Posts and Telecommunication of the Slovak Republic)

Ministerstvo výstavby a regionálneho rozvoja Slovenskej republiky (Ministry of Construction and Regional Development of the Slovak Republic)

Ústavný súd Slovenskej republiky (Constitutional Court of the Slovak Republic)

²⁷ Non-warlike materials contained in Part (3) of this Annex

Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic)

Generálna prokuratúra Slovenskej republiky (Public Prosecution of the Slovak Republic)

Najvyšší kontrolný úrad Slovenskej republiky (Supreme Audit Office of the Slovak Republic)

Protimonopolný úrad Slovenskej republiky (Antimonopoly Office of the Slovak Republic)

Úrad pre verejné obstarávanie (Office for Public Procurement)

Štatistický úrad Slovenskej republiky (Statistical Office of the Slovak Republic)

Úrad geodézie, kartografie a katastra Slovenskej republiky (Office of the Land Register of the Slovak Republic)

Úrad pre normalizáciu, metrológiu a skúšobníctvo Slovenskej republiky (Office of Standards, Metrology and Testing of the Slovak Republic)

Telekomunikačný úrad Slovenskej republiky (Telecommunications Office of the Slovak Republic)

Úrad priemyselného vlastníctva Slovenskej republiky (Industrial Property Office of the Slovak Republic)

Úrad pre finančný trh (Office for the Finance Market)

Národný bezpečnostný úrad (National Security Office)

Poštový úrad (Post Office)

Úrad na ochranu osobných údajov (Office for Personal Data Protection)

Kancelária verejného ochrancu práv (Ombudsman's Office)

FINLAND - FINLANDE - FINLANDIA

(Authentic in the English language only)

1.	OFFICE OF THE CHANCELLOR OF JUSTICE	OIKEUSKANSLERINVIRASTO
2.	MINISTRY OF TRADE AND INDUSTRY	KAUPPA-JA TEOLLISUUSMINISTERIÖ
	National Consumer Administration	Kuluttajavirasto
	National Food Administration	Elintarvikevirasto
	Office of Free Competition	Kilpailuvirasto
	Council of Free Competition	Kilpailuneuvosto
	Office of the Consumer Ombudsman	Kuluttaja-asiamiehen toimisto
	Consumer Complaint Board	Kuluttajavalituslautakunta
	National Board of Patents and Registration	Patentti- ja rekisterihallitus
3.	MINISTRY OF TRANSPORT AND COMMUNICATIONS	LIIKENNEMINISTERIÖ
	Telecommunications Administration Centre	Telehallintokeskus
4.	MINISTRY OF AGRICULTURE AND FORESTRY	MAA- JA METSÄTALOUSMINISTERIÖ
	National Land Survey of Finland	Maanmittauslaitos
5.	MINISTRY OF JUSTICE	OIKEUSMINISTERIÖ
	The Office of the Data Protection Ombudsman	Tietosuojavaltuutetun toimisto
	Courts of Law	Tuomioistuinelaitos
		– Korkein oikeus
		– Korkein hallinto-oikeus
		– Hovioikeudet
		– Käräjäoikeudet
		– Läänioikeudet
		– Markkinatuomioistuin
		– Työtuomioistuin
		– Vakuutuslaitos
		– Vesioikeudet
	Prison Administration	Vankeinhoitolaitos
6.	MINISTRY OF EDUCATION	OPETUSMINISTERIÖ
	National Board of Education	Opetushallitus
	National Office of Film Censorship	Valtion elokuvatarkastamo

7.	MINISTRY OF DEFENCE ²⁸ Defence Forces	PUOLUSTUSMINISTERIÖ Puolustusvoimat
8.	MINISTRY OF THE INTERIOR Population Register Centre Central Criminal Police Mobile Police Frontier Guard	SISÄASIAINMINISTERIÖ Väestörekisterikeskus Keskusrikospoliisi Liikkuva poliisi Rajavartiolaitos
9.	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	SOSIAALI- JA TERVEYSMINISTERIÖ Työttömyysturvalautakunta Tarkastuslautakunta Lääkelaitos Terveystieteiden tutkimuskeskus Tapaturmavirasto Säteilyturvakeskus Valtion turvapaikan hakijoiden vastaanotto-keskukset
10.	MINISTRY OF LABOUR National Conciliators' Office Labour Council	TYÖMINISTERIÖ Valtakunnansovittelijain toimisto Työneuvosto
11.	MINISTRY FOR FOREIGN AFFAIRS	ULKOASIAINMINISTERIÖ
12.	MINISTRY OF FINANCE State Economy Controller's Office State Treasury Office	VALTIOVARAINMINISTERIÖ Valtiontalouden tarkastusvirasto Valtiokonttori Valtion työmarkkinalaitos Verohallinto Tullihallinto Valtion vakuusrahasto
13.	MINISTRY OF ENVIRONMENT National Board of Waters and Environment	YMPÄRISTÖMINISTERIÖ Vesi- ja ympäristöhallitus

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

SWEDEN - SUÈDE -SUECIA

(Authentic in the English language only)

Royal Academy of Fine Arts	Akademien för de fria konsterna
Public Law-Service Offices (26)	Allmänna advokatbyråerna (26)
National Board for Consumer Complaints	Allmänna reklamationsnämnden
National Board of Occupational Safety and Health	Arbetskyddsstyrelsen
Labour Court	Arbetsdomstolen
National Agency for Government Employers	Arbetsgivarverket
National Institute for Working Life	Arbetslivsinstitutet
National Labour Market Board	Arbetsmarknadsstyrelsen
Board of Occupational Safety and Health for Government Employees	Arbetsmiljönämnd, statliga sektorns
Museum of Architecture	Arkitekturmuseet
National Archive of Recorded Sound and Moving Images	Arkivet för ljud och bild
The Office of the Childrens' Ombudsman	Barnombudsmannen
Swedish Council on Technology Assessment in Health Care	Beredning för utvärdering av medicinsk metodik, statens
Royal Library	Biblioteket, Kungliga
National Board of Film Censors	Biografbyrå, statens
Dictionary of Swedish Biography	Biografiskt lexikon, svenskt
Swedish Accounting Standards Board	Bokföringsnämnden
National Housing Credit Guarantee Board	Bostadskreditnämnd, statens (BKN)
National Housing Board	Boverket
National Council for Crime Prevention	Brottsförebyggande rådet
Criminal Victim Compensation and Support Authority	Brottsoffermyndigheten
Council for Building Research	Byggforskningsrådet
Central Committee for Laboratory Animals	Centrala försöksdjursnämnden
National Board of Student Aid	Centrala studiestödsnämnden
Data Inspection Board	Datainspektionen
Ministries (Government Departments)	Departementen
National Courts Administration	Domstolsverket
National Electrical Safety Board	Elsäkerhetsverket
Export Credits Guarantee Board	Exportkreditnämnden

Financial Supervisory Authority	Finansinspektionen
National Board of Fisheries	Fiskeriverket
Aeronautical Research Institute	Flygtekniska försöksanstalten
National Institute of Public Health	Folkhälsoinstitutet
Council for Planning and Co-ordination of Research	Forskningsrådsnämnden
National Fortifications Administration	Fortifikationsverket
	Förhandlare (K 1996:01) för statens köp av färjetrafik till och från Gotland
National Conciliators' Office	Förlikningsmännaexpedition, statens
National Defence Research Establishment	Försvarets forskningsanstalt
Defence Material Administration	Försvarets materielverk
National Defence Radio Institute	Försvarets radioanstalt
Swedish Museums of Military History	Förvarshistoriska museer, statens
National Defence College	Förvarshögskolan
The Swedish Armed Forces	Förvarsmakten
Social Insurance Offices	Försäkringskassorna
Geological Survey of Sweden	Geologiska undersökning, Sveriges
Geotechnical Institute	Geotekniska institut, statens
The National Rural Development Agency	Glesbygdsverket
Graphic Institute and the Graduate School of Communications	Grafiska institutet och institutet för högre kommunikations- och reklamutbildning
The Swedish Broadcasting Commission	Granskningsnämnden för Radio och TV
Swedish Government Seamen's Service	Handelsflottans kultur- och fritidsråd
Ombudsman for the Disabled	Handikappombudsmannen
Board of Accident Investigation	Haverikommission, statens
Courts of Appeal (6)	Hovrätterna (6)
Council for Research in the Humanities and Social Sciences	Humanistisk-samhällsvetenskapliga forskningsrådet
Regional Rent and Tenancies Tribunals (12)	Hyses- och arendenämnder (12)
Remand Prisons (28)	Häkterna (28)
Committee on Medical Responsibility	Hälso- och sjukvårdens ansvarsnämnd
National Agency for Higher Education	Högskoleverket
Supreme Court	Högsta domstolen
Register Authority for Floating Charges	Inskrivningsmyndigheten för företagsinteckningar

National Institute for Psycho-Social Factors and Health	Institut för psykosocial miljömedicin, statens
National Institute for Regional Studies	Institut för regionalforskning, statens
Swedish Institute of Space Physics	Institutet för rymdfysik
Swedish Immigration Board	Invandrarverk, statens
Swedish Board of Agriculture	Jordbruksverk, statens
Office of the Chancellor of Justice	Justitiekanslern
Office of the Equal Opportunities Ombudsman	Jämställdhetsombudsmannen
National Judicial Board of Public Lands and Funds	Kammarkollegiet
Administrative Courts of Appeal (4)	Kammarrätterna (4)
National Chemicals Inspectorate	Kemikalieinspektionen
National Board of Trade	Kommerskollegium
Swedish Transport and Communications Research Board	Kommunikationsforskningsberedningen
National Franchise Board for Environment Protection	Koncessionsnämnden för miljöskydd
National Institute of Economic Research	Konjunkturinstitutet
Swedish Competition Authority	Konkurrensverket
College of Arts, Crafts and Design	Konstfack
College of Fine Arts	Konsthögskolan
National Art Museums	Konstmuseer, statens
Arts Grants Committee	Konstnärsnämnden
National Art Council	Konstråd, statens
National Board for Consumer Policies	Konsumentverket
Armed Forces Archives	Krigsarkivet
National Laboratory of Forensic Science	Kriminaltekniska laboratorium, statens
Correctional Regional Offices (6)	Kriminalvårdens regionkanslier (6)
National/Local Institutions (68)	Kriminalvårdsanstalterna (68)
National Paroles Board	Kriminalvårdsnämnden
National Prison and Probation Administration	Kriminalvårdsstyrelsen
Enforcement Services (24)	Kronofogdemyndigheterna (24)
National Council for Cultural Affairs	Kulturråd, statens
Swedish Coast Guard	Kustbevakningen
Nuclear-Power Inspectorate	Kärnkraftsinspektion, statens
National Land Survey	Lantmäteriverket
Royal Armoury	Livrustkammaren/Skoklosters slott/ Hallwylska museet

National Food Administration	Livsmedelsverk, statens
The National Gaming Board	Lotteriinspektionen
Medical Products Agency	Läkemedelsverket
County Labour Boards (24)	Länsarbetsnämnderna (24)
County Administrative Courts (24)	Länsrätterna (24)
County Administrative Boards (24)	Länsstyrelserna (24)
National Government Employee Salaries and Pensions Board	Löne- och pensionsverk, statens
Market Court	Marknadsdomstolen
Medical Research Council	Medicinska forskningsrådet
Swedish Meteorological and Hydrological Institute	Meteorologiska och hydrologiska institut, Sveriges
Armed Forces Staff and War College	Militärhögskolan
Swedish National Collections of Music	Musiksamlingar, statens
Museum of Natural History	Naturhistoriska riksmuseet
Natural Science Research Council	Naturvetenskapliga forskningsrådet
National Environmental Protection Agency	Naturvårdsverket
Scandinavian Institute of African Studies	Nordiska Afrikainstitutet
Nordic School of Public Health	Nordiska hälsovårdshögskolan
Nordic Institute for Studies in Urban and Regional Planning	Nordiska institutet för samhällsplanering
Nordic Museum	Nordiska museet, stiftelsen
Swedish Delegation of the Nordic Council	Nordiska rådets svenska delegation
Recorders Committee	Notariennämnden
National Board for Intra Country Adoptions	Nämnden för internationella adoptionsfrågor
National Board for Public Procurement	Nämnden för offentlig upphandling
National Fund for Administrative Development	Statens förnyelsefond
Swedish National Committee for Contemporary Art Exhibitions Abroad	Nämnden för utställning av nutida svensk konst i utlandet
National Board for Industrial and Technical Development	Närings- och teknikutvecklingsverket (NUTEK)

Office of the Ethnic Discrimination Ombudsman; Advisory Committee on Questions Concerning Ethnic Discrimination	Ombudsmannen mot etnisk diskriminering; nämnden mot etnisk diskriminering
Court of Patent Appeals	Patentbesvärsrätten
Patents and Registration Office	Patent- och registreringsverket
Co-ordinated Population and Address Register	Person- och adressregisternämnd, statens
Swedish Polar Research Secretariat	Polarforskningssekretariatet
Press Subsidies Council	Presstödsnämnden
National Library for Psychology and Education	Psykologisk-pedagogiska bibliotek, statens
The Swedish Radio and TV Authority	Radio- och TV-verket
Governmental Central Services Office	Regeringskansliets förvaltningsavdelning
Supreme Administrative Court	Regeringsrätten
Central Board of National Antiquities and National Historical Museums	Riksantikvarieämbetet och statens historiska museer
National Archives	Riksarkivet
Bank of Sweden	Riksbanken
Administration Department of the Swedish Parliament	Riksdagens förvaltningskontor
The Parliamentary Ombudsmen	Riksdagens ombudsmän, JO
The Parliamentary Auditors	Riksdagens revisorer
National Social Insurance Board	Riksförsäkringsverket
National Debt Office	Riksgäldskontoret
National Police Board	Rikspolisstyrelsen
National Audit Bureau	Riksrevisionsverket
National Tax Board	Riksskatteverket
Travelling Exhibitions Service	Riksutställningar, Stiftelsen
Office of the Prosecutor-General	Riksåklagaren
National Space Board	Rymdstyrelsen
Council for Working Life Research	Rådet för arbetslivsforskning
National Rescue Services Board	Räddningsverk, statens
Regional Legal-aid Authority	Rättshjälpsmyndigheten
National Board of Forensic Medicine	Rättsmedicinalverket
Sami (Lapp) School Board	Sameskolstyrelsen och sameskolor
Sami (Lapp) Schools	
National Maritime Administration	Sjöfartsverket
National Maritime Museums	Sjöhistoriska museer, statens

Local Tax Offices (24)	Skattemyndigheterna (24)
Swedish Council for Forestry and Agricultural Research	Skogs- och jordbrukets forskningsråd, SJFR
National Board of Forestry	Skogsstyrelsen
National Agency for Education	Skolverk, statens
Swedish Institute for Infectious Disease Control	Smittskyddsinstitutet
National Board of Health and Welfare	Socialstyrelsen
Swedish Council for Social Research	Socialvetenskapliga forskningsrådet
National Inspectorate of Explosives and Flammables	Sprängämnesinspektionen
Statistics Sweden	Statistiska centralbyrån
Agency for Administrative Development	Statskontoret
National Institute of Radiation Protection	Strålskyddsinstitut, statens
Swedish International Development Cooperation Authority	Styrelsen för internationellt utvecklings-samarbete, SIDA
National Board of Psychological Defence and Conformity Assessment	Styrelsen för psykologiskt försvar
Swedish Board for Accreditation	Styrelsen för ackreditering och teknisk kontroll
Swedish Institute	Svenska Institutet, stiftelsen
Library of Talking Books and Braille Publications	Talboks- och punktskriftsbiblioteket
Swedish Research Council for Engineering Sciences	Teknikvetenskapliga forskningsrådet
National Museum of Science and Technology	Tekniska museet, stiftelsen
District and City Courts (97)	Tingsrätterna (97)
Judges Nomination Proposal Committee	Tjänsteförslagsnämnden för domstolsväsendet
Armed Forces' Enrolment Board	Totalförsvarets pliktverk
Swedish Board of Customs	Tullverket
Swedish Tourist Authority	Turistdelegationen
The National Board of Youth Affairs	Ungdomsstyrelsen
Universities and University Colleges	Universitet och högskolor
Aliens Appeals Board	Utlänningsnämnden
National Seed Testing and Certification Institute	Utsädeskontroll, statens

National Water Supply and Sewage Tribunal	Vatten- och avloppsnämnd, statens
National Agency for Higher Education	Verket för högskoleservice (VHS)
National Veterinary Institute	Veterinärmedicinska anstalt, statens
Swedish National Road and Transport Research Institute	Väg- och transportforskningsinstitut, statens
National Plant Variety Board	Växsortsnämnd, statens
Labour Inspectorate	Yrkesinspektionen
Public Prosecution Authorities incl. County Public Prosecution Authority and District Prosecution Authority	Åklagarmyndigheterna inkl. läns- och distriktsåklagarmyndigheterna
National Board of Civil Emergency Preparedness	Överstyrelsen för civil beredskap

UNITED KINGDOM - ROYAUME-UNI - REINO UNIDO

(Authentic in the English language only)

1. CABINET OFFICE
Civil Service College
Office of Public Services
The Buying Agency
Parliamentary Counsel Office
Central Computer and Telecommunications Agency (CCTA)
2. CENTRAL OFFICE OF INFORMATION
3. CHARITY COMMISSION
4. CROWN PROSECUTION SERVICE
5. CROWN ESTATE COMMISSIONERS (VOTE EXPENDITURE ONLY)
6. CUSTOMS AND EXCISE DEPARTMENT
7. DEPARTMENT FOR INTERNATIONAL DEVELOPMENT
8. DEPARTMENT FOR NATIONAL SAVINGS
9. DEPARTMENT FOR EDUCATION AND EMPLOYMENT
Higher Education Funding Council for England
Office of Manpower Economics
10. 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
11. 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
12. 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
13. DEPARTMENT OF THE ENVIRONMENT
- Building Research Establishment Agency
 - Commons Commission
 - Countryside Commission
 - Valuation tribunal
 - Rent Assessment Panels
 - Royal Commission on Environmental Pollution
14. DEPARTMENT OF THE PROCURATOR GENERAL AND TREASURY SOLICITOR
- Legal Secretariat to the Law Officers
15. DEPARTMENT OF TRADE AND INDUSTRY
- National Weights and Measures Laboratory
 - Domestic Coal Consumers' Council
 - Electricity Committees
 - Gas Consumers' Council
 - Central Transport Consultative Committees

- Monopolies and Mergers Commission
Patent Office
Employment Appeal Tribunal
Industrial Tribunals
16. DEPARTMENT OF TRANSPORT
Coastguard Services
17. EXPORT CREDITS GUARANTEE DEPARTMENT
18. FOREIGN AND COMMONWEALTH OFFICE
Wilton Park Conference Centre
19. GOVERNMENT ACTUARY'S DEPARTMENT
20. GOVERNMENT COMMUNICATIONS HEADQUARTERS
21. HOME OFFICE
Boundary Commission for England
Gaming Board for Great Britain
Inspectors of Constabulary
Parole Board and Local Review Committees
22. HOUSE OF COMMONS
23. HOUSE OF LORDS
24. INLAND REVENUE, BOARD OF
25. INTERVENTION BOARD FOR AGRICULTURAL PRODUCE
26. 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
27. **MINISTRY OF AGRICULTURE, FISHERIES AND FOOD**
Agricultural Dwelling House Advisory Committees
Agricultural Land Tribunals
Agricultural Wages Board and Committees
Cattle Breeding Centre
Plant Variety Rights Office
Royal Botanic Gardens, Kew
28. **MINISTRY OF DEFENCE²⁹**
Meteorological Office
Procurement Executive
29. **NATIONAL AUDIT OFFICE**
30. **NATIONAL INVESTMENT AND LOANS OFFICE**
31. **NORTHERN IRELAND COURT SERVICE**
Coroners Courts
County Courts
Court of Appeal and High Court of Justice in Northern Ireland
Crown Court
Enforcement of Judgements Office
Legal Aid Fund
Magistrates Court
Pensions Appeals Tribunals
32. **NORTHERN IRELAND, DEPARTMENT OF AGRICULTURE**
33. **NORTHERN IRELAND, DEPARTMENT OF ECONOMIC DEVELOPMENT**
34. **NORTHERN IRELAND, DEPARTMENT OF EDUCATION**
35. **NORTHERN IRELAND, DEPARTMENT OF THE ENVIRONMENT**
36. **NORTHERN IRELAND, DEPARTMENT OF FINANCE AND PERSONNEL**
37. **NORTHERN IRELAND, DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

²⁹ Non-warlike materials contained in Part (3) of this Annex

38. 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
39. OFFICE OF FAIR TRADING
40. OFFICE FOR NATIONAL STATISTICS
 - National Health Service Central Register
41. OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION AND HEALTH SERVICE COMMISSIONERS
42. PAYMASTER GENERAL'S OFFICE
43. POSTAL BUSINESS OF THE POST OFFICE
44. PRIVY COUNCIL OFFICE
45. PUBLIC RECORD OFFICE
46. REGISTRY OF FRIENDLY SOCIETIES
47. ROYAL COMMISSION ON HISTORICAL MANUSCRIPTS
48. ROYAL HOSPITAL, CHELSEA
49. ROYAL MINT
50. SCOTLAND, CROWN OFFICE AND PROCURATOR
 - Fiscal Service
51. SCOTLAND, REGISTERS OF SCOTLAND
52. SCOTLAND, GENERAL REGISTER OFFICE
53. SCOTLAND, LORD ADVOCATE'S DEPARTMENT
54. SCOTLAND, QUEEN'S AND LORD TREASURER'S REMEMBRANCER

55. 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
56. THE SCOTTISH OFFICE CENTRAL SERVICES
57. THE SCOTTISH OFFICE AGRICULTURE AND FISHERIES DEPARTMENT:
Crofters Commission
Red Deer Commission
Royal Botanic Garden, Edinburgh
58. THE SCOTTISH OFFICE INDUSTRY DEPARTMENT
59. THE SCOTTISH OFFICE EDUCATION DEPARTMENT
National Galleries of Scotland
National Library of Scotland
National Museums of Scotland
Scottish Higher Education Funding Council
60. THE SCOTTISH OFFICE ENVIRONMENT DEPARTMENT
Rent Assesment Panel and Committees
Royal Commission on the Ancient and Historical Monuments of Scotland
Royal Fine Art Commission for Scotland
61. 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

62. SCOTTISH RECORD OFFICE

63. HM TREASURY

64. 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 Finding Council

Welsh National Health Service Authorities and Trusts

Welsh Rent Assessment Panels

3. LIST OF SUPPLIES AND EQUIPMENT PURCHASED BY MINISTRIES OF DEFENCE IN BELGIUM, CZECH REPUBLIC, DENMARK, GERMANY, ESTONIA, GREECE, SPAIN, FRANCE, IRELAND, ITALY, CYPRUS, LATVIA, LITHUANIA, LUXEMBOURG, HUNGARY, MALTA, THE NETHERLANDS, AUSTRIA, POLAND, PORTUGAL, SLOVENIA, SLOVAKIA, FINLAND, SWEDEN AND THE UNITED KINGDOM 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 (except Austria)
heating and engine fuels (only Austria)
- 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 36 Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations (only Austria and Sweden)
- except (only Austria)
ex 36.01: propellant powders
ex 36.02: prepared explosives
ex 36.04: detonators
ex 36.08: explosives
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
- except:
ex 38.19: toxic products (Not for Sweden)
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
- except:
ex 39.03: explosives (Not for Sweden)

- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
except:
ex 40.11: bullet-proof tyres (Not for Sweden)
- Chapter 41: Raw hides and skins (other than furskins) and leather: (Not for Austria)
- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut): (Not for Austria)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal: (Not for Austria)
- 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: (Not for Austria)
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans: (Not for Austria)
- Chapter 65: Headgear and parts thereof
except (only Austria):
ex 65.05: military headgear
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware

- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 72: Coins (only Austria and Sweden)
- 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 (Not for Austria)
ex 82.07: tools, parts
ex 82.08: hand tools (only Austria)
- 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 (Not for Austria)
ex 84.55: parts of machines under heading No 84.53 (Not for Austria and Sweden)
ex 84.59: nuclear reactors (Not for Austria and Sweden)

- Chapter 85: Electrical machinery and equipment, parts thereof
- except:
ex 85.03: electric cells and batteries (only Austria)
ex 85.13: telecommunication equipment
ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)
- except:
ex 86.02: armoured locomotives, electric
ex 86.03: other armoured locomotives
ex 86.05: armoured wagons
ex 86.06: repair wagons
ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof
- except:
ex 87.08: tanks and other armoured vehicles
ex 87.01: tractors
ex 87.02: military vehicles
ex 87.03: breakdown lorries
ex 87.09: motorcycles
ex 87.14: trailers
- Chapter 88: Aircraft and parts thereof (only Austria)
- Chapter 89: Ships, boats and floating structures
- except:
ex 89.01: warships (only Austria)
ex 89.01 A: warships (except Austria)
ex 89.03: floating structures (only Austria)
- 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 (Not for Sweden and Austria)

ex 90.17: medical instruments (Not for Sweden and Austria)
ex 90.18: mechano-therapy appliances (Not for Sweden and Austria)
ex 90.19: orthopaedic appliances (Not for Sweden and Austria)
ex 90.20: X-ray apparatus (Not for Sweden and Austria)

- 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 (Not for Austria)
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 97: Toys, games and sport requisites, parts thereof (only Austria and Sweden)
- Chapter 98: Miscellaneous manufactured articles

3. LISTE DES MATÉRIELS ACHETÉS PAR LES MINISTÈRES DE LA DÉFENSE DE LA BELGIQUE, RÉPUBLIQUE TCHÉQUE, DANEMARK, ALLEMAGNE, ESTONIE, GRÈCE, ESPAGNE, FRANCE, IRLANDE, ITALIE, CHYPRE, LETTONIE, LITUANIE, LUXEMBOURG, HONGRIE, MALTE, PAYS-BAS, AUTRICHE, POLOGNE, PORTUGAL, SLOVENIE, SLOVAQUIE, FINLANDE, SUEDE ET ROYAUME-UNI, ET 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

à l'exception de:

ex 27.10: carburant spéciaux (sauf pour l'Autriche)

fuel-oils de chauffage et carburants (seulement pour l'Autriche)

Chapitre 28: Produits chimiques inorganiques, composés inorganiques ou organiques de métaux précieux, d'éléments radio-actifs, 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
- Chapitre 32: Extraits tannants et tinctoriaux, tanins et leur dérivés, matières colorantes, couleurs, peintures, vernis et teintures, mastics, encres
- Chapitre 33: Huiles essentielles et sésinoïdes, 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 (seulement pour l'Autriche and Suède)
- à l'exception de (seulement pour l'Autriche)
ex 36.01: poudres à tirer
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 (sauf pour la Suède)
- 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 (sauf pour la Suède)

- Chapitre 40: Caoutchouc naturel ou synthétique, factice pour caoutchouc et ouvrages en caoutchouc
- à l'exception de:
ex 40.11: pneus pour automobiles (sauf pour la Suède)
- Chapitre 41: Peaux and cuirs: (sauf pour l'Autriche)
- Chapitre 42: Ouvrages en cuir, articles de bourrellerie et de sellerie, articles de voyage, sacs à main et contenants similaires, ouvrages en boyaux: (sauf pour l'Autriche)
- Chapitre 43: Pelleteries et fourrures, pelleteries factices
- Chapitre 44: Bois, charbon de bois et ouvrages en bois: (sauf pour l'Autriche)
- Chapitre 45: Liège et ouvrages en liège
- Chapitre 46: Ouvrages de sparterie et de vannerie
- Chapitre 47: Matières servant à la fabrication du papier
- Chapitre 48: Papier et cartons, ouvrages en pâte de cellulose, en papier et en carton: (sauf pour l'Autriche)
- Chapitre 49: Articles de librairie et produits des arts graphiques: (sauf pour l'Autriche)
- Chapitre 65: Coiffures et parties de coiffures
- à l'exception de (seulement pour l'Autriche):
ex 65.05: coiffures militaires
- 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: Verres 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 72: Monnaies (seulement pour l'Autriche et la Suède)
- Chapitre 73: Fonte, fer et acier
- Chapitre 74: Cuivre
- Chapitre 75: Nickel
- Chapitre 76: Aluminium
- Chapitre 77: Magnésium, béryllium
- 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
- à l'exception de:
ex 82.05: outillage (sauf Autriche)
ex 82.07: pièces d'outillage
ex 82.08: outillage à main (seulement pour l'Autriche)
- Chapitre 83: Ouvrages divers en métaux communs
- Chapitre 84: Chaudières, machines, appareils et engins mécaniques
- à l'exception de:
ex 84.06: moteurs
ex 84.08: autres propulseurs
ex 84.45: machines
ex 84.53: machines automatiques de traitement de l'information (sauf pour l'Autriche)
ex 84.55: pièces No 84.53 (sauf pour l'Autriche et la Suède)
ex 84.59: réacteurs nucléaires (sauf pour l'Autriche et la Suède)
- Chapitre 85: Machines et appareils électriques et objets servant à des usages électrotechniques
- à l'exception de:
ex 85.03: piles électriques (seulement pour l'Autriche)
ex 85.13: télécommunication
ex 85.15: appareils de transmission

Chapitre 86: Véhicules et matériel 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 locoblindés

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:

ex 87.08: chars et automobiles blindés

ex 87.01: tracteurs

ex 87.02: véhicules militaires

ex 87.03: voitures de dépannage

ex 87.09: motocycles

ex 87.14: remorques

Chapitre 88: Navigation aérienne (seulement pour l'Autriche)

Chapitre 89: Navigation maritime et fluviale

à l'exception de:

ex 89.01: bateaux de guerre (seulement pour l'Autriche)

ex 89.01A: bateaux de guerre (sauf pour l'Autriche)

ex 89.03: engins flottants (seulement pour l'Autriche)

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 mesures électriques ou électroniques

ex 90.11: microscopes (sauf pour l'Autriche et la Suède)

ex 90.17: instruments médicaux (sauf pour l'Autriche et la Suède)

ex 90.18: appareils de mécano-thérapie (sauf pour l'Autriche et la Suède)

ex 90.19: appareils d'orthopédie (sauf pour l'Autriche et la Suède)

ex 90.20: appareils rayon X (sauf pour l'Autriche et la Suède)

- Chapitre 91: Horlogerie
- 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 94: Meubles, mobilier médico-chirurgical, articles de literie et similaires
à l'exception de:
ex 94.01A: sièges d'aérodynes (sauf pour l'Autriche)
- 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 97: Jouets, jeux, articles pour divertissements et pour sports (seulement pour l'Autriche and Suède)
- Chapitre 98: Ouvrages divers

3. LISTA DE MATERIALES COMPRADOS POR LOS MINISTERIOS DE DEFENSA DE BÉLGICA, REPÚBLICA CHECA, DINAMARCA, ALEMANIA, ESTONIA, GRECIA, ESPAÑA, FRANCIA, IRLANDA, ITALIA, CHIPRE, LETONIA, LITUANIA, LUXEMBURGO, HUNGRÍA, MALTA, PAÍSES BAJOS, AUSTRIA, POLONIA, PORTUGAL, ESLOVENIA, ESLOVAQUIA, FINLANDIA, SUECIA Y EL REINO UNIDO, Y SUJETOS AL ACUERDO

Capítulo 25: Sal, azufre, tierras y piedras, yesos, cales y cementos

Capítulo 26: Minerales metalúrgicos, escorias, cenizas

Capítulo 27: Combustibles minerales, aceites minerales y productos de su destilación, materias bituminosas, ceras minerales

excepto:

ex 27.10: carburantes especiales (salvo Austria)

combustibles para calefacción y carburantes (solamente Austria)

Capítulo 28: Productos químicos inorgánicos, compuestos inorgánicos u orgánicos de metales preciosos, de elementos radioactivos, de metales de las tierras raras y de isótopos

excepto:

ex 28.09: explosivos

ex 28.13: explosivos

ex 28.14: gases lacrimógenos

ex 28.28: explosivos

ex 28.32: explosivos

ex 28.39: explosivos

ex 28.50: productos tóxicos

ex 28.51: productos tóxicos

ex 28.54: explosivos

Capítulo 29: Productos químicos orgánicos

excepto:

ex 29.03: explosivos

ex 29.04: explosivos

ex 29.07: explosivos

ex 29.08: explosivos

ex 29.11: explosivos

ex 29.12: explosivos

ex 29.13: productos tóxicos

ex 29.14: productos tóxicos

- ex 29.15: productos tóxicos
ex 29.21: productos tóxicos
ex 29.22: productos tóxicos
ex 29.23: productos tóxicos
ex 29.26: explosivos
ex 29.27: productos tóxicos
ex 29.29: explosivos
- Capítulo 30: Productos farmacéuticos
- Capítulo 31: Abonos
- Capítulo 32: Extractos curtientes y tintóreos, taninos y sus derivados, materias colorantes, colores, pinturas, barnices y tintes, mástiques, tintas
- Capítulo 33: Aceites esenciales y resinoides, productos de perfumería o de tocador y cosméticos
- Capítulo 34: Jabones, productos orgánicos tensoactivos, preparaciones para lavar, preparaciones lubricantes, ceras artificiales, ceras preparadas, productos para lustrar y pulir, bujías y artículos análogos, pastas para modelar, y "ceras para el arte dental"
- Capítulo 35: Materias albuminoides y colas, enzimas
- Capítulo 36: Pólvoras y explosivos, artículos de pirotecnia, fósforos, aleaciones pirofóricas, materias inflamables (solamente Austria y Suecia)
- excepto (solamente Austria)
ex 36.01: pólvoras de proyección
ex 36.02: explosivos preparados
ex 36.04: detonadores
ex 36.08: explosivos
- Capítulo 37: Productos fotográficos y cinematográficos
- Capítulo 38: Productos diversos de las industrias químicas
- excepto:
ex 38.19: productos tóxicos (salvo Suecia)
- Capítulo 39: Materias plásticas artificiales, éteres y ésteres de la celulosa, resinas artificiales y manufacturas de estas materias
- excepto:
ex 39.03: explosivos (salvo Suecia)

- Capítulo 40: Caucho natural o sintético, caucho facticio y manufacturas de caucho
excepto:
ex 40.11: neumáticos a prueba de bala (salvo Suecia)
- Capítulo 41: Pieles y cuero: (salvo Austria)
- Capítulo 42: Manufacturas de cuero, artículos de guarnicionería y talabartería, artículos de viaje, bolsos de mano y continentes similares, manufacturas de tripas: (salvo Austria)
- Capítulo 43: Peletería y confecciones de peletería, peletería facticia
- Capítulo 44: Madera, carbón vegetal y manufacturas de madera: (salvo Austria)
- Capítulo 45: Corcho y sus manufacturas
- Capítulo 46: Manufacturas de espartería y cestería
- Capítulo 47: Materias utilizadas en la fabricación de papel
- Capítulo 48: Papel y cartón, manufacturas de pasta de celulosa, de papel y de cartón: (salvo Austria)
- Capítulo 49: Artículos de librería y productos de las artes gráficas: (salvo Austria)
- Capítulo 65: Sombreros y demás tocados y sus partes componentes
excepto (solamente Austria):
ex 65.05: sombreros, gorras y demás tocados militares
- Capítulo 66: Paraguas, quitasoles, bastones, látigos, fustas y sus partes componentes
- Capítulo 67: Plumas y plumón preparados y artículos de pluma o de plumón, flores artificiales, manufacturas de cabellos
- Capítulo 68: Manufacturas de piedra, yeso, cemento, amianto, mica y materias análogas
- Capítulo 69: Productos cerámicos
- Capítulo 70: Vidrio y manufactura de vidrio
- Capítulo 71: Perlas finas, piedras preciosas y semipreciosas y similares, metales preciosos, chapados de metales preciosos y manufacturas de estas materias, bisutería de fantasía

- Capítulo 72: Monedas (solamente Austria y Suecia)
- Capítulo 73: Fundición, hierro y acero
- Capítulo 74: Cobre
- Capítulo 75: Níquel
- Capítulo 76: Aluminio
- Capítulo 77: Magnesio, berilio (glucinio)
- Capítulo 78: Plomo
- Capítulo 79: Zinc
- Capítulo 80: Estaño
- Capítulo 81: Otros metales comunes
- Capítulo 82: Herramientas, artículos de cuchillería y cubiertos de mesa, de metales comunes
- excepto:
ex 82.05: herramientas (salvo Austria)
ex 82.07: piezas de herramientas
ex 82.08: herramientas de mano (solamente Austria)
- Capítulo 83: Manufacturas diversas de metales comunes
- Capítulo 84: Calderas, máquinas, aparatos y artefactos mecánicos
- excepto:
ex 84.06: motores
ex 84.08: otros propulsores
ex 84.45: máquinas
ex 84.53: máquinas automáticas para tratamiento de la información (salvo Austria)
ex 84.55: piezas de las máquinas de la partida 84.53 (salvo Austria y Suecia)
ex 84.59: reactores nucleares (salvo Austria y Suecia)
- Capítulo 85: Máquinas y aparatos eléctricos y objetos destinados a usos electrotécnicos
- excepto:
ex 85.03: pilas eléctricas (solamente Austria)
ex 85.13: telecomunicaciones
ex 85.15: aparatos transmisores

- Capítulo 86: Vehículos y material para vías férreas, aparatos non eléctricos de señalización para vías de comunicación
- excepto:
ex 86.02: locomotoras blindadas
ex 86.03: las demás locomotoras de maniobra blindadas
ex 86.05: vagones blindados
ex 86.06: vagones talleres
ex 86.07: vagones
- Capítulo 87: Vehículos automóviles, tractores, velocípedos y otros vehículos terrestres
- excepto:
ex 87.08: carros y automóviles blindados
ex 87.01: tractores
ex 87.02: vehículos militares
ex 87.03: coches para arreglo de averías
ex 87.09: motocicletos
ex 87.14: remolques
- Capítulo 88: Navegación aérea (solamente Austria)
- Capítulo 89: Navegación marítima y fluvial
- excepto:
ex 89.01: buques de guerra (solamente Austria)
ex 89.01 A: buques de guerra (salvo Austria)
ex 89.03: artefactos flotantes (solamente Austria)
- Capítulo 90: Instrumentos y aparatos de óptica, de fotografía y de cinematografía, de medida, de comprobación y de precisión, instrumentos y aparatos médico-quirúrgicos,
- excepto:
ex 90.05: gemelos
ex 90.13: instrumentos diversos, lasers
ex 90.14: telémetros
ex 90.28: instrumentos de medida eléctricos o electrónicos
ex 90.11: microscopios (salvo Austria y Suecia)
ex 90.17: instrumentos de medicina (salvo Austria y Suecia)
ex 90.18: aparatos de mecanoterapia (salvo Austria y Suecia)
ex 90.19: aparatos de ortopedia (salvo Austria y Suecia)
ex 90.20: aparatos de rayos X (salvo Austria y Suecia)

- Capítulo 91: Relojería
- Capítulo 92: Instrumentos de música, aparatos para el registro y la reproducción del sonido o para el registro y reproducción en televisión de imágenes y sonido, partes y accesorios de esos instrumentos y aparatos
- Capítulo 94: Muebles, mobiliario médico-quirúrgico, artículos de cama y similares
excepto:
ex 94.01 A: asientos para aeronaves (salvo Austria)
- Capítulo 95: Materias para talla y moldeo, labradas (incluidas las manufacturas)
- Capítulo 96: Manufacturas de cepillería, pinceles, escobas, plumeros, borlas y cedazos
- Capítulo 97: Juguetes, juegos, artículos para recreo y para deportes (salvo Austria y Suecia)
- Capítulo 98: Manufacturas diversas

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

Directive 93/37

As mentioned in Appendix I - Annex 2 of
the GPA

ANNEX I

LISTS OF BODIES AND CATEGORIES OF BODIES GOVERNED BY PUBLIC LAW
REFERRED TO IN ARTICLE 1(b)

I. BELGIUM

Bodies:

- 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 belges, 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 Ier - Koninklijke Bibliotheek Albert I,
- Caisse auxiliaire de paiement des allocations de chômage - Hulpkas voor Werkloosheidsuitkeringen,
- Caisse auxiliaire d'assurance maladie-invalidité - Hulpkas voor Ziekte- en Invaliditeitsverzekeringen,
- 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 Rampenschade,
- Caisse spéciale de compensation pour allocations familiales en faveur des travailleurs de l'industrie diamantaire - 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'économie - 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 communautaire de garantie des bâtiments scolaires - Gemeenschappelijk Waarborgfonds voor Schoolgebouwen,
- Fonds d'aide médicale urgente - Fonds voor Dringende Geneeskundige Hulp,
- Fonds des accidents du travail - Fonds voor Arbeitsongevallen,
- Fonds des maladies professionnelles - Fonds voor Beroepsziekten,
- Fonds des routes - Wegenfonds,
- 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 dégâts houillers - Nationaal Waarborgfonds inzake Kolenmijnshade,
- 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 pompages 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'épidémiologie - 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 d'assurance maladie-invalidité - Rijksinstituut voor Ziekte- en Invaliditeitsverzekering,
- Institut national d'assurances sociales pour travailleurs indépendants - Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen,
- Institut national des industries extractives - Nationaal 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 pour l'encouragement de la recherche scientifique dans l'industrie et l'agriculture - Instituut tot Aanmoediging van het Wetenschappelijk Onderzoek in Nijverheid en Landbouw,
- Institut royal belge des sciences naturelles - Koninklijk Belgisch Instituut voor Natuurwetenschappen,
- Institut royal belge du patrimoine artistique - Koninklijk Belgisch Instituut voor het Kunstpatrimonium,
- Institut royal de météorologie - Koninklijk Meteorologisch Instituut,
- Enfance et famille - Kind en Gezin,
- Compagnie des installations maritimes de Bruges - Maatschappij der Brugse Zeevaartinrichtingen,
- 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 de l'économie et de l'agriculture - Belgische Dienst voor Bedrijfsleven en Landbouw,
- 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 l'emploi - Rijksdienst voor de Arbeidsvoorziening,
- Office national des débouchés agricoles et horticoles - Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten,
- Office national de sécurité sociale - Rijksdienst voor Sociale Zekerheid,
- Office national de sécurité sociale des administrations provinciales et locales - Rijksdienst voor Sociale Zekerheid van de Provinciale en Plaatselijke Overheidsdiensten,
- Office national des pensions - Rijksdienst voor Pensioenen,
- Office national des vacances annuelles - Rijksdienst voor de Jaarlijkse Vakantie,
- Office national du lait - Nationale Zuiveldienst,
- 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,
- Port autonome de Charleroi - Autonome Haven van Charleroi,
- Port autonome de Liège - Autonome Haven van Luik,
- Port autonome de Namur - Autonome Haven van Namen,
- Radio et télévision belges de la Communauté française - Belgische Radio en Televisie van de Franse Gemeenschap,
- Régie des bâtiments - Regie der Gebouwen,
- Régie des voies aériennes - Regie der Luchtwegen,
- Régie des postes - Regie der Posterijen,
- Régie des télégraphes et des téléphones - Regie van Telegraaf en Telefoon,
- Conseil économique et social pour la Flandre - Sociaal-economische Raad voor Vlaanderen,
- Société anonyme du canal et des installations maritimes de Bruxelles - Naamloze Vennootschap Zeekanaal en-Haveninrichtingen van Brussel,
- Société du logement de la Région bruxelloise et sociétés agréées - Brusselse Gewestelijke Huisvestingsmaatschappij en erkende maatschappijen,
- Société nationale terrienne - Nationale Landmaatschappij,
- Théâtre royal de la Monnaie - De Koninklijke Muntchouwborg,
- Universités relevant de la Communauté flamande - Universiteiten afhangende van de Vlaamse Gemeenschap,
- Universités relevant de la Communauté française - Universiteiten afhangende 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.

Categories:

- les centres publics d'aide sociale,
- les fabriques d'église (church councils).

II. DENMARK

Bodies:

- Københavns Havn,
- Danmarks Radio,
- TV 2/Danmark,
- TV2 Reklame A/S,
- Danmarks Nationalbank,
- A/S Storebæltsforbindelsen,
- A/S Øresundsforbindelsen (alene tilslutningsanlæg i Danmark),
- Københavns Lufthavn A/S,
- Byfornyelsesselskabet København,
- Tele Danmark A/S with subsidiaries:
- Fyns Telefon A/S,
- Jydsk Telefon Aktieselskab A/S,
- Kjøbenhavns Telefon Aktieselskab,
- Tele Sønderjylland A/S,
- Telecom A/S,
- Tele Danmark Mobil A/S.

Categories:

- De kommunale havne (municipal ports),
- Andre Forvaltningssubjekter (other public administrative bodies).

III. GERMANY

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, Kindertagesheime, Erholungseinrichtungen, Kinder- und Jugendheime, Freizeiteinrichtungen, Gemeinschafts- und Bürgerhäuser, Frauenhäuser, Altersheime, Obdachlosenunterkünfte) (social welfare: nursery schools, children's playschools, rest-homes, 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: fire brigades, other emergency services),
- Bildung (Umschulungs-, Aus-, Fort- und Weiterbildungseinrichtungen, Volkshochschulen) (education: training, further training and retraining establishments, adult evening classes),
- Wissenschaft, Forschung und Entwicklung (Großforschungseinrichtungen, wissenschaftliche Gesellschaften und Vereine, Wissenschaftsförderung) (science, research and development: large-scale research institutes, scientific societies and associations, bodies promoting science),
- Entsorgung (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).

IV. GREECE

Categories:

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

V. SPAIN

Categories:

- Entidades Gestoras y Servicios Comunes de la Seguridad Social (administrative entities and common services of the health and social services)
- Organismos Autónomos de la Administración del Estado (independent bodies of the national administration)
- Organismos Autónomos de las Comunidades Autónomas (independent bodies of the autonomous communities)
- Organismos Autónomos de las Entidades Locales (independent bodies of local authorities)
- Otras entidades sometidas a la legislación de contratos del Estado español (other entities subject to Spanish State legislation on procurement).

VI. FRANCE

Bodies:

1. National public bodies:

1.1. with scientific, cultural and professional character:

- Collège de France,
- Conservatoire national des arts et métiers,
- Observatoire de Paris.

1.2. Scientific and technological:

- Centre national de la recherche scientifique (CNRS),
- Institut national de la recherche agronomique,
- Institut national de la santé et de la recherche médicale,
- Institut français de recherche scientifique pour le développement en coopération (ORSTOM).

1.3. with administrative character:

- Agence nationale pour l'emploi,
- Caisse nationale des allocations familiales,
- Caisse nationale d'assurance maladie des travailleurs salariés,
- Caisse nationale d'assurance vieillesse des travailleurs salariés,
- Office national des anciens combattants et victimes de la guerre,
- Agences financières de bassins.

Categories:

1. National public bodies:

- universités (universities),
- écoles normales d'instituteurs (teacher training colleges).

2. Administrative public bodies at regional, departmental and local level:

- collèges (secondary schools),
- lycées (secondary schools),
- établissements publics hospitaliers (public hospitals),
- offices publics d'habitations à loyer modéré (OPHLM) (public offices for low-cost housing).

3. Groupings of territorial authorities:

- syndicats de communes (associations of local authorities),
- districts (districts),
- communautés urbaines (municipalities),
- institutions interdépartementales et interrégionales (institutions common to more than one Département and interregional institutions).

VII. IRELAND

Bodies:

- Shannon Free Airport Development Company Ltd,
- Local Government Computer Services Board,
- Local Government Staff Negotiations Board,
- Córas Tráchtála (Irish Export Board),
- Industrial Development Authority,
- 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

Bodies:

- Agenzia per la promozione dello sviluppo nel Mezzogiorno.

Categories:

- Enti portuali e aeroportuali (port and airport authorities),
- Consorzi per le opere idrauliche (consortia for water engineering works),
- Le università statali, gli istituti universitari statali, i consorzi per i lavori interessanti le università (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 e di 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),
- Comunità montane (groupings of municipalities in mountain areas),
- Enti preposti a servizi di pubblico interesse (organizations providing services in the public interest),
- Enti pubblici preposti ad attività di spettacolo, sportive, 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

Categories:

- Les établissements publics de l'État placés sous la surveillance d'un membre du gouvernement (public establishments of the State placed under the supervision of a member of the Government),

- Les établissements publics placés sous la surveillance des communes (public establishments placed under the supervision of the communes),
- Les syndicats de communes créés en vertu de la loi du 14 février 1900 telle qu'elle a été modifiée par la suite (associations of communes created under the law of 14 February 1900 as subsequently modified).

X. THE NETHERLANDS

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

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),
- Fundações públicas (public foundations),
- Administrações gerais e juntas autónomas (general administration bodies and independent councils).

XII. THE UNITED KINGDOM

Bodies:

- Central Blood Laboratories Authority,
- Design Council,
- Health and Safety Executive,
- National Research Development Corporation,
- Public Health Laboratory Services Board,
- 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 Enterprise,
- Scottish Homes,
- Welsh Development Agency.

Categories:

- Universities and polytechnics, maintained schools and colleges,
- National Museums and Galleries,
- Research Councils,
- Fire Authorities,
- National Health Service Authorities,
- Police Authorities,
- New Town Development Corporations,
- Urban Development Corporations.

XIII. AUSTRIA

All bodies subject to budgetary supervision by the 'Rechnungshof' (audit authority) not having an industrial or commercial character.

XIV. FINLAND

Public or publicly controlled entities or undertakings not having an industrial or commercial character.

XV. SWEDEN

All non-commercial bodies whose procurement is subject to supervision by the National Board for Public Procurement.

XVI. CZECH REPUBLIC

- Fond národního majetku (National Property Fund)
- Pozemkový fond (Land Fund)
- and other state funds
- Česká národní banka (Czech National Bank)
- Česká televize (Czech Television)
- Český rozhlas (Czech Radio)
- Rada pro rozhlasové a televizní vysílání (The Council for Radio and Television Broadcasting)
- Česká konsolidační agentura (Czech Consolidation Agency)
- Health insurance agencies
- Universities

and other legal entities established by a special Act which for their operation and in compliance with budget regulations use money from the state budget, state funds, contributions of international institutions, district authority budget, or budgets of self-governing territorial divisions.

XVII. ESTONIA

Bodies:

- Eesti Kunstiakadeemia (Estonian Academy of Arts)
- Eesti Liikluskindlustuse Fond (Estonian Traffic Insurance Foundation)
- Eesti Muusikaakadeemia (Estonian Academy of Music)
- Eesti Põllumajandusülikool (Estonian Agricultural University)
- Eesti Raadio (Estonian Radio)
- Eesti Teaduste Akadeemia (Estonian Academy of Sciences)
- Eesti Televisioon (Estonian Television)
- Hoiuste Tagamise Fond (Deposit Guarantee Fund)
- Hüvitusfond (Compensation Fund)
- Kaitseliidu Peastaap (The Defence League Headquarters)
- Keemilise ja Bioloogilise Füüsika Instituut (National Institute of Chemical Physics and Biophysics)
- Keskhaigekassa (Central Health Insurance Fund)
- Kultuurkapital (Cultural Endowment of Estonia)
- Notarite Koda (The Chamber of Notaries)
- Rahvusooper Estonia (Estonian National Opera)
- Rahvusraamatukogu (National Library of Estonia)
- Tallinna Pedagoogikaülikool (Tallinn Pedagogical University)
- Tallinna Tehnikaülikool (Tallinn Technical University)
- Tartu Ülikool (University of Tartu)

Categories:

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

XVIII. CYPRUS

- Αρχή Ανάπτυξης Ανθρώπινου Δυναμικού Κύπρου (Human Resource Development Authority)
- Αρχή Κρατικών Εκθέσεων (Cyprus State Fair Authority)
- Επιτροπή Σιτηρών Κύπρου (Cyprus Grain Commission)
- Επιστημονικό Τεχνικό Επιμελητήριο Κύπρου (Scientific and Technical Chamber of Cyprus)
- Θεατρικός Οργανισμός Κύπρου (National Theatre of Cyprus)
- Κυπριακός Οργανισμός Αθλητισμού (Cyprus Sports Organisation)
- Κυπριακός Οργανισμός Τουρισμού (Cyprus Tourism Organization)
- Κυπριακός Οργανισμός Αναπτύξεως Γης (Cyprus Land Development Corporation)
- Οργανισμός Γεωργικής Ασφαλίσεως (Agricultural Insurance Organisation)
- Οργανισμός Κυπριακής Γαλακτοκομικής Βιομηχανίας (Cyprus Milk Industry Organisation)
- Οργανισμός Νεολαίας Κύπρου (Youth Board of Cyprus)
- Οργανισμός Χρηματοδοτήσεως Στέγης (Housing Finance Corporation)
- Συμβούλια Αποχετεύσεων (Sewerage Boards)
- Συμβούλια Σφαγείων (Slaughterhouse Boards)
- Σχολικές Εφορίες (School Boards)
- Χρηματιστήριο Αξιών Κύπρου (Cyprus Stock Exchange)
- Επιτροπή Κεφαλαιαγοράς Κύπρου (Cyprus Securities and Exchange Commission)

- Πανεπιστήμιο Κύπρου (University of Cyprus)
- Κεντρικός Φορέας Ισότητας Κατανομής Βαρών (Central Agency for Equal Distribution of Burdens)
- Αρχή Ραδιοτηλεόρασης Κύπρου – Cyprus Radio-Television Authority

XIX. LATVIA

Categories:

- Bezpeļņas organizācijas, kuras nodibinājusi valsts vai pašvaldība un kuras tiek finansētas no valsts vai pašvaldības budžeta (Non-profit-making organisations established by the State or a local government and which the State budget or a local government budget finances)
- Specializētie bērnu sociālās aprūpes centri (Specialised social care centres for children)
- Specializētie valsts sociālās aprūpes pansionāti (Specialised State social care homes for old people)
- Specializētie valsts sociālās aprūpes un rehabilitācijas centri (Specialised State social care and rehabilitation centres)
- Valsts bibliotēkas (State libraries)
- Valsts muzeji (State museums)
- Valsts teātri (State theatres)
- Valsts un pašvaldību aģentūras (State and local government agencies)
- Valsts un pašvaldību pirmsskolas izglītības iestādes, kuras reģistrētas Izglītības un zinātnes ministrijas izglītības iestāžu reģistrā (State and local government pre-school education institutions registered in the Register of Education Institutions at the Ministry of Education and Science)
- Valsts un pašvaldību interešu izglītības iestādes, kuras reģistrētas Izglītības un zinātnes ministrijas izglītības iestāžu reģistrā (State and local government institutions of hobby/interest education registered in the Register of Education Institutions at the Ministry of Education and Science)
- Valsts un pašvaldību profesionālās ievirzes izglītības iestādes, kuras reģistrētas Izglītības un zinātnes ministrijas izglītības iestāžu reģistrā (State and local government vocational education institutions registered in the Register of Education Institutions at the Ministry of Education and Science)
- Valsts un pašvaldību vispārējās izglītības iestādes, kuras reģistrētas Izglītības un zinātnes ministrijas izglītības iestāžu reģistrā (State and local government general education institutions registered in the Register of Education Institutions at the Ministry of Education and Science)
- Valsts un pašvaldību pamata un vidējās profesionālās izglītības iestādes un koledžas, kuras reģistrētas Izglītības un zinātnes ministrijas izglītības iestāžu reģistrā (State and local government basic and secondary vocational education institutions and colleges (first level higher professional education institutions) registered in the Register of Education Institutions at the Ministry of Education and Science)
- Valsts un pašvaldību augstākās izglītības iestādes, kuras reģistrētas Izglītības un zinātnes ministrijas izglītības iestāžu reģistrā (State and local government higher education institutions registered in the Register of Education Institutions at the Ministry of Education and Science)
- Valsts zinātniskās institūcijas (State scientific research entities)
- Valsts veselības aprūpes iestādes (State health care establishments)
- Citi publisko tiesību subjekti, kuru darbība nav saistīta ar komercdarbību (Other bodies governed by public law not having a commercial character)

XX. LITHUANIA

All bodies not having an industrial or commercial character whose procurement is subject to supervision by the Public Procurement Office under the Government of the Republic of Lithuania.

XXI. HUNGARY

Bodies:

- a megyei, illetőleg a regionális fejlesztési tanács (county and regional development council), az elkülönített állami pénzalap kezelője (managing bodies of the separate state fund), a társadalombiztosítás igazgatási szerve (social security administration body)
- a köztestület (public-law corporation) és a köztestületi költségvetési szerv (budgetary organ of a public-law corporation), valamint a közalapítvány (public foundation)
- a Magyar Távirati Iroda Részvénytársaság (Hungarian News Agency Plc.), a közszolgálati műsorszolgáltatók (public service broadcasters), valamint azok a köz-műsorszolgáltatók, amelyek működését többségében közpénzből finanszírozzák (public broadcasters financed mainly from the public budget)
- az Állami Privatizációs és Vagyonkezelő Részvénytársaság (Hungarian Privatization and State Holding Company)
- a Magyar Fejlesztési Bank Részvénytársaság (Hungarian Development Bank Plc.), az a gazdálkodó szervezet, melyben a Magyar Fejlesztési Bank Részvénytársaság ellenőrző részesedéssel rendelkezik (business organisations on which the Hungarian Development Bank Plc. exercises a dominant influence).

Categories:

- egyes központi és önkormányzati költségvetési szervek (certain budgetary organs)
- alapítvány (foundation), társadalmi szervezet (civil society organisations), közhasznú társaság (public benefit company), biztosító egyesület (insurance association), víziközmű-társulat (public utility water works association)
- business organisations established for the purpose of meeting needs in the general interest and controlled by public entities or financed mainly from the public budget.

XXII. MALTA

1. Kunsill Malti għall-Iżvilupp Ekonomiku u Soċjali (Malta Council for Economic and Social Development)
2. Awtorità tax-Xandir (Broadcasting Authority)
3. MITTS Ltd. (Malta Information Technology and Training Services Ltd.)
4. Awtorità għas-Sahħa u s-Sigurta' fuq il-Post tax-Xogħol (Occupational Health and Safety Authority)
5. Awtorità tad-Djar (Housing Authority)
6. Korporazzjoni għax-Xogħol u t-Tahrig (Employment and Training Corporation)
7. Fondazzjoni għas-Servizzi għall-Ħarsien Soċjali (Foundation for Social Welfare Services)
8. Sedqa
9. Appoġġ
10. Kummissjoni Nazzjonali Persuni b'Diżabilita` (National Commission for Persons with Disability)

11. Bord tal-Koperattivi (Cooperatives Board)
12. Fondazzjoni għaċ-Ċentru tal-Kreativita` (Foundation for the Centre of Creativity)
13. Orkestra Nazzjonali (National Orchestra)
14. Kunsill Malti għax-Xjenza u Teknoloġija (Malta Council for Science and Technology)
15. Teatru Manoel (Manoel Theatre)
16. Dar il-Mediterran għall-Konferenzi (Mediterranean Conference Centre)
17. Bank Ċentrali ta' Malta (Central Bank of Malta)
18. Awtorità għas-Servizzi Finanzjarji ta' Malta (Malta Financial Services Authority)
19. Borża ta' Malta (Malta Stock Exchange)
20. Awtorità dwar il-Lotteriji u l-Loghob (Lotteries and Gaming Authority)
21. Awtorità ta' Malta dwar ir-Riżorsi (Malta Resources Authority)
22. Kunsill Konsultattiv dwar l-Industrija tal-Bini (Building Industry Consultative Council)
23. Istitut għall-Istudju tat-Turiżmu (Institute of Tourism Studies)
24. Awtorità tat-Turiżmu ta' Malta (Malta Tourism Authority)
25. Awtorità ta' Malta dwar il-Komunikazzjoni (Malta Communications Authority)
26. Korporazzjoni Maltija għall-Iżvilupp (Malta Development Corporation)
27. Istitut għall-Promozzjoni ta' l-Intrapriżi Żgħar (IPSE Ltd)
28. Awtorità ta' Malta dwar l-Istandards (Malta Standards Authority)
29. Awtorità ta' Malta ta' l-Istatistika (Malta Statistics Authority)
30. Laboratorju Nazzjonali ta' Malta (Malta National Laboratory)
31. Metco Ltd
32. MGI / Mimcol
33. Maltapost plc
34. Gozo Channel Co Ltd
35. Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar (Malta Environment and Planning Authority)
36. Fondazzjoni għas-Servizzi Mediċi (Foundation for Medical Services)
37. Sptar Zammit Clapp (Zammit Clapp Hospital)
38. Ċentru Malti għall-Arbitraġġ (Malta Arbitration Centre)
39. Kunsilli Lokali (Local Councils)

XXIII. POLAND

1. Uniwersytety i szkoły wyższe, wyższe szkoły pedagogiczne, ekonomiczne, rolnicze, artystyczne, teologiczne m.in. (Universities and academic schools, pedagogical, economics, agricultural, artistic, theological academic schools, etc.)
 - Uniwersytet w Białymstoku (University of Białystok)
 - Uniwersytet Gdański (University of Gdańsk)
 - Uniwersytet Śląski (University of Silesia in Katowice)
 - Uniwersytet Jagielloński w Krakowie (Jagiellonian University in Cracow)
 - Uniwersytet Kardynała Stefana Wyszyńskiego (The Cardinal Stefan Wyszyński University in Warsaw)
 - Katolicki Uniwersytet Lubelski (The Catholic University of Lublin)
 - Uniwersytet Marii Curie-Skłodowskiej (The Maria-Curie Skłodowska University in Lublin)
 - Uniwersytet Łódzki (University of Łódź)
 - Uniwersytet Opolski (University of Opole)
 - Uniwersytet im. Adama Mickiewicza (The Adam Mickiewicz University in Poznań)
 - Uniwersytet Mikołaja Kopernika (The Nicholas Copernicus University in Toruń)
 - Uniwersytet Szczeciński (University of Szczecin)

- Uniwersytet Warmińsko-Mazurski w Olsztynie (University of Warmia and Mazury in Olsztyn)
- Uniwersytet Warszawski (University of Warsaw)
- Uniwersytet Wrocławski (University of Wrocław)
- Uniwersytet Zielonogórski (University of Zielona Góra)
- Akademia Techniczno-Humanistyczna w Bielsku-Białej (Academy of Humanities and Technics in Bielsko Biała)
- Akademia Górniczo-Hutnicza im. St. Staszica w Krakowie (The Stanisław Staszic University of Mining and Metallurgy)
- Politechnika Białostocka (Technical University of Białystok)
- Politechnika Częstochowska (Technical University of Częstochowa)
- Politechnika Gdańska (Technical University of Gdańsk)
- Politechnika Koszalińska (Technical University of Koszalin)
- Politechnika Krakowska (Technical University of Cracow)
- Politechnika Lubelska (Technical University of Lublin)
- Politechnika Łódzka (Technical University of Łódź)
- Politechnika Opolska (Technical University of Opole)
- Politechnika Poznańska (Technical University of Poznań)
- Politechnika Radomska im. Kazimierza Pułaskiego (The Kazimierz Puławski Technical University in Radom)
- Politechnika Rzeszowska im. Ignacego Łukasiewicza (The Ignacy Łukasiewicz Technical University in Rzeszów)
- Politechnika Szczecińska (Technical University of Szczecin)
- Politechnika Śląska (Technical University of Silesia in Gliwice)
- Politechnika Świętokrzyska (Technical University of Świętokrzyskie in Kielce)
- Politechnika Warszawska (Technical University of Warsaw)
- Politechnika Wroclawska (Technical University of Wrocław)
- Akademia Morska w Gdyni (Gdynia Maritime University)
- Wyższa Szkoła Morska w Szczecinie (Maritime University Szczecin)
- Akademia Ekonomiczna im. Karola Adamieckiego w Katowicach (The Karol Adamiecki University of Economics in Katowice)
- Akademia Ekonomiczna w Krakowie (University of Economics in Kraków)
- Akademia Ekonomiczna w Poznaniu (University of Economics in Poznań)
- Szkoła Główna Handlowa (Warsaw School of Economics)
- Akademia Ekonomiczna im. Oskara Langego we Wrocławiu (The Oscar Lange University of Economics in Wrocław)
- Akademia Bydgoska im. Kazimierza Wielkiego (The Kazimierz Wielki University of Economics in Bydgoszcz)
- Akademia Pedagogiczna im. KEN w Krakowie (Pedagogical University in Cracow)
- Akademia Pedagogiki Specjalnej im. Marii Grzegorzewskiej (The Maria Grzegorzewska University of Special Pedagogy in Warsaw)
- Akademia Podlaska w Siedlcach (Podlaska Academy in Siedlce)
- Akademia Świętokrzyska im. Jana Kochanowskiego w Kielcach (The Jan Kochanowski Świętokrzyska Academy in Kielce)
- Pomorska Akademia Pedagogiczna w Słupsku (Pomeranian Pedagogical Academy in Słupsk)

- Wyższa Szkoła Filozoficzno-Pedagogiczna "Ignatianum" w Krakowie (School of Philosophy and Pedagogy "Ignatianum" in Cracow)
- Wyższa Szkoła Pedagogiczna im. Tadeusza Kotarbińskiego w Zielonej Górze (The Tadeusz Kotarbiński Pedagogy School in Zielona Góra)
- Wyższa Szkoła Pedagogiczna w Częstochowie (Pedagogy School in Częstochowa)
- Wyższa Szkoła Pedagogiczna w Rzeszowie (Pedagogy School in Rzeszów)
- Akademia Techniczno-Rolnicza im. J. J. Śniadeckich w Bydgoszczy (The J.J. Śniadeckich Technical and Agricultural Academy in Bydgoszcz)
- Akademia Rolnicza im. Hugona Kołłątaja w Krakowie (The Hugo Kołłątaj Agricultural University in Cracow)
- Akademia Rolnicza w Lublinie (Agricultural University of Lublin)
- Akademia Rolnicza im. Augusta Cieszkowskiego w Poznaniu (The August Cieszkowski Agricultural University in Poznań)
- Akademia Rolnicza w Szczecinie (Agricultural University of Szczecin)
- Szkoła Główna Gospodarstwa Wiejskiego w Warszawie (Warsaw Agricultural University)
- Akademia Rolnicza we Wrocławiu (Agricultural University of Wrocław)
- Akademia Medyczna w Białymstoku (Medical Academy of Białystok)
- Akademia Medyczna im. Ludwika Rydygiera w Bydgoszczy (The Ludwik Rydygier Medical Academy in Bydgoszcz)
- Akademia Medyczna w Gdańsku (Medical Academy of Gdańsk)
- Śląska Akademia Medyczna w Katowicach (Medical Academy of Silesia in Katowice)
- Collegium Medicum Uniwersytetu Jagiellońskiego w Krakowie (The Collegium Medicum Jagiellonian University in Cracow)
- Akademia Medyczna w Lublinie (Medical Academy of Lublin)
- Akademia Medyczna w Łodzi (Medical Academy of Łódź)
- Akademia Medyczna im. Karola Marcinkowskiego w Poznaniu (The Karol Marcinkowski Medical Academy in Poznań)
- Pomorska Akademia Medyczna w Szczecinie (Pomeranian Academy of Medicine in Szczecin)
- Akademia Medyczna w Warszawie (Medical Academy of Warsaw)
- Akademia Medyczna im. Piastów Śląskich we Wrocławiu (The Piastów Śląskich Medical Academy in Wrocław)
- Centrum Medyczne Kształcenia Podyplomowego (Medical Centre for Post-graduate Training)
- Chrześcijańska Akademia Teologiczna w Warszawie (Christian Theological Academy in Warsaw)
- Papieski Wydział Teologiczny w Poznaniu (Pope's Theological Department in Poznań)
- Papieski Fakultet Teologiczny we Wrocławiu (Pope's Theological Faculty in Wrocław)
- Papieski Wydział Teologiczny w Warszawie (Pope's Theological Department in Warsaw)
- Akademia Marynarki Wojennej im. Bohaterów Westerplatte w Gdyni (Naval University of Gdynia named for Westerplatte's Heroes)
- Akademia Obrony Narodowej (National Defence Academy)
- Wojskowa Akademia Techniczna im. Jarosława Dąbrowskiego w Warszawie (The Jarosław Dąbrowski Technical Military Academy in Warsaw)
- Wojskowa Akademia Medyczna im. Gen. Dyw. Bolesława Szareckiego w Łodzi (The gen. Bolesław Szarecki Medical Military Academy in Łódź)

- Wyższa Szkoła Oficerska im. Tadeusza Kościuszki we Wrocławiu (The Tadeusz Kościuszko Military Academy in Wrocław)
- Wyższa Szkoła Oficerska Wojsk Obrony Przeciwlotniczej im. Romualda Traugutta (The Romuald Traugutt Anti-Aircraft Forces Academy)
- Wyższa Szkoła Oficerska im. gen. Józefa Bema w Toruniu (The gen. J. Bem Military Academy in Toruń)
- Wyższa Szkoła Oficerska Sił Powietrznych w Dęblinie (Air Forces Military Academy in Dęblin)
- Wyższa Szkoła Policji w Szczytnie (Police High School in Szczytno)
- Szkoła Główna Służby Pożarniczej w Warszawie (The Main School of Fire Service in Warsaw)
- Akademia Muzyczna im. Feliksa Nowowiejskiego w Bydgoszczy (The Feliks Nowowiejski Academy of Music in Bydgoszcz)
- Akademia Muzyczna im. Stanisława Moniuszki w Gdańsku (The Stanisław Moniuszko Academy of Music in Gdańsk)
- Akademia Muzyczna im. Karola Szymanowskiego w Katowicach (The Karol Szymanowski Academy of Music in Katowice)
- Akademia Muzyczna w Krakowie (Academy of Music in Cracow)
- Akademia Muzyczna im. Grażyny i Kiejstuta Bacewiczów w Łodzi (The Grażyna i Kiejstut Bacewicz Academy of Music in Łódź)
- Akademia Muzyczna im. Ignacego Jana Paderewskiego w Poznaniu (The Ignacy Jan Paderewski Academy of Music in Poznań)
- Akademia Muzyczna im. Fryderyka Chopina w Warszawie (The Fryderyk Chopin Academy of Music in Warsaw)
- Akademia Muzyczna im. Karola Lipińskiego we Wrocławiu (The Karol Lipiński Academy of Music in Wrocław)
- Akademia Sztuk Pięknych w Gdańsku (The Academy of Fine Arts in Gdańsk)
- Akademia Sztuk Pięknych w Katowicach (The Academy of Fine Arts in Katowice)
- Akademia Sztuk Pięknych im. Jana Matejki w Krakowie (The Jan Matejko Academy of Fine Arts in Cracow)
- Akademia Sztuk Pięknych im. Władysława Strzemińskiego w Łodzi (The Władysław Strzemiński Academy of Fine Arts in Łódź)
- Akademia Sztuk Pięknych w Poznaniu (The Academy of Fine Arts in Poznań)
- Akademia Sztuk Pięknych w Warszawie (The Academy of Fine Arts in Warsaw)
- Akademia Sztuk Pięknych we Wrocławiu (The Academy of Fine Arts in Wrocław)
- Państwowa Wyższa Szkoła Teatralna im. Ludwika Solskiego w Krakowie (The Ludwik Solski State Higher Theatre School in Cracow)
- Państwowa Wyższa Szkoła Filmowa, Telewizyjna i Teatralna im. Leona Schillera w Łodzi (The Leon Schiller State Higher Film, Television and Theatre School in Łódź)
- Akademia Teatralna im. Aleksandra Zelwerowicza w Warszawie (The Aleksander Zelwerowicz Academy of Theatre in Warsaw)
- Akademia Wychowania Fizycznego i Sportu im. Jędrzeja Śniadeckiego w Gdańsku (The Jędrzej Śniadecki Academy of Physical Education and Sport in Gdańsk)
- Akademia Wychowania Fizycznego w Katowicach (Academy of Physical Education in Katowice)

- Akademia Wychowania Fizycznego im. Bronisława Czecha w Krakowie (The Bronisław Czech Academy of Physical Education in Cracow)
- Akademia Wychowania Fizycznego im. Eugeniusza Piaseckiego w Poznaniu (The Eugeniusz Piasecki Academy of Physical Education in Poznań)
- Akademia Wychowania Fizycznego Józefa Piłsudskiego w Warszawie (The Józef Piłsudski Academy of Physical Education in Warsaw)
- Akademia Wychowania Fizycznego we Wrocławiu (Academy of Physical Education in Wrocław)
- 2. Państwowe i samorządowe instytucje kultury (national and self-governing cultural institutions)
- 3. Parki narodowe (national parks)
- 4. Agencje państwowe działające w formie spółek (national agencies acting in the form of companies)
- 5. Państwowe Gospodarstwo Leśne "Lasy Państwowe" ("State Forests" National Forest Holding)
- 6. Podstawowe, gimnazjalne i ponadgimnazjalne szkoły publiczne (public primary and secondary schools)
- 7. Publiczni nadawcy radiowi i telewizyjni (public radio and TV broadcasters)
 - Telewizja Polska S. A. (Polish TV)
 - Polskie Radio S. A. (Polish Radio)
- 8. Publiczne muzea, teatry, biblioteki i inne publiczne placówki kultury m.in.: (public museums, theatres, libraries, other public cultural institutions, etc.)
 - Narodowe Centrum Kultury w Warszawie (National Centre for Culture in Warsaw)
 - Zachęta – Państwowa Galeria Sztuki w Warszawie (Zachęta – State Gallery of Art in Warsaw)
 - Centrum Sztuki Współczesnej – Zamek Ujazdowski w Warszawie (Centre for Contemporary Art – Ujazdowski Castle in Warsaw)
 - Centrum Rzeźby Polskiej w Orońsku (Centre for Polish Sculpture in Orońsk)
 - Międzynarodowe Centrum Kultury w Krakowie (International Culture Centre Cracow)
 - Centrum Międzynarodowej Współpracy Kulturalnej – Instytut Adama Mickiewicza w Warszawie (Centre for International Cultural Cooperation – Adam Mickiewicz Institute in Warsaw)
 - Dom Pracy Twórczej w Wigrach (House for Artistic Works in Wigry)
 - Dom Pracy Twórczej w Radziejowicach (House for Artistic Works in Radziejowice)
 - Biblioteka Narodowa w Warszawie (National Library in Warsaw)
 - Naczelna Dyrekcja Archiwów Państwowych (Directorate of the Polish State's Archives)
 - Muzeum Narodowe w Krakowie (National Museum in Cracow)
 - Muzeum Narodowe w Poznaniu (National Museum in Poznań)
 - Muzeum Narodowe w Warszawie (National Museum in Warsaw)
 - Zamek Królewski w Warszawie – Pomnik Historii i Kultury Narodowej (Royal Castle in Warsaw – National History and Culture Monument)
 - Zamek Królewski na Wawelu Państwowe Zbiory Sztuki w Krakowie (Royal Castle Wawel National Collections of Art in Cracow)
 - Muzeum Żup Krakowskich w Wieliczce (Cracow Salt-mine Museum in Wieliczka)
 - Państwowe Muzeum Auschwitz-Birkenau w Oświęcimiu (State Museum Auschwitz-Birkenau in Oświęcim)
 - Państwowe Muzeum na Majdanku w Lublinie (State Museum Majdanek in Lublin)

- Muzeum Stutthof w Sztutowie (Museum Stutthof in Sztutowo)
- Muzeum Zamkowe w Malborku (Castle Museum in Marlborok)
- Centralne Muzeum Morskie w Gdańsku (Central Maritime Museum)
- Muzeum "Łazienki Królewskie" – Zespół Pałacowo-Ogrodowy w Warszawie (Museum "Łazienki Królewskie" – Palace-garden Complex in Warsaw)
- Muzeum Pałac w Wilanowie (Palace-museum in Wilanów)
- Muzeum Wojska Polskiego (Museum for Polish Armed Forces)
- Teatr Narodowy w Warszawie (National Theatre in Warsaw)
- Narodowy Stary Teatr im. Heleny Modrzejewskiej w Krakowie (The Helena Modrzejewska Old Theatre in Cracow)
- Teatr Wielki – Opera Narodowa w Warszawie (Great Theatre – National Opera in Warsaw)
- Filharmonia Narodowa w Warszawie (National Philharmonic Hall in Warsaw)
- 9. Publiczne placówki naukowe, jednostki badawczo- rozwojowe oraz inne placówki badawcze (Public research institutions, research and development institutions and other research institutions)

XXIV. SLOVENIA

- občine (local communities)
- javni zavodi s področja vzgoje, izobraževanja ter športa (public institutes in the area of child care, education and sport)
- javni zavodi s področja zdravstva (public institutes in the area of health care)
- javni zavodi s področja socialnega varstva (public institutes in the area of social security)
- javni zavodi s področja kulture (public institutes in the area of culture)
- javni zavodi s področja raziskovalne dejavnosti (public institutes in the area of science and research)
- javni zavodi s področja kmetijstva in gozdarstva (public institutes in the area of agriculture and forestry)
- javni zavodi s področja okolja in prostora (public institutes in the area of environment and spatial planning)
- javni zavodi s področja gospodarskih dejavnosti (public institutes in the area of economic activities)
- javni zavodi s področja malega gospodarstva in turizma (public institutes in the area of small enterprises and tourism)
- javni zavodi s področja javnega reda in varnosti (public institutes in the area of public order and security)
- agencije (agencies)
- skladi socialnega zavarovanja (social security funds)
- javni skladi na ravni države in na ravni občin (public funds at the level of the central government and local communities)
- Družba za avtoceste v RS (Motorway Company in the Republic of Slovenia)
- Pošta Slovenije (The Post Office of Slovenia)

XXV. SLOVAKIA

The procuring entity is defined in Article 3 §1 of Act No. 263/1999 Z. z. on Public Procurement, as amended, as:

1. an organisation financed by the State budget (e.g. ministries, other state administration authorities) or co-financed by the State budget (e.g. universities, colleges) and by a State goal-specific fund
2. a self-governed region, a municipality, an organisation of a self-governed region or municipality financed or co-financed by the same
3. a health insurance agency
4. a legal entity established by law as a public institution (e.g. Slovenská televízia, Slovenský rozhlas, Sociálna poisťovňa)
5. National Property Fund of the Slovak Republic
6. Slovak Land Fund
7. association of legal entities which was formed by the procuring entities stated in items (1) to (3)".

In addition to the entities listed in Annex I of Directive 93/37/EEC (pages 92-101 of document GPA/W/51), the following entities shall be regarded as bodies governed by public law within the sense of such Directive:

Austria: "Austrian State Printing Office"

Denmark: "Copenhagen Hospital Corporation" ("Hovedstandens Sygehusfaellesskab")

Ireland: "Forbas"; "Forbairt"

Luxembourg: "L'entreprise des Postes et Télécommunications (Postal business only)"

Portugal:

"INGA (National Agricultural Intervention and Guarantee Institute/Instituto Nacional de Intervenção e Garantia Agrícola)"

"Institute for the Consumer / Instituto do Consumidor"

"Institute for Meteorology / Instituto de Meteorologia"

"Institute for Natural Conservation / Instituto da Conservação da Natureza"

"Water Institute / Instituto da Agua"

"ICEP / Instituto de Comércio Externo de Portugal"

"Portuguese Blood Institute / Instituto do Sangue"

United Kingdom: "Ordnance Survey"

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

Directive 93/38

As mentioned in Appendix I - Annex 3 of
the GPA

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 lovbekendtgøelse 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 / *Εταιρεία Ύδρευσης – Αποχέτευσης Πρωτεύουσας* (Etaireia Ydrefsis Apochetefsiss Protevoysis) set up pursuant to Law 1068/80 of 23 August 1980.

The Water Company of Salonica / *Οργανισμός Ύδρευσης Θεσσαλονίκης* (Organismos Ydrefsis Thessalonikis) operating pursuant to Presidential Decree 61/1988.

The Water Company of Voios / *Εταιρεία Ύδρευσης Βόλου* (Etaireia Ydrefsis Voloy) operating pursuant to Law 890/1979.

Municipal companies / *Δημοτικές Επιχειρήσεις ύδρευσης - αποχέτευσης* (Dimotikes Epicheiriseis ydrefsis apochetefsiss) producing or distributing water and set up pursuant to Law 1059/80 of 23 August 1980.

Associations of local authorities / *Σύνδεσμοι ύδρευσης* (Syndesmoi ydrefsiss) operating pursuant to the Code of local authorities *Κώδικας Δήμων και Κοινοτήτων* (Kodikas Dimon Kai Koinotiton) 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.

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 no 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*.

AUSTRIA

Entities of local authorities (Gemeinden) and associations of local authorities (Gemeindeverbände) producing, transporting or distributing drinking water pursuant to *the Wasserversorgungsgesetze of the nine Länder*.

FINLAND

Entities producing, transporting or distributing drinking water pursuant to *Article 1 of Laki yleisistä vesi- ja viemärlaitoksista (982/77) of 23 December 1977*.

SWEDEN

Local authorities and municipal companies which produce, transport or distribute drinking water pursuant to *lagen (1970:244) om allmänna vatten- och avloppsanläggningar*;

CZECH REPUBLIC

All producers, shippers or distributors of drinking water that provide their services to the public (section 2 b) of Act No. 199/1994 Sb. on Public Procurement).

ESTONIA

Entities operating pursuant to Article 5 of the Public Procurement Act (RT I 2001, 40, 224) and Article 14 of the Competition Act (RT I 2001, 56 332).

CYPRUS

The Water Boards, distributing water in municipal and other areas pursuant to the Water Supply (Municipal and Other Areas) Law, Cap. 350. (Τα Συμβούλια Υδατοπρομήθειας που διανέμουν νερό σε δημοτικές και άλλες περιοχές, δυνάμει του περί Υδατοπρομήθειας Δημοτικών και Άλλων Περιοχών Νόμου, Κεφ. 350).

LATVIA

Public entities of local governments producing and distributing drinking water to the fixed networks intended to provide a service to the public.

LITHUANIA

Entities producing, transporting and distributing drinking water pursuant to the Lietuvos Respublikos geriamojo vandens įstatymas (Žin., 2001, Nr. 64-2327) and Lietuvos Respublikos vandens įstatymas (Žin., 1997, Nr. 104-2615) and being in compliance with the provisions of Lietuvos Respublikos viešųjų pirkimų įstatymas (Žin., 2002, Nr. 118-5296).

HUNGARY

Entities producing, transporting or distributing water pursuant to Act LVII of 1995 on water management (1995. évi LVII. törvény a vízgazdálkodásról).

MALTA

Korporazzjoni għas-Servizzi ta' l-Ilma (Water Services Corporation).

POLAND

Przedsiębiorstwa wodociągowo-kanalizacyjne w rozumieniu ustawy z dnia 7 czerwca 2001 r. o zbiorowym zaopatrzeniu w wodę i zbiorowym odprowadzaniu ścieków prowadzące działalność gospodarczą w zakresie zbiorowego zaopatrzenia w wodę lub zbiorowego odprowadzania ścieków. (Water-supply and sewage enterprises within the meaning of the Act of 7 June 2001 on the collective water supply and discharge of wastewater).

SLOVENIA

Podjetja, ki črpajo, izvajajo prenos ali dobavo pitne vode, skladno s koncesijskim aktom, izdanim na podlagi Zakona o varstvu okolja (Uradni list RS, 32/93, 1/96) in odloki občin. (Entities producing, transporting or distributing drinking water, in accordance with the concession act granted pursuant to the Environment Protection Act (Official Journal of the Republic of Slovenia, 32/93, 1/96) and the decisions issued by the municipalities).

SLOVAKIA

The procuring entity is defined in Article 3 §2 and §3 of Act No. 263/1999 Z. z. on Public Procurement, as amended, as a legal entity which deals in water management by producing and operating the public distribution of drinking water, operates public sewerage or sewage works (e.g. Západoslovenské vodárne a kanalizácie, Stredoslovenské vodárne a kanalizácie, Východoslovenské vodárne a kanalizácie).

ANNEX II

PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY

BELGIUM

Entities producing, transporting or distributing electricity pursuant to *article 5: Des régies communales et intercommunales of the loi du 10 mars 1925 sur les distributions d'énergie électrique.*

Entities transporting or distributing electricity pursuant to *the loi relative aux intercommunales du 22 décembre 1986.*

EBES, Intercom, Unerg and other entities producing, transporting or distributing electricity and granted a concession for distribution pursuant to *article 8 - les concessions communales et intercommunales of the loi du 10 mars 1952 sur les distributions d'énergie électrique.*

The Société publique de production d'électricité (SPÉ).

DENMARK

Entities producing or transporting electricity on the basis of a licence pursuant to §3, *stk. 1, of the lov nr. 54 af 25. februar 1976 om elforsyning, jf. bekendtgørelse nr. 607 af 17. december 1976 om elforsyningslovens anvendelsesområde.*

Entities distributing electricity as defined in §3, *stk. 2, of the lov nr. 54 af 25. februar 1976 om elforsyning, jf. bekendtgørelse nr. 607 af 17. december 1976 om elforsyningslovens anvendelsesområde* and on the basis of authorizations for expropriation pursuant to *Articles 10 to 15 of the lov om elektriske stærkstrømsanlæg, jf. lovbekendtgørelse nr. 669 af 28. december 1977.*

GERMANY

Entities producing, transporting or distributing electricity as defined in §2 *Absatz 2 of the Gesetz zur Förderung der Energiewirtschaft (Energiewirtschaftsgesetz) of 13 December 1935. Last modified by the Gesetz of 19 December 1977, and auto-production of electricity so far as this is covered by the field of application of the Directive pursuant to Article 2, paragraph 5.*

GREECE

Δημόσια Επιχείρηση Ηλεκτρισμού (Dimosia Epicheirisi Ilektrismoy) (Public Power Corporation) set up pursuant to the law 1468 of 2 August 1950 *Περί ιδρύσεως Δημοσίας Επιχειρήσεως Ηλεκτρισμού (Peri idryseos Dimosias Epicheiriseos Ilektrismoy)*, and operating pursuant to *the law 57/85: Δομή ρόλος και τρόπος διοίκησης και λειτουργίας της κοινωνικοποιημένης Δημοσίας Επιχείρησης Ηλεκτρισμού (Domi, rolos kai tropos dioksis kai leitoyrgias tis koinonikopoimenis Dimosias Epicheiriseos Ilektrismoy).*

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.*

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).

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 no 502/76 de 30 de Junho de 1976*.

Entities distributing electricity pursuant to *artigo 1o do Decreto-Lei no 344-B/82 de 1 de Setembro de 1982, amended by Decreto-Lei no 297/86 de 19 de Setembro de 1986*. Entities producing electricity pursuant to *Decreto Lei no 189/88 de 27 de Maio de 1988*.

Independent producers of electricity pursuant to *Decreto Lei n o 189/88 de 27 de Maio de 1988*.

Empresa de Electricidade dos Açores - EDA, EP, created pursuant to the *Decreto Regional no 16/80 de 21 de Agosto de 1980*.

Empresa de Electricidade da Madeira, EP, created pursuant to the *Decreto-Lei no 12/74 de 17 de Janeiro de 1974 and regionalized pursuant to the Decreto-Lei no 31/79 de 24 de Fevereiro de 1979, Decreto-Lei no 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.

AUSTRIA

Entities producing, transporting or distributing electricity pursuant to *the second Verstaatlichungsgesetz (BGBl. Nr. 81/1947), and the Elektrizitätswirtschaftsgesetz (BGBl. Nr. 260/1975), including the Elektrizitätswirtschaftsgesetze of the nine Länder.*

FINLAND

Entities producing, transporting or distributing electricity on the basis of a concession pursuant to *Article 27 of Sähkölaki (319/79) of 16 March 1979.*

SWEDEN

Entities which transport or distribute electricity on the basis of a concession pursuant to *lagen (1902:71 s. 1) innefattande vissa bestämmelser om elektriska anläggningar.*

CZECH REPUBLIC

The contracting authority is defined in section 2 b) of Act. No. 199/1994 Sb. on Public Procurement as České energetické závody, a.s. (Czech Power Works, producer) and 8 regional distribution companies: Středočeská energetická a.s. (Central-Bohemian Power Company), Východočeská energetická, a.s. (East-Bohemian Power Company), Severočeská energetická a.s. (North-Bohemian Power Company), Západočeská energetická, a.s. (West-Bohemian Power Company), Jihočeská a.s. (South-Bohemian Power Company), Pražské energetické závody, a.s. (Prague's Power Works), Jihomoravská energetická, a.s. (South-Moravian Company), Severomoravská energetická, a.s. (North Moravian Power Company); these entities produce or transport electricity on the basis of the Energy Act No. 458/2000 Sb.

ESTONIA

Entities operating pursuant to Article 5 of the Public Procurement Act (RT I 2001, 40, 224) and Article 14 of the Competition Act (RT I 2001, 56 332).

CYPRUS

The Electricity Authority of Cyprus established by the Electricity Development Law, Cap. 171. (Η Αρχή Ηλεκτρισμού Κύπρου που εγκαθιδρύθηκε από τον περί Αναπτύξεως Ηλεκτρισμού Νόμο, Κεφ. 171).

LATVIA

Valsts akciju sabiedrība "Latvenergo" (State public limited liability company "Latvenergo").

LITHUANIA

Entities producing, transporting or distributing electricity pursuant to the Lietuvos Respublikos elektros energetikos įstatymas (Žin., 2000, Nr. 66-1984) and being in compliance with the provisions of Lietuvos Respublikos viešųjų pirkimų įstatymas (Žin., 2002, Nr. 118-5296).

Valstybės įmonė Ignalinos atominė elektrinė (State Enterprise Ignalina Nuclear Power Plant) set up pursuant to the Lietuvos Respublikos branduolinės energijos įstatymas (Žin., 1996, Nr. 119-2771).

HUNGARY

Entities producing, transporting or distributing electricity on the basis of an authorisation pursuant to Act CX of 2001 on electricity (2001. évi CX. törvény a villamos energiáról).

MALTA

Korporazzjoni Enemalta (Enemalta Corporation).

POLAND

Przedsiębiorstwa energetyczne w rozumieniu ustawy z dnia 10 kwietnia 1997 r. Prawo energetyczne (Energy enterprises within the meaning of the Act of 10 April 1997 "Energy Law").

SLOVENIA

ELES- Elektro Slovenija, podjetja, ki proizvajajo električno energijo, skladno z Energetskim zakonom (Uradni list RS, 79/99), podjetja, ki izvajajo transport električne energije, skladno z Energetskim zakonom (Uradni list RS, 79/99), podjetja, ki dobavljajo električno energijo, skladno z Energetskim zakonom (Uradni list RS, 79/99) (ELES- Elektro Slovenija; entities producing, transporting or distributing electricity pursuant to the Energy Act (Official Journal of the Republic of Slovenia, 79/99)).

SLOVAKIA

The procuring entity is defined in Article 3 §2 and §3 of Act No. 263/1999 Z. z. on Public Procurement, as amended, as a legal entity which deals in energy sectors by generating, purchasing and distributing electricity and by transmitting electricity (Act No. 70/1998 Z. z. as amended – e.g. Slovenské elektrárne a.s., Regionálne rozvodné závody).

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 to *the Personenbeförderungsgesetz vom 21 März 1961, as last amended on 25 July 1989.*

GREECE

Ηλεκτροκίνητα Λεωφορεία Περιοχής Αθηνών-Πειραιώς (Plektrokinita Leoforeia Periochis Athinon-Peiraios, Electric buses of the Athens - Piraeus area) operating pursuant to *decree 768/1970 and law 588/1977*.

Ηλεκτρικοί Σιδηρόδρομοι Αθηνών-Πειραιώς (Elektrikoi Sidorodromoi Athinon-Peiraios, Athen-Piraeus electric railways) operating pursuant to *laws 352/1976 and 588/1977*.

Επιχείρηση Αστικών Συγκοινωνιών (Epicheirisi Ostikon Sygkoinion. (Enterprise of urban transport) operating pursuant to *law 588/1977*.

Κοινό Ταμείο Εισπράξεως Λεωφορείω Κοινο (Tameio Eisprazeos Leoforeion, Joint receipts fund of buses) operating pursuant to *decree 102/1973*.

ΡΟΔΑ (Δημοτική Επιχείρηση Λεωφορείων Ρόδου) (Diomtiki Epicheirisi Leoforeion) Roda: Municipal bus enterprise in Rhodes.

Οργανισμός Αστικών Συγκοινωνιών Θεσσαλονίκης Organismos Astikon Sygkoinion Thessalonikis. (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 no 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 Éiréann (Irish Rail).

Bus Éireann (Irish Bus).

Bus Átha Cliath (Dublin Bus).

Entities providing transport services to the public pursuant to the amended Road Transport Act 1932.

ITALY

Entities providing transport services of a concession pursuant to *Legge 28 settembre 1939, n. 1822 - Disciplina degli autoservizi di linea (autolinee per viaggiatori, bagagli e pacchi agricoli in regime di concessione all'industria privata) - Article 1 as modified by Article 45 of Decreto del Presidente della Repubblica 28 giugno 1955, n. 771*.

Entities providing transport services to the public pursuant to *Article 1 (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.

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.

AUSTRIA

Entities providing transport services pursuant to *the Eisenbahngesetz 1957 (BGBl. Nr. 60/1957) and the Kraftfahrlineingesetz 1952 (BGBl. Nr. 84/1952)*.

FINLAND

Public or private entities operating bus services according to *"Laki (343/91) luvanvaraisesta henkilöliikenteestä tiellä"* and *Helsingin kaupungin liikennelaitos/Helsingfors stads trafikverk (Helsinki Transport Board)*, which provides metro and tramway services to the public.

SWEDEN

Entities operating urban railway or tramway services according to *lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik and lagen (1990:1157) om jaernvägssäkerhet*. Public or private entities operating a trolley bus or bus service in accordance with the *lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik and lagen (1983:293) om yrkestrafik*.

CZECH REPUBLIC

Any operator of public transport systems and providers of services to the public in rail, tramway, trolleybus or bus transport (section 2 b) of Act No. 199/1994 Sb. on Public Procurement).

ESTONIA

Entities operating pursuant to Article 5 of the Public Procurement Act (RT I 2001, 40, 224) and Article 14 of the Competition Act (RT I 2001, 56 332).

LATVIA

Public entities which provide passenger transportation services in the following cities by bus, trolleybus, tram: Rīga, Jūrmala, Liepāja, Daugavpils, Jelgava, Rēzekne, Ventspils.

LITHUANIA

Entities providing urban trolleybus, bus or cable services to the public in accordance with the Lietuvos Respublikos kelių transporto kodeksas (Žin., 1996, Nr. 119-2772) and being in compliance with the provisions of Lietuvos Respublikos viešųjų pirkimų įstatymas (Žin., 2002, Nr. 118-5296).

HUNGARY

Entities providing road transport services to the public on the basis of Act I of 1988 on road transport (1988. évi I. törvény a közúti közlekedésről) and on the basis of an authorisation pursuant to Decree No 89/1988. (XII. 20.) MT of the Council of Ministers on road transport services and on operation of road vehicles (89/1988. (XII. 20.) MT rendelet a közúti közlekedési szolgáltatásokról és a közúti járművek üzemen tartásáról).

Entities providing railway transport services to the public on the basis of Act XCV of 1993 on railways (1993. évi XCV. törvény a vasútról) and on the basis of an authorisation pursuant to Decree No 15/2002. (II. 27.) KöViM of the Minister of Transport and Water Management on licensing of railway undertakings (15/2002. (II. 27.) KöViM rendelet a vasútvállalatok működésének engedélyezéséről).

MALTA

L-Awtorita` dwar it-Trasport ta' Malta (Malta Transport Authority).

POLAND

Podmioty świadczące usługi w zakresie miejskiego transportu kolejowego, działające na podstawie koncesji wydanej zgodnie z ustawą z dnia 27 czerwca 1997 r. o transporcie kolejowym (Dz.U. Nr 96, poz.591 ze zm.).(Entities providing services in the field of urban railway transport, acting on the basis of the Act of 27 June 1997 on railway transport (Dz. U. Nr 96, poz. 591 as amended).

Podmioty świadczące usługi dla ludności w zakresie miejskiego transportu autobusowego działające na podstawie zezwolenia zgodnie z ustawą z dnia 6 września 2001 r. o transporcie drogowym (Dz.U.Nr 125, poz. 1371 ze zm.) oraz podmioty świadczące usługi dla ludności w zakresie miejskiego transportu (Entities providing services for the public in the field of urban bus transport, acting on the basis of the licence issued under the Act of 6 September 2001 on road transport (Dz. U. Nr 125, poz. 1371 as amended) and entities providing service for the public in the field of urban transport.

SLOVENIA

Podjetja, ki opravljajo javni mestni avtobusni prevoz, skladno z Zakonom o prevozih v cestnem prometu (Uradni list RS, 72/94, 54/96, 48/98 in 65/99).(Companies providing public urban bus transport in accordance with Road Transport Traffic Act (Official Gazette of the Republic of Slovenia, nos. 72/94, 54/96, 48/98 and 65/99)).

SLOVAKIA

The procuring entity is defined in Article 3 §2 and §3 of Act No. 263/1999 Z. z. on Public Procurement, as amended, as a legal entity which deals in road transport, by operating scheduled public bus transport, and transport on the railways (Act No. 164/1996 Z. z. as amended, Act No. 168/1996 Z. z. as amended – e.g.

Železnice Slovenskej republiky /ŽSR/

Železničná spoločnosť a.s.

Dopravný podnik Bratislava, a.s.

Dopravný podnik mesta Žiliny, a.s.

Dopravný podnik mesta Prešov, a.s.

Dopravný podnik mesta Košíc, a.s.

Banskobystrická dopravná spoločnosť, a.s.).

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 arrCetBe royal du 5 octobre 1970 portant refonte du statut de la régle 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, as last amended by the Verordnung vom 21 Juli 1986.*

GREECE

Airports operating pursuant to law 517/1931 setting up the civil aviation service Υπηρεσία Πολιτικής Αεροπορίας(ΥΠΑ)(Ypiresia Politikis Aeroporias (YPA)).

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 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 no 246/79*.

Aeroporto do Funchal and Aeroporto de Porto Santo, regionalized pursuant to the *Decreto-Lei no 284/81*.

UNITED KINGDOM

Airports managed by British Airports Authority plc.

Airports which are public limited companies (plc) pursuant to the Airports Act 1986.

FINLAND

Airports managed by "Ilmailulaitos/Luftfartsverket" pursuant to *Ilmailulaki (595/64)*.

SWEDEN

Publicly owned and operated airports in accordance with *lagen (1957:297) om luftfart*.

Privately owned and operated airports with an exploitation permit under the act, where this permit corresponds to the criteria of Article 2 (3) of the Directive.;

CZECH REPUBLIC

Operators of airports (section 2 b) of Act No. 199/1994 Sb. on Public Procurement).

ESTONIA

Entities operating pursuant to Article 5 of the Public Procurement Act (RT I 2001, 40, 224) and Article 14 of the Competition Act (RT I 2001, 56 332).

LATVIA

Valsts akciju sabiedrība "Latvijas gaisa satiksme" (State public limited liability company "Latvijas gaisa satiksme").

Valsts akciju sabiedrība ""Starptautiskā lidosta "Rīga"" (State public limited liability company "International airport "Rīga"").

LITHUANIA

Airports operating pursuant to the Lietuvos Respublikos aviacijos įstatymas (Žin., 2000, Nr. 94-2918) and Lietuvos Respublikos civilinės aviacijos įstatymas (Žin., 2000, Nr 66-1983).

Valstybės įmonė "Oro navigacija" (state enterprise "Oro navigacija") operating pursuant to the Lietuvos Respublikos aviacijos įstatymas (Žin., 2000, Nr. 94-2918) and Lietuvos Respublikos civilinės aviacijos įstatymas (Žin., 2000, Nr. 66-1983).

Other entities operating in the field of airport facilities and being in compliance with the provisions of Lietuvos Respublikos viešųjų pirkimų įstatymas (Žin., 2002, Nr. 118-5296).

HUNGARY

Airports operating on the basis of an authorisation pursuant to Act XCVII of 1995 on air traffic (1995. évi XCVII. törvény a légiközlekedésről).

Budapest Ferihegy International Airport managed by the Budapest Ferihegy International Airport Operator Plc. (Budapest Ferihegy Nemzetközi Repülőtér managed by Budapest Ferihegy Nemzetközi Repülőtér Üzemeltetési Rt.) on the basis of Act XVI of 1991 on concessions (1991. évi XVI. törvény a koncesszióról), Act XCVII of 1995 on air traffic (1995. évi XCVII. törvény a légiközlekedésről), Decree No 45/2001. (XII. 20.) KöViM of the Minister of Transport and Water Management on winding-up the Air Traffic and Airport Administration and establishing HungaroControl Hungarian Air Navigation Services (45/2001. (XII. 20.) KöViM rendelet a Légiforgalmi és Repülőtéri Igazgatóság megszüntetéséről és a HungaroControl Magyar Légiforgalmi Szolgálat létrehozásáról).

MALTA

L-Ajruport Internazzjonali ta" Malta (Malta International Airport).

POLAND

Przedsiębiorstwo Państwowe "Porty Lotnicze" (the state enterprise "Polish Airports").

SLOVENIA

Javna civilna letališča, skladno z Zakonom o letalstvu (Uradni list RS, 18/01). Public civil airports that operate in accordance with Civil Aviation Act (Official Gazette of the Republic of Slovenia, no. 18/01).

SLOVAKIA

The procuring entity is defined in Article 3 §2 and §3 of Act No. 263/1999 Z. z. on Public Procurement, as amended, as a legal entity which deals in civil aviation by establishing and operating public airports and ground aviation facilities (Act No. 143/1998 Z.z. as amended – e.g. Airports – Letisko M.R. Štefánika, Letisko Košice – Barca, Letisko Poprad – Tatry, Letisko Sliač, Letisko Piešťany – managed by Slovenská správa letísk /Slovak Airports Administration/ and operating on the basis of a licence issued by Ministry of Transport, Posts and Telecommunications of the Slovak Republic pursuant to § 32 Act No. 143/1998 Z. z. on Civil Aviation).

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

- Οργανισμός Λιμένος Πειραιώς Piraeus port (Organismos Limenos Peiraios) set up pursuant to *Emergency Law 1559/1950 and Law 1630/1951.*
- Οργανισμός Λιμένος Θεσσαλονίκης Thessaloniki port (Organismos Limenos Thessalonikis) set up pursuant to *decree N.A. 2251/1953.*

- Other ports governed by presidential *decree 649/1977 (NA. 649/1977) Εποπτεία, οργάνωση λειτουργίας, διοικητικός έλεγχος λυμένων (Eropteia, organosi leitoyrgias dioktitikos elenchos limeron, 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.*
- 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'BEtat 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 to *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'Etat.*

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.*

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 no 36976 de 20 de Julho de 1948.*

Porto do Douro e Leixões set up pursuant to *Decreto-Lei n o 36977 de 20 de Julho de 1948.*

Porto de Sines set up pursuant to *Decreto-Lei no 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 no 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 waterway.*

AUSTRIA

Inland ports owned totally or partially by Länder and/or Gemeinden.

FINLAND

Ports operating pursuant to *Laki kunnallisista satamajärjestyksistä ja liikennemaksuista (955/76).*

Saimaa Canal (Saimaan kanavan hoitokunta).

SWEDEN

Ports and terminal facilities according to *lagen (1983:293) om inrättande, utvidgning och avlysning av allmän farled och allmän hamn, the förordningen (1983:744) om trafiken paa Göta kanal.*

AUSTRIA

Austro Control GmbH

Entities as defined in *Articles 60 to 80 of the Luftfahrtgesetz 1957 (BGBl. Nr. 253/1957).*

CZECH REPUBLIC

Operators of harbours (section 2 b) of Act No. 199/1994 Sb. on Public Procurement).

ESTONIA

Entities operating pursuant to Article 5 of the Public Procurement Act (RT I 2001, 40, 224) and Article 14 of the Competition Act (RT I 2001, 56 332).

CYPRUS

The Cyprus Ports Authority established by the Cyprus Ports Authority Law of 1973 (Η Αρχή Λιμένων Κύπρου, που εγκαθιδρύθηκε από τον περί Αρχής Λιμένων Κύπρου Νόμο του 1973).

LATVIA

Authorities, which govern ports in accordance with the law "Likums par ostām":

Rīgas brīvostas pārvalde (Rīga free port authority)
Ventspils brīvostas pārvalde (Ventspils free port authority)
Liepājas ostas pārvalde (Liepāja port authority)
Salacgrīvas ostas pārvalde (Salacgrīva port authority)
Skultes ostas pārvalde (Skulte port authority)
Lielupes ostas pārvalde (Lielupe port authority)
Engures ostas pārvalde (Engure port authority)
Mērsraga ostas pārvalde (Mērsrags port authority)
Pāvilostas pārvalde (Pāvilosta port authority)
Rojas ostas pārvalde (Roja port authority).

LITHUANIA

Valstybės įmonė "Klaipėdos valstybinio jūrų uosto direkcija" (state enterprise "Klaipėda State Seaport Authority") operating pursuant to the Lietuvos Respublikos Klaipėdos valstybinio jūrų uosto įstatymas (Žin., 1996, Nr. 53-1245).

Valstybės įmonė "Vidaus vandens kelių direkcija" (state enterprise "Inland Waterways Administration") operating pursuant to the Lietuvos Respublikos vidaus vandens transporto kodeksas (Žin., 1996, Nr. 105-2393).

Other entities operating in the field of maritime or inland port or other terminal facilities and being in compliance with the provisions of Lietuvos Respublikos viešųjų pirkimų įstatymas (Žin., 2002, Nr. 118-5296).

HUNGARY

Public ports operated fully or partially by the State pursuant to Act XLII of 2000 on water transport (2000. évi XLII. törvény a vízi közlekedésről).

MALTA

L-Awtorita' Marittima ta' Malta (Malta Maritime Authority).

POLAND

Podmioty zajmujące się zarządzaniem portami morskimi lub śródlądowymi i udostępnianiem ich przewoźnikom morskim i śródlądowym. (Entities operating in the field of management of sea ports or inland harbours and letting them for use to sea and inland carriers.).

SLOVENIA

Morska pristanišča v državni ali delni lasti države, ko opravljajo gospodarsko javno službo, skladno s Pomorskim zakonikom (Uradni list RS, 26/01). (Sea ports in full or partial state ownership when performing economic public service in accordance with the Maritime Code (Official Gazette of the Republic of Slovenia, no. 26).

SLOVAKIA

The procuring entity is defined in Article 3 §2 and §3 of Act No. 263/1999 Z. z. on Public Procurement, as amended, as a legal entity which deals in inland navigation by maintaining the waterways and by establishing and maintaining public ports and waterway facilities (Act No. 338/2000 Z. z.– e.g. Prístav Bratislava, Prístav Komárno, Prístav Štúrovo)."

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**

CANADA

Government Business Opportunities (GBO)
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

Belgium	-	Official Journal of the European Union
	-	Le Bulletin des Adjudications
	-	Other publications in the specialized press
Czech Republic	-	Official Journal of the European Union
Denmark	-	Official Journal of the European Union
Germany	-	Official Journal of the European Union
Estonia	-	Official Journal of the European Union
Greece	-	Official Journal of the European Union
	-	Publication in the daily, financial, regional and specialized press
Spain	-	Official Journal of the European Union
France	-	Official Journal of the European Union
	-	Bulletin officiel des annonces des marchés publics
Ireland	-	Official Journal of the European Union
	-	Daily Press: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italy	-	Official Journal of the European Union
Cyprus	-	Official Journal of the European Union
	-	Official Gazette of the Republic
	-	Local Daily Press
Latvia	-	Official Journal of the European Union
	-	Latvijas vēstnesis (official newspaper)
Lithuania	-	Official Journal of the European Union
	-	Information supplement "Informaciniai pranešimai" to the Official Gazette ("Valstybės žinios") of the Republic of Lithuania
Luxembourg	-	Official Journal of the European Union
	-	Daily Press
Hungary	-	Official Journal of the European Union
	-	Közbeszerzési Értesítő - a Közbeszerzések Tanácsa Hivatalos Lapja (Public Procurement Bulletin - Official Journal of the Public Procurement Council)
Malta	-	Official Journal of the European Union
	-	Government Gazette

Netherlands	-	Official Journal of the European Union
Austria	-	Official Journal of the European Union
	-	Amtsblatt zur Wiener Zeitung
Poland	-	Official Journal of the European Union
	-	Biuletyn Zamówień Publicznych (Public Procurement Bulletin)
Portugal	-	Official Journal of the European Union
Slovenia	-	Official Journal of the European Union
	-	Official Gazette of the Republic of Slovenia
Slovakia	-	Official Journal of the European Union
	-	Vestník verejného obstarávania (Journal of Public Procurement)
Finland	-	Official Journal of the European Union
	-	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)
Sweden	-	Official Journal of the European Union
United Kingdom	-	Official Journal of the European Union

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	Any of the following:
	-	Daily Press
	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Any of the following:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
MTR Corporation Limited	-	Any of the following:
	-	Daily Press
	-	Home Page on the Internet (http://www.mtr.com.hk)
Airport Authority	-	Any of the following:
	-	Daily Press
	-	Home Page on the Internet (http://www.hkairport.com)

ICELANDIcelandic newspapers:

Morgunbladid

Dagbladid

Dagur

Other:

Official Journal of the European Communities

ISRAEL

The Jerusalem Post

International Herald Tribune - Ha'aretz

JAPAN*Annex 1*

Kanpō

Annex 2

Kenpō

Shihō

or their equivalents

Annex 3

Kanpō

THE REPUBLIC OF KOREAThe Korean e-Procurement System: G2B (<http://www.g2b.go.kr>)

and

Daily Press (if necessary)

For Entities Listed in Annex 2, The Korean e-Procurement System (G2B)

and

Internet Home Page of Each Entity

LIECHTENSTEIN

Daily Press: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

The Aruba Gazette "Landscourant" as well as in local newspapers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Electronic Business (GeBIZ)

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

Federal Business Opportunities (<http://www.fedbizopps.gov>)

For entities listed in Annex 2 and relevant subcentral entities listed in Annex 3, publications utilized by state governments, such as the New York Contract Reporter

APPENDICE II

**PUBLICATIONS UTILISÉES PAR LES PARTIES EN VUE DE LA PUBLICATION
DES AVIS DE MARCHÉS ENVISAGÉS - PARAGRAPHE 1 DE L'ARTICLE IX,
ET DES AVIS POSTÉRIEURS À L'ADJUDICATION DES
MARCHÉS - PARAGRAPHE 1 DE L'ARTICLE XVIII**

CANADA

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTÉS EUROPÉENNES

Belgique	-	Journal officiel de l'Union européenne
	-	Le Bulletin des adjudications
	-	Autres publications de la presse spécialisée
République tchèque	-	Journal officiel de l'Union européenne
Danemark	-	Journal officiel de l'Union européenne
Allemagne	-	Journal officiel de l'Union européenne
Estonie	-	Journal officiel de l'Union européenne
Grèce	-	Journal officiel de l'Union européenne
	-	Publication dans la presse quotidienne, financière, régionale et spécialisée
Espagne	-	Journal officiel de l'Union européenne
France	-	Journal officiel de l'Union européenne
	-	Bulletin officiel des annonces des marchés publics
Irlande	-	Journal officiel de l'Union européenne
	-	Presse quotidienne: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italie	-	Journal officiel de l'Union européenne
Chypre	-	Journal officiel de l'Union européenne
	-	Journal officiel de la République
	-	Presse quotidienne locale
Lettonie	-	Journal officiel de l'Union européenne
	-	Latvijas vēstnesis (Journal officiel)
Lituanie	-	Journal officiel de l'Union européenne
	-	Supplément d'information "Informaciniai pranešimai" au Journal officiel ("Valstybės žinios") de la République de Lituanie
Luxembourg	-	Journal officiel de l'Union européenne
	-	Presse quotidienne
Hongrie	-	Journal officiel de l'Union européenne
	-	Közbeszerzési Értesítő - a Közbeszerzések Tanácsa Hivatalos Lapja (Bulletin des marchés publics - Journal officiel du Conseil des marchés publics)

Malte	-	Journal officiel de l'Union européenne
	-	Journal officiel
Pays-Bas	-	Journal officiel de l'Union européenne
Autriche	-	Journal officiel de l'Union européenne
	-	Amtsblatt zur Wiener Zeitung
Pologne	-	Journal officiel de l'Union européenne
	-	Biuletyn Zamówień Publicznych (Bulletin des marchés publics)
Portugal	-	Journal officiel de l'Union européenne
Slovénie	-	Journal officiel de l'Union européenne
	-	Journal officiel de la République de Slovénie
Slovaquie	-	Journal officiel de l'Union européenne
	-	Vestník verejného obstarávania (Journal des marchés publics)
Finlande	-	Journal officiel de l'Union européenne
	-	Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Marchés publics en Finlande et dans l'EEE, Supplément au Journal officiel de la Finlande)
Suède	-	Journal officiel de l'Union européenne
Royaume-Uni	-	Journal officiel de l'Union européenne

HONG KONG, CHINE

Annexe 1

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	L'un ou l'autre des documents suivants:
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	L'un ou l'autre des documents suivants:
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.mtr.com.hk)

Direction de l'aéroport

- L'un ou l'autre des documents suivants:
- Presse quotidienne
- Page d'accueil sur Internet
(<http://www.hkairport.com>)

ISLANDE

Journaux islandais:

Morgunbladid

Dagbladid

Dagur

Autre:

Journal officiel des Communautés européennes

ISRAEL

The Jerusalem Post

International Herald Tribune - Ha'aretz

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLIQUE DE CORÉE

Système coréen de passation électronique des marchés: G2B (<http://www.g2b.go.kr>)

et

Presse quotidienne (si nécessaire)

Pour les entités énumérées à l'Annexe 2,
Système coréen de passation électronique des marchés (G2B)
et
Page d'accueil Internet de chaque entité

LIECHTENSTEIN

Presse quotidienne: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

"Landscourant", Journal officiel d'Aruba, ainsi que la presse locale

NORVÈGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Electronic Business (GeBIZ)

SUISSE

Annexe 1

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ÉTATS-UNIS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Pour les entités énumérées à l'annexe 2 et les entités des gouvernements sous-centraux pertinentes énumérées à l'annexe 3, publications utilisées par les gouvernements des États, comme le New York Contract Reporter

APÉNDICE II

**MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LOS
ANUNCIOS DE LOS CONTRATOS PREVISTOS - PÁRRAFO 1 DEL
ARTÍCULO IX - Y LOS ANUNCIOS DE LAS ADJUDICACIONES -
PÁRRAFO 1 DEL ARTÍCULO XVIII**

CANADÁ

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Bélgica	-	Diario Oficial de la Unión Europea
	-	Le Bulletin des Adjudications
	-	Otras publicaciones de la prensa especializada
República Checa	-	Diario Oficial de la Unión Europea
Dinamarca	-	Diario Oficial de la Unión Europea
Alemania	-	Diario Oficial de la Unión Europea
Estonia	-	Diario Oficial de la Unión Europea
Grecia	-	Diario Oficial de la Unión Europea
	-	Publicación en la prensa diaria, financiera, regional y especializada
España	-	Diario Oficial de la Unión Europea
Francia	-	Diario Oficial de la Unión Europea
	-	Bulletin officiel des annonces des marchés publics
Irlanda	-	Diario Oficial de la Unión Europea
	-	Prensa diaria: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italia	-	Diario Oficial de la Unión Europea
Chipre	-	Diario Oficial de la Unión Europea
	-	Gaceta Oficial de la República
	-	Prensa diaria local
Letonia	-	Diario Oficial de la Unión Europea
	-	Latvijas vēstnesis (Diario Oficial)
Lituania	-	Diario Oficial de la Unión Europea
	-	Suplemento informativo "Informaciniai pranešimai" de la Gaceta Oficial ("Valstybės žinios") de la República de Lituania
Luxemburgo	-	Diario Oficial de la Unión Europea
	-	Prensa diaria
Hungría	-	Diario Oficial de la Unión Europea
	-	Közbeszerzési Értesítő - a Közbeszerzések Tanácsa Hivatalos Lapja (Boletín de Contratación Pública - Diario Oficial del Consejo de Contratación Pública)

Malta	-	Diario Oficial de la Unión Europea Gaceta Oficial
Países Bajos	-	Diario Oficial de la Unión Europea
Austria	-	Diario Oficial de la Unión Europea Amtsblatt zur Wiener Zeitung
Polonia	-	Diario Oficial de la Unión Europea Biuletyn Zamówień Publicznych (Boletín de Contratación Pública)
Portugal	-	Diario Oficial de la Unión Europea
Eslovenia	-	Diario Oficial de la Unión Europea Gaceta Oficial de la República de Eslovenia
Eslovaquia	-	Diario Oficial de la Unión Europea Vestník verejného obstarávania (Boletín de Contratación Pública)
Finlandia	-	Diario Oficial de la Unión Europea Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Contratación pública en Finlandia y el EEE, Suplemento de la Gaceta Oficial de Finlandia)
Suecia	-	Diario Oficial de la Unión Europea
Reino Unido	-	Diario Oficial de la Unión Europea

HONG KONG, CHINA

Anexo 1

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	Cualquiera de los documentos siguientes: - Prensa diaria - Página Web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette - Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: - The Government of the Hong Kong Special Administrative Region Gazette - Prensa diaria - Página Web en Internet (http://www.kcrc.com)
MTR S.A.	-	Cualquiera de los documentos siguientes: - Prensa diaria - Página Web en Internet (http://www.mtr.com.hk)

Administración de Aeropuertos

- Cualquiera de los documentos siguientes:
- Prensa diaria
 - Página Web en Internet
(<http://www.hkairport.com>)

ISLANDIA

Periódicos islandeses:

Morgunbladid
Dagbladid
Dagur

Otras publicaciones:

Diario Oficial de las Comunidades Europeas

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Sistema de Contratación Electrónica de Corea: G2B (<http://www.g2b.go.kr>)
y
Prensa diaria (si fuese necesario)

Con respecto a las entidades enumeradas en el Anexo 2,
el Sistema de Contratación Electrónica de Corea (G2B)
y
la página de cada entidad en Internet

LIECHTENSTEIN

Prensa diaria: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

El Boletín de Aruba "Landscourant" y periódicos locales

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Electronic Business (GeBIZ)

SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Con respecto a las entidades indicadas en el Anexo 2 y a las entidades pertinentes a nivel subcentral enumeradas en el Anexo 3, las publicaciones utilizadas por los gobiernos de los Estados, tales como "New York Contract Reporter"

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

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
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

- | | | |
|----------------|---|--|
| Belgium | - | <i>Laws, royal regulations, ministerial regulations, ministerial circulars - le Moniteur Belge</i> |
| | - | <i>Jurisprudence – Pasicrisie</i> |
| Czech Republic | - | <i>Laws and Regulations – Collection of Laws of the Czech Republic</i> |
| | - | <i>Rulings of the Office for the Protection of Competition – Collection of Rulings of the Office for the Protection of Competition</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 | - | <i>Legislation and regulations - Bundesanzeiger</i> |
| | - | <i>Herausgeber : der Bundesminister der Justiz</i> |
| | | Verlag : Bundesanzeiger |
| | | Bundesanzeiger |
| | | Postfach 108006 |
| | | 5000 Köln |

	-	<i>Judicial Decisions</i> : Entscheidungssammlungen des: Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts Bundesfinanzhofs sowie der Oberlandesgerichte
Estonia	-	<i>Laws, regulations and administrative rulings of general application</i> : Riigi Teataja
	-	<i>Judicial decisions of the Supreme Court of Estonia</i> : Riigi Teataja (part 3)
Greece	-	Government Gazette of Greece - epishmh ephmerida eurwpaikwn koinothtw
Spain	-	<i>Legislation</i> - Boletín Oficial del Estado
	-	<i>Judicial rulings</i> - no official publication
France	-	<i>Legislation</i> - Journal Officiel de la République française
	-	<i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Ireland	-	<i>Legislation and regulations</i> - Iris Oifigiuil (Official Gazette of the Irish Government)
Italy	-	<i>Legislation</i> - Gazzetta Ufficiale
	-	<i>Jurisprudence</i> - no official publication
Cyprus	-	<i>Legislation</i> - Official Gazette of the Republic (Επίσημη Εφημερίδα της Δημοκρατίας)
	-	<i>Judicial decisions</i> : Decisions of the Supreme High Court – Printing Office (Αποφάσεις Ανωτάτου Δικαστηρίου 1999 – Τυπογραφείο της Δημοκρατίας)
Luxembourg	-	<i>Legislation</i> – Memorial
	-	<i>Jurisprudence</i> – Pasirisie
Hungary	-	<i>Legislation</i> - Magyar Közlöny (Official Journal of the Republic of Hungary)
	-	<i>Jurisprudence</i> - Közbeszerzési Értésítő - a Közbeszerzések Tanácsa Hivatalos Lapja (Public Procurement Bulletin - Official Journal of the Public Procurement Council)
Latvia	-	<i>Legislation</i> - Latvijas vēstnesis (Official Newspaper)
Lithuania	-	<i>Laws, regulations and administrative provisions</i> - Official Gazette (“Valstybės Žinios”) of the Republic of Lithuania
	-	<i>Judicial decisions, jurisprudence</i> – Bulletin of the Supreme Court of Lithuania “Teismų praktika”; Bulletin of the Supreme Court of Administrative Court of Lithuania “Administracinių teismų praktika”
Malta	-	<i>Legislation</i> – Government Gazette
Netherlands	-	<i>Legislation</i> - Nederlandse Staatscourant and/or Staatsblad
	-	<i>Jurisprudence</i> - no official publication
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
Poland	-	<i>Legislation</i> Dziennik Ustaw Rzeczypospolitej Polskiej (Journal of Laws – Republic of Poland)
	-	<i>Judicial decisions, jurisprudence</i> “Zamówienia publiczne w orzecznictwie. Wybrane orzeczenia zespołu arbitrów i Sądu Okręgowego w Warszawie”

		(Selection of judgments of arbitration panels and Regional Court in Warsaw)
Portugal	-	<i>Legislation</i> - Diário da República Portuguesa 1a Série A e 2a série
	-	<i>Judicial Publications</i> : Boletim do Ministério da Justiça
	-	Colectânea de Acordos do Supremo Tribunal Administrativo;
		Colectânea de Jurisprudencia Das Relações
Slovenia	-	<i>Legislation</i> Official Gazette of the Republic of Slovenia
	-	<i>Judicial decisions</i> – no official publication
Slovakia	-	<i>Legislation</i> Zbierka zakonov (Collection of Laws)
	-	<i>Judicial decisions</i> – no official publication
Finland	-	Suomen Säädoskokoelma - Finlands Författningssamling (The Collection of the Statutes of Finland)
Sweden	-	Svensk Författningssamling (Swedish Code of Statutes)
United Kingdom	-	<i>Legislation</i> - HM Stationery Office
	-	<i>Jurisprudence</i> - Law Reports
	-	" <i>Public Bodies</i> " - HM Stationery Office

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
MTR Corporation Limited	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

ICELAND

Laws, regulations and rules:	Stjórnartíðindi (The Government Gazette)
Judicial decisions and administrative rulings:	Hæstaréttardómar (Supreme Court Report)

(District courts do not issue a Court Report, but any interested party can obtain a transcript of a particular case. Administrative rulings are not reported but can be obtained from the relevant authority.)

ISRAEL

The Official Gazette

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)
and/or
The Korean e-Procurement System: G2B (<http://www.g2b.go.kr>)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung
(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 local publications or directly from the listed entities.)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Aruban laws and legislations are published in the Aruban Gazette "Landscourant"

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Electronic Business (GeBIZ)

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

APPENDICE IV

PUBLICATIONS UTILISÉES PAR LES PARTIES EN VUE DE LA PUBLICATION,
DANS LES MOINDRES DÉLAIS, DES LOIS, RÈGLEMENTS, DÉCISIONS
JUDICIAIRES, DÉCISIONS ADMINISTRATIVES D'APPLICATION
GÉNÉRALE ET PROCÉDURES, RELATIFS AUX MARCHÉS PUBLICS
VISÉS PAR LE PRÉSENT ACCORD - PARAGRAPHE 1
DE L'ARTICLE XIX

CANADA*Lois et règlements*

Lois du Canada
Gazette du Canada

Décisions judiciaires

Dominion Law Reports
Recueil des arrêts de la Cour suprême
Recueil des arrêts de la Cour fédérale
National Reporter

Décisions administratives et procédures

Marchés publics (GBO)
Gazette du Canada
MERX, Cebra Inc.

COMMUNAUTÉS EUROPÉENNES

- | | | |
|--------------------|---|--|
| Belgique | - | <i>Lois, arrêtés royaux, arrêtés ministériels, circulaires ministérielles</i>
- le Moniteur belge |
| | - | <i>Jurisprudence</i> - Pasirisie |
| République tchèque | - | <i>Lois et règlements</i> - Recueil des lois de la République tchèque |
| | - | <i>Décisions de l'Office de la protection de la concurrence</i> - Recueil des décisions de l'Office de la protection de la concurrence |
| Danemark | - | <i>Lois et arrêtés</i> - Lovtidende |
| | - | <i>Décisions judiciaires</i> - Ugeskrift for Retsvaesen |
| | - | <i>Décisions et procédures administratives</i> - Ministerialtidende |
| | - | <i>Décisions de la Commission de recours en matière de marchés publics</i> - Konkurrence raaded Dokumentation |

Allemagne	-	<i>Législation et règlements</i> - Bundesanzeiger
	-	<i>Éditeur:</i> der Bundesminister der Justiz
		Verlag: Bundesanzeiger
		Bundesanzeiger
		Postfach 108006
		5000 Cologne
	-	<i>Décisions judiciaires:</i> Entscheidungsammlungen des: Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts Bundesfinanzhofs sowie der Oberlandesgerichte
Estonie	-	<i>Lois, règlements et décisions administratives d'application générale</i> Riigi Teataja
	-	<i>Décisions judiciaires de la Cour suprême d'Estonie:</i> Riigi Teataja (partie 3)
Grèce	-	Journal officiel de la Grèce - epishmh efhmerida eurwpaikwn koinothwn
Espagne	-	<i>Législation</i> - Boletín Oficial des Estado
	-	<i>Décisions judiciaires</i> - pas de publication officielle
France	-	<i>Législation</i> - Journal officiel de la République française
	-	<i>Jurisprudence</i> - Recueil des arrêts du Conseil d'État
	-	Revue des marchés publics
Irlande	-	<i>Législation et règlements</i> - Iris Oifigiuil (Journal officiel du gouvernement irlandais)
Italie	-	<i>Législation</i> - Gazzetta Ufficiale
	-	<i>Jurisprudence</i> - pas de publication officielle
Chypre	-	<i>Législation</i> - Journal officiel de la République (Επίσημη Εφημερίδα της Δημοκρατίας)
	-	<i>Décisions judiciaires:</i> Décisions de la Haute Cour suprême - Imprimerie Office (Αποφάσεις Ανωτάτου Δικαστηρίου 1999 - Τυπογραφείο της Δημοκρατίας)
Luxembourg	-	<i>Législation</i> - Mémorial
	-	<i>Jurisprudence</i> - Pasicrisie
Hongrie	-	<i>Législation</i> - Magyar Közlöny (Journal officiel de la République de Hongrie)
	-	<i>Jurisprudence</i> - Közbeszerzési Értesítő - a Közbeszerzések Tanácsa Hivatalos Lapja (Bulletin des marchés publics - Journal officiel du Conseil des marchés publics)
Lettonie	-	<i>Législation</i> - Latvijas vēstnesis (Journal officiel)
Lituanie	-	<i>Lois, règlements et dispositions administratives</i> - Journal officiel ("Valstybės Žinios") de la République de Lituanie
	-	<i>Décisions judiciaires, jurisprudence</i> - Bulletin de la Cour suprême de Lituanie "Teismų praktika"; Bulletin de la Cour suprême du Tribunal administratif de Lituanie "Administracinių teismų praktika"
Malte	-	<i>Législation</i> - Journal officiel
Pays-Bas	-	<i>Législation</i> - Nederlandse Staatscourant et/ou Staatsblad
	-	<i>Jurisprudence</i> - pas de publication officielle

Autriche	-	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
Pologne	-	<i>Législation</i> Dziennik Ustaw Rzeczypospolitej Polskiej (Journal officiel - République de Pologne)
	-	<i>Décisions judiciaires, jurisprudence</i> "Zamówienia publiczne w orzecznictwie. Wybrane orzeczenia zespołu arbitrów i Sądu Okręgowego w Warszawie" (Recueil des décisions de la cour d'arbitrage et du Tribunal régional de Varsovie)
Portugal	-	<i>Législation</i> - Diário da República Portuguesa 1a série A e 2a série
	-	<i>Publications judiciaires</i> : Boletim do Ministério da Justiça
	-	Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações
Slovénie	-	<i>Législation</i> - Journal officiel de la République de Slovénie
	-	<i>Décisions judiciaires</i> - pas de publication officielle
Slovaquie	-	<i>Législation</i> Zbierka zákonov (Recueil des lois)
	-	<i>Décisions judiciaires</i> - pas de publication officielle
Finlande	-	Suomen Säädöskokoelma - Finlands Författningssamling (Recueil des lois et règlements de la Finlande)
Suède	-	Svensk Författningssamling (Bulletin national des lois suédoises)
Royaume-Uni	-	<i>Législation</i> - HM Stationery Office (Office des publications de Sa Majesté)
	-	<i>Jurisprudence</i> - Law Reports
	-	<i>Organismes publics ("Public Bodies")</i> - HM Stationery Office (Office des publications de Sa Majesté)

HONG KONG, CHINE

Annexe 1

The Government of the Hong Kong Special Administrative Region Gazette

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
MTR S.A.	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Direction de l'aéroport	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer

ISLANDE

Lois, règlements et règles: Stjórnartíðindi (Journal officiel)
Décisions judiciaires et administratives: Hæstaréttardómar (Rapport de la Cour suprême)

(Les tribunaux de district ne publient pas de rapport, mais toute partie intéressée peut obtenir le compte rendu officiel d'une affaire donnée. Les décisions administratives ne font pas l'objet de rapports mais peuvent être obtenues auprès de l'autorité compétente.)

ISRAEL

The Official Gazette

JAPON

Annexe 1

Kanpō et/ou Hōreizensho

Annexe 2

Kenpō, Shihō ou leurs équivalents, ou Kanpō
et/ou Hōreizensho

Annexe 3

Kanpō et/ou Hōreizensho

REPUBLIQUE DE CORÉE

Kwanbo (Journal officiel du gouvernement coréen)
et/ou

Système coréen de passation électronique des marchés: G2B (<http://www.g2b.go.kr>)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux annexes 2 et 3 de l'Appendice I sont accessibles, soit dans les publications locales y relatives, soit directement auprès desdites entités.)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Les lois et dispositions législatives sont publiées au Journal officiel d'Aruba, "Landscourant"

NORVÈGE

Norsk Lovtidend (Bulletin des lois de la Norvège)

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Electronic Business (GeBIZ)

SUISSE

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudence des autorités administratives de la Confédération et de chaque canton (26)
Recueils des lois cantonales (26)

ÉTATS-UNIS

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités énumérées à l'annexe 1 de l'Appendice I sont publiées dans les règlements relatifs aux achats fédéraux (Federal Acquisition Regulations (FAR)), qui figurent au Titre 48, Chapitre premier, du Code des règlements fédéraux (United States Code of Federal Regulations (CFR))

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux annexes 2 et 3 de l'Appendice I sont accessibles soit dans les publications y relatives des États et des collectivités locales soit directement auprès desdites entités

APÉNDICE IV

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LEYES,
REGLAMENTOS, DECISIONES JUDICIALES Y RESOLUCIONES
ADMINISTRATIVAS DE APLICACIÓN GENERAL, ASÍ COMO
DE LOS PROCEDIMIENTOS PARA LA ADJUDICACIÓN DE
LOS CONTRATOS PÚBLICOS COMPRENDIDOS EN
EL ÁMBITO DEL PRESENTE ACUERDO
- PÁRRAFO 1 DEL ARTÍCULO XIX

CANADÁ*Leyes y reglamentos*

Statutes of Canada
Canada Gazette

Decisiones judiciales

Dominion Law Reports
Supreme Court Reports
Federal Court Reports
National Reporter

Resoluciones y procedimientos administrativos

Government Business Opportunities
Canada Gazette
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

- | | | |
|-----------------|---|--|
| Bélgica | - | <i>Leyes, disposiciones reales, disposiciones ministeriales, circulares administrativas</i> - le Moniteur Belge |
| | - | <i>Jurisprudencia</i> - Pasicrisie |
| República Checa | - | <i>Leyes y reglamentos</i> - Colección de leyes de la República Checa |
| | - | <i>Reglamentos de la Oficina de Protección de la Competencia</i> - Colección de resoluciones de la Oficina de Protección de la Competencia |
| Dinamarca | - | <i>Leyes y reglamentos</i> - Lovtidende |
| | - | <i>Decisiones judiciales</i> - Ugeskrift for Retsvaesen |
| | - | <i>Resoluciones y procedimientos administrativos</i> - Ministerialtidende |
| | - | <i>Decisiones de la Junta de Apelación de la Contratación Pública</i> - Konkurrence raaded Dokumentation |

Alemania	-	<i>Leyes y reglamentos</i> - Bundesanzeiger
	-	<i>Herausgeber</i> : der Bundesminister der Justiz
		Verlag : Bundesanzeiger
		Bundesanzeiger
		Postfach 108006
		5000 Köln
	-	<i>Decisiones Judiciales</i> : Entscheidungsammlungen des: Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts Bundesfinanzhofs sowie der Oberlandesgerichte
Estonia	-	<i>Leyes, reglamentos y resoluciones administrativas de aplicación general</i> : Riigi Teataja
	-	<i>Decisiones judiciales del Tribunal Supremo de Estonia</i> : Riigi Teataja (parte 3)
Grecia	-	Diario Oficial de Grecia - epishmh efhmerida eurwpaikwn koinothtw
España	-	<i>Legislación</i> - Boletín Oficial del Estado
	-	<i>Decisiones judiciales</i> - no existe publicación oficial
Francia	-	<i>Legislación</i> - Journal Officiel de la République française
	-	<i>Jurisprudencia</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Irlanda	-	<i>Leyes y reglamentos</i> - Iris Oifigiuil (Diario Oficial del Gobierno de Irlanda)
Italia	-	<i>Legislación</i> - Gazzetta Ufficiale
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Chipre	-	<i>Legislación</i> - Gaceta Oficial de la República (Επίσημη Εφημερίδα της Δημοκρατίας)
	-	<i>Decisiones judiciales</i> : Decisiones del Tribunal Supremo - Oficina de publicaciones (Αποφάσεις Ανωτάτου Δικαστηρίου 1999 - Τυπογραφείο της Δημοκρατίας)
Luxemburgo	-	<i>Legislación</i> - Memorial
	-	<i>Jurisprudencia</i> - Pasicrisie
Hungary	-	<i>Legislación</i> - Magyar Közlöny (Diario Oficial de la República de Hungría)
	-	<i>Jurisprudencia</i> - Közbeszerzési Értésítő - a Közbeszerzések Tanácsa Hivatalos Lapja (Boletín de Contratación Pública - Diario Oficial del Consejo de Contratación Pública)
Letonia	-	<i>Legislación</i> - Latvijas vēstnesis (Diario Oficial)
Lituania	-	<i>Leyes, reglamentos y disposiciones administrativas</i> - Gaceta Oficial ("Valstybės Žinios") de la República de Lituania
	-	<i>Decisiones judiciales, jurisprudencia</i> - Boletín del Tribunal Supremo de Lituania "Teismų praktika"; Boletín del Tribunal Supremo del Tribunal Administrativo de Lituania "Administracinių teismų praktika"
Malta	-	<i>Legislación</i> - Gaceta Oficial
Países Bajos	-	<i>Legislación</i> - Nederlandse Staatscourant y/o Staatsblad
	-	<i>Jurisprudencia</i> - no existe publicación oficial

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
Polonia	-	<i>Legislación</i> - Dziennik Ustaw Rzeczypospolitej Polskiej (Diario Legislativo - República de Polonia) - <i>Decisiones judiciales, jurisprudencia</i> "Zamówienia publiczne w orzecznictwie. Wybrane orzeczenia zespołu arbitrów i Sądu Okręgowego w Warszawie" (Selección de decisiones de órganos arbitrales y del Tribunal Regional de Varsovia)
Portugal	-	<i>Legislación</i> - Diário da República Portuguesa 1a Série A e 2a série - <i>Publicaciones judiciales</i> : Boletim do Ministério da Justiça - Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações
Eslovenia	-	<i>Legislación</i> - Gaceta Oficial de la República de Eslovenia - <i>Decisiones judiciales</i> - no existe publicación oficial
Eslovaquia	-	<i>Legislación</i> - Zbierka zakonov (Colección de leyes) - <i>Decisiones judiciales</i> - no existe publicación oficial
Finlandia	-	Suomen Sääädöskokoelma - Finlands Författningssamling (Colección de leyes de Finlandia)
Suecia	-	Svensk Författningssamling (Colección legislativa de Suecia)
Reino Unido	-	<i>Legislación</i> - HM Stationery Office - <i>Jurisprudencia</i> - Law Reports - " <i>Organismos Públicos</i> " - HM Stationery Office

HONG KONG, CHINA

Anexo 1

The Government of the Hong Kong Special Administrative Region Gazette

Anexo 3

Administración Hospitalaria	-	Página Web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	se suministra a los proveedores potenciales con las invitaciones a participar
MTR S.A.	-	se suministra a los proveedores potenciales con las invitaciones a participar
Administración de Aeropuertos	-	se suministra a los proveedores potenciales con las invitaciones a participar

ISLANDIA

Leyes, reglamentos y normas:	Stjórnartíðindi (Gaceta Oficial)
Decisiones judiciales y resoluciones administrativas:	Hæstaréttardómar (Informe del Tribunal Supremo)

(Los tribunales de distrito no publican informes, pero toda parte interesada puede obtener una copia del documento original relativo a un determinado caso. Las resoluciones administrativas no se publican, pero pueden obtenerse dirigiéndose a la autoridad competente.)

ISRAEL

The Official Gazette

JAPÓN

Anexo 1

Kanpō y/o Hōreizensho

Anexo 2

Kenpō, Shihō o sus equivalentes, o Kanpō
y/o Hōreizensho

Anexo 3

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)
y/o
Sistema de Contratación Electrónica de Corea: G2B (<http://www.g2b.go.kr>)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Se pueden obtener las leyes, decisiones judiciales, resoluciones administrativas y procedimientos para la adjudicación de los contratos públicos de las entidades enumeradas en los Anexos 2 y 3 del Apéndice I, mediante la consulta de las publicaciones locales pertinentes o solicitando directamente la información a las entidades incluidas en esos anexos.)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

La legislación de Aruba se publica en el Boletín de Aruba "Landscourant"

NORUEGA

Norsk Lovtidend (Gaceta Oficial de Noruega)

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Electronic Business (GeBIZ)

SUIZA

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudencia de las autoridades administrativas de la Confederación y de cada cantón (26)
Colecciones legislativas cantonales (26)

ESTADOS UNIDOS

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en el Anexo 1 del Apéndice I se publican en el Federal Acquisition Regulations (FAR), como parte del Code of Federal Regulations (CFR) de los Estados Unidos, título 48, capítulo 1

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en los Anexos 2 y 3 del Apéndice I se pueden obtener o bien consultando las publicaciones estatales y locales pertinentes o bien solicitando la información directamente a las entidades incluidas en dichos Anexos



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

29 March 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **4 March 2004**.

Supachai Panitchpakdi
Director-General

04-1357

WT/Let/463

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/MOD/JPN/1) pursuant to the procedures of Article XXIV:6, became effective as of **4 March 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-fourth day of March, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau

Services**Threshold:****Construction services:**

- 4,500 thousand SDR for Japan Post in Group A
- 15,000 thousand SDR for all other entities in Group A
- 4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (The 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
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau

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 in Group A 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.
- (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

4 March 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 5/5 of Annex 1 to Appendix I containing the certified modifications.

The modifications concern **United States** and are effective as of **14 February 2004**.

Supachai Panitchpakdi
Director-General

04-0973

WT/Let/457

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 1 to Appendix I of the Agreement on Government Procurement (1994) concerning **United States**, which were notified to the Committee on Government Procurement (GPA/MOD/USA/1) pursuant to the procedures of Article XXIV:6, became effective as of **14 February 2004**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 1 to Appendix I of **United States** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fourth day of March, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

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)
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

14 February 2004 (WT/Let/457)

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
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. Department of Homeland Security (except procurement by the Transportation Security Administration; and the national security considerations applicable to the Department of Defense are equally applicable to the U.S. Coast Guard.)
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
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
	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 1

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



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

4 February 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/2 and 2/2 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Korea** and became effective as of **18 March 2003**.

Supachai Panitchpakdi
Director-General

04-0398

WT/Let/456

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that one of the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Korea**, which was notified to the Committee on Government Procurement (GPA/W/250) pursuant to the procedures of Article XXIV:6, became effective as of **18 March 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/2 and 2/2 of Annex 3 to Appendix I of **Korea** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

The certification is deposited with the Director-General of the World Trade Organization, who hereby furnishes a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifth day of February, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

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
- Industrial Bank of Korea
- Kookmin Bank
- Korea Tobacco & Ginseng Corporation
- Korea Minting and Security Printing Corporation
- Korea Electric Power Corporation (except purchases of products in the categories of HS Nos. 8504, 8535, 8537 and 8544)
- Korea Coal Corporation
- Korea Resources Corporation
- Korea National Oil Corporation
- Korea General Chemical Corporation
- Korea Trade-Investment Promotion Agency
- Korea Highway Corporation
- Korea National Housing Corporation
- Korea Water Resources Corporation
- Korea Land Corporation
- Korea Agriculture and Rural Infrastructure Corporation
- Agricultural and Fishery Marketing Corporation
- Korea Telecom (except purchases of common telecommunications commodity products and telecommunications network equipment)
- Korea National Tourism Organization
- Daehan Printing and Publishing Co. Ltd.
- Korea Labor Welfare Corporation
- Korea Gas Corporation

Construction Services

Threshold: 15,000,000 SDR

List of Entities which Procure Services Specified in Annex 5:

Same as "Supplies" section

Notes to Annex 3

1. This Agreement does not apply to the products and services procured with a view to resale or to use in the production of goods or provision of services for sale.
2. This Agreement does not apply to the single tendering procurement including set-asides for small and medium-sized businesses according to the Government Invested Enterprise Management Law and Accounting Regulations on Government Invested Enterprise.
3. This Agreement does not apply to the procurement of satellites according to the Aviation and Space Industry Development Promotion Law for five years from its entry into force for Korea.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

26 January 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of the following replacement pages (in English, French and Spanish) containing certified modifications:

- 3/4 of Appendix II
- 2/4 of Appendix III
- 4/5 of Appendix IV

These modifications concern **Korea** and are effective as of **12 December 2003**.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendices II, III and IV of the Agreement on Government Procurement (1994) in English, French and Spanish concerning **Korea**, which were notified to the Committee on Government Procurement (GPA/W/284) pursuant to the procedures of Article XXIV:6, became effective as of **12 December 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages (in English, French and Spanish) replace pages:

- 3/4 of Appendix II
- 2/4 of Appendix III
- 4/5 of Appendix IV

concerning **Korea** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-third day of January, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPAN

Annex 1

Kanpō

Annex 2

Kenpō
Shihō
or their equivalents

Annex 3

Kanpō

THE REPUBLIC OF KOREA

The Korean e-Procurement System: G2B (<http://www.g2b.go.kr>)
and
Daily Press (if necessary)

For Entities Listed in Annex 2, The Korean e-Procurement System (G2B)
and
Internet Home Page of Each Entity

LIECHTENSTEIN

Daily Press: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

The Aruba Gazette "Landscourant" as well as in local newspapers

ISRAËL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

RÉPUBLIQUE DE CORÉE

Système coréen de passation électronique des marchés: G2B (<http://www.g2b.go.kr>)
et
Presse quotidienne (si nécessaire)

Pour les entités énumérées à l'Annexe 2,
Système coréen de passation électronique des marchés (G2B)
et
Page d'accueil Internet de chaque entité

LIECHTENSTEIN

Presse quotidienne: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

"Landscourant", Journal officiel d'Aruba, ainsi que la presse locale

NORVÈGE

Journal officiel des Communautés européennes

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Sistema de Contratación Electrónica de Corea: G2B (<http://www.g2b.go.kr>)
y
Prensa diaria (si fuese necesario)

Con respecto a las entidades enumeradas en el Anexo 2,
el Sistema de Contratación Electrónica de Corea (G2B)
y
la página de cada entidad en Internet

LIECHTENSTEIN

Prensa diaria: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

El Boletín de Aruba "Landscourant" y periódicos locales

NORUEGA

Diario Oficial de las Comunidades Europeas

- Airport Authority
- Daily Press
 - Home Page on the Internet
(<http://www.hkairport.com>)

ICELAND

Official Journal of the European Communities:
(Currently no such list exists)

ISRAEL

The Jerusalem Post
International Herald Tribune Ha'aretz

JAPAN

Annex 1

Kanpō

Annex 2

Kenpō
Shihō
or their equivalents

Annex 3

Kanpō

REPUBLIC OF KOREA

The Korean e-Procurement System: G2B (<http://www.g2b.go.kr>)

Direction de l'aéroport

- Presse quotidienne
- Home Page on the Internet
(<http://www.kcrc.com>)

ISLANDE

Journal officiel des Communautés européennes:
(Il n'y a pas de liste pour le moment)

ISRAËL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

RÉPUBLIQUE DE CORÉE

Système coréen de passation électronique des marchés: G2B (<http://www.g2b.go.kr>)

Administración de Aeropuertos	-	Prensa diaria
	-	Home Page on the Internet (http://www.kcrc.com)

ISLANDIA

Diario Oficial de las Comunidades Europeas
(Actualmente no existe esa lista)

ISRAEL

The Jerusalem Post
International herald Tribune - Ha'aretz

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Sistema de Contratación Electrónica de Corea: G2B (<http://www.g2b.go.kr>)

Annex 3

Kanpō
and/or
Hōreizensho

REPUBLIC OF KOREA

Kwanbo (The Korean Government's Official Gazette)
and/or
The Korean e-Procurement System: G2B (<http://www.g2b.go.kr>)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung
(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 local publications or directly from the listed entities.)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Aruban laws and legislations are published in the Aruban Gazette "Landscourant"

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Electronic Business (GeBIZ)

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)

Annexe 3

Kanpō et/ou Hōreizensho

RÉPUBLIQUE DE CORÉE

Kwanbo (Journal officiel du gouvernement coréen)

et/ou

Système coréen de passation électronique des marchés: G2B (<http://www.g2b.go.kr>)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles, soit dans les publications locales y relatives, soit directement auprès desdites entités)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Les lois et dispositions législatives sont publiées au Journal officiel d'Aruba, "Landscourant"

NORVÈGE

Norsk Lovtidend (Bulletin des lois de la Norvège)

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Electronic Business (GeBIZ)

Anexo 3

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

y/o

Sistema de Contratación Electrónica de Corea: G2B (<http://www.g2b.go.kr>)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Se pueden obtener las leyes, decisiones judiciales, resoluciones administrativas y procedimientos para la adjudicación de los contratos públicos de las entidades enumeradas en los anexos 2 y 3 del apéndice I, mediante la consulta de las publicaciones locales pertinentes o solicitando directamente la información a las entidades incluidas en esos anexos.)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

La legislación de Aruba se publica en el Boletín de Aruba "Landscourant"

NORUEGA

Norsk Lovtidend (Gaceta Oficial de Noruega)

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Electronic Business (GeBIZ)



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

21 January 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

Revision

I have the honour to furnish herewith certified true copies of the following replacement pages in Appendix I containing the certified modifications:

- page 1/5 and 3/5 of Annex 3
- page 1/1 of Annex 5
- page 1/1 of the General Notes

The modifications concern **Japan** and are effective as of **14 October 2003**.

The certification and attached replacement pages transmitted under cover of document WT/Let/452, 23 December 2003, should be replaced by those contained in the present document. This revised certification covers modifications to Japan's schedule notified to the Committee on Government Procurement in GPA/W/255 and also takes into account modifications notified in GPA/W/252, 253 and 254 which were certified under cover of WT/Let/446.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annexes 1 and 5, and the General Notes, to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/W/255) pursuant to the procedures of Article XXIV:6, became effective as of **14 October 2003**. This certification also takes into account modifications to Japan's schedule notified in documents GPA/W/252, 253 and 254 and certified under cover of WT/Let/446.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages:

- 1/5 and 3/5 of Annex 3,
- 1/1 of Annex 5,
- 1/1 of the General Notes

to Appendix I of **Japan** in the loose-leaf system of Appendices in conformity with the aforementioned decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this nineteenth day of January, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

(Authentic in the English language only)

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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

14 October 2003 (WT/Let/452/Rev.1)

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau

Services**Threshold:****Construction services:**

4,500 thousand SDR for Japan Post in Group A

15,000 thousand SDR for all other entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

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;
4,500 thousand SDR for Japan Post in Group A in ANNEX 3;
15,000 thousand SDR for all other entities in Group A in ANNEX 3; and
4,500 thousand SDR for entities in Group B in ANNEX 3.

GENERAL NOTES

1. 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 (except for Japan Post in Group A and the entities in Group B set out in Annex 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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

20 January 2004

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/4 to 4/4 (English) and pages 1/5 to 5/5 (French) of Annex 1 to Appendix I containing certified modifications.

These modifications concern **Canada** and are effective as of **9 December 2003**.

Supachai Panitchpakdi
Director-General

04-0174

WT/Let/454

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 1 to Appendix I of the Agreement on Government Procurement (1994) concerning **Canada**, which were notified to the Committee on Government Procurement (GPA/W/203) pursuant to the procedures of Article XXIV:6, became effective as of **9 December 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/4 to 4/4 (English) and pages 1/5 to 5/5 (French) of Annex 1 to Appendix I of Canada in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this sixteenth day of January, two thousand and four.

Supachai Panitchpakdi

Certified true copy:

Director-General

CANADA

(Authentic in the English and French languages)

ANNEX 1

Federal Government Entities

<i>Thresholds:</i>	130,000 SDRs	-	Goods
	130,000 SDRs	-	Services covered in Annex 4
	5,000,000 SDRs	-	Construction covered in Annex 5

List of entities:

1. Department of Agriculture and Agri-Food
2. Canadian Food Inspection Agency (Not including procurements respecting FSCs 36, 70 and 74 in respect of the administration and enforcement of the *Fish Inspection Act*.)
3. Department of Canadian Heritage (Not including procurements respecting FSCs 36, 70 and 74 in respect of those functions that were formerly the responsibility of the Department of Communications.)
4. Office of the Coordinator, Status of Women
5. Parks Canada Agency
6. Department of Citizenship and Immigration
7. Immigration and Refugee Board
8. Department of the Environment
9. Department of Foreign Affairs and International Trade
10. Canadian International Development Agency (on its own account)
11. Department of Finance
12. Canadian International Trade Tribunal
13. Municipal Development and Loan Board
14. Office of the Superintendent of Financial Institutions
15. Department of Fisheries and Oceans (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 other than the functions of the Canadian Coast Guard retained by the Department of Transport pursuant to Order under the *Public Service Rearrangement and Transfer of Duties Act* published in the Canada Gazette, Part II, as SI/95-46, namely the Harbours and Ports Directorate, the regional Harbours and Ports Branches, the Marine Regulatory Directorate, the Ship Inspection Directorate and the regional Ship Inspection Branches of the Canadian Coast Guard.)
16. Department of Health
17. Medical Research Council
18. Department of Human Resources Development
19. Canada Employment Insurance Commission
20. Canada Labour Relations Board

21. Department of Indian Affairs and Northern Development
22. Department of Industry (Not including procurements respecting FSCs 36, 70 and 74 in respect of telecommunications, except in relation to (a) planning and coordination of telecommunication services for departments, boards and agencies of the Government of Canada, and (b) broadcasting, other than in relation to spectrum management and the technical aspects of broadcasting.)
23. National Research Council of Canada
24. Natural Sciences and Engineering Research Council of Canada
25. Social Sciences and Humanities Research Council
26. Department of Justice
27. Canadian Human Rights Commission
28. Statute Revision Commission
29. Supreme Court of Canada
30. Canada Customs and Revenue Agency
31. Department of Natural Resources
32. Canadian Nuclear Safety Commission
33. National Energy Board (on its own account)
34. Department of Public Works and Government Services (on its own account) (Not including procurements respecting FSCs 36, 70 and 74 in respect of the Government Telecommunications Agency.)
35. Public Service Commission
36. Department of the Solicitor General
37. Correctional Service of Canada
38. National Parole Board
39. 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 functions of the Canadian Coast Guard retained by the Department of Transport pursuant to Order under the *Public Service Rearrangement and Transfer of Duties Act* published in the Canada Gazette, Part II, as SI/95-46, namely the Harbours and Ports Directorate, the regional Harbours and Ports Branches, the Marine Regulatory Directorate, the Ship Inspection Directorate and the regional Ship Inspection Branches of the Canadian Coast Guard.)
40. Treasury Board Secretariat
41. Department of Veterans Affairs
42. Department of Western Economic Diversification (on its own account)
43. Atlantic Canada Opportunities Agency (on its own account)
44. Office of the Auditor General
45. Canada Economic Development for the Regions of Quebec
46. Canadian Centre for Management Development
47. Canadian Radio-television and Telecommunications Commission (on its own account)
48. Civil Aviation Tribunal
49. Commissioner for Federal Judicial Affairs
50. Registry of the Competition Tribunal
51. Copyright Board
52. Registry of the Federal Court of Canada
53. Office of the Grain Transportation Agency Administrator (on its own account)
54. Hazardous Materials Information Review Commission
55. Offices of the Information and Privacy Commissioners of Canada
56. The National Archives of Canada

57. National Farm Products Council
58. The National Library
59. Canada Transportation Agency (on its own account)
60. Northern Pipeline Agency (on its own account)
61. Patented Medicine Prices Review Board
62. Petroleum Monitoring Agency
63. Privy Council Office
64. Canadian Intergovernmental Conference Secretariat
65. Office of the Commissioner of Official Languages
66. Public Service Staff Relations Board
67. Office of the Governor General's Secretary
68. Office of the Chief Electoral Officer
69. Federal-Provincial Relations Office
70. Statistics Canada
71. Registry of the Tax Court of Canada
72. Canadian Centre for Occupational Health and Safety
73. Canadian Transportation Accident Investigation and Safety Board
74. Director of Soldier Settlement
75. Director, The Veterans' Land Act
76. Fisheries Prices Support Board
77. National Battlefields Commission
78. Royal Canadian Mounted Police
79. Royal Canadian Mounted Police External Review Committee
80. Royal Canadian Mounted Police Public Complaints Commission
81. 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
53. Hardware and abrasives
54. Prefabricated structures and scaffolding
55. Lumber, millwork, plywood and veneer
56. Construction and building materials
61. Electric wire and power and distribution equipment
62. Lighting fixtures and lamps
63. Alarm and signal systems
65. Medical, dental and veterinary equipment and supplies
66. Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components 6665: Hazard-detecting instruments and apparatus)
67. Photographic equipment
68. Chemicals and chemical products
69. Training aids and devices
70. General purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations)
71. Furniture
72. Household and commercial furnishings and appliances
73. Food preparation and serving equipment
74. Office machines, visible record equipment and automatic data processing equipment
75. Office supplies and devices
76. Books, maps and other publications (except 7650 drawings and specifications)
77. Musical instruments, phonographs and home-type radios
78. Recreational and athletic equipment
79. Cleaning equipment and supplies
80. Brushes, paints, sealers and adhesives
81. Containers, packaging and packing supplies
85. Toiletries
87. Agricultural supplies
88. Live animals
91. Fuels, lubricants, oils and waxes
93. Non-metallic fabricated materials
94. Non-metallic crude materials
96. Ores, minerals and their primary products
99. Miscellaneous

Note to Annex 1

The General Notes apply to this Annex.

CANADA

(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 et de l'Agroalimentaire
2. Agence canadienne d'inspection des aliments (à l'exclusion des marchés portant sur les produits repris aux n^{os} 36, 70 et 74 de la Classification fédérale des approvisionnements (FSC) et de l'application de la *Loi sur l'inspection du poisson*)
3. Ministère du Patrimoine canadien (à l'exclusion des marchés portant sur les produits repris aux n^{os} 36, 70 et 74 de la Classification fédérale des approvisionnements (FSC) concernant les fonctions qui relevaient auparavant du ministère des Communications.)
4. Bureau de la coordonnatrice, Situation de la femme
5. Agence Parcs Canada
6. Ministère de la Citoyenneté et de l'Immigration
7. Commission de l'Immigration et du statut de réfugié
8. Ministère de l'Environnement
9. Ministère des Affaires étrangères et du Commerce international
10. Agence canadienne de développement international (pour son propre compte)
11. Ministère des Finances
12. Tribunal canadien du commerce extérieur
13. Office du développement municipal et des prêts aux municipalités
14. Bureau du surintendant des institutions financières
15. Ministère des Pêches et des Océans (à l'exclusion des marchés portant sur les produits repris aux n^{os} 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 sauf pour les fonctions de la Garde côtière canadienne conservées par le ministère des Transports conformément à l'arrêté pris en vertu de la *Loi sur les restructurations et les transferts d'attributions dans l'administration publique* publié dans la Gazette du Canada, Partie I, sous la référence SI/95-46, soit celles de la Direction des havres et des ports et des divisions régionales des havres et des ports, de la Direction de la réglementation maritime, de la Direction des inspections de navires et les divisions régionales des inspections des navires de la Garde côtière canadienne.)
16. Ministère de la Santé
17. Conseil de recherches médicales
18. Ministère du Développement des ressources humaines
19. Commission de l'assurance-emploi du Canada

20. Conseil canadien des relations du travail
21. Ministère des Affaires indiennes et du Nord canadien
22. Ministère de l'Industrie (à l'exclusion des marchés portant sur les produits repris aux n^{os} 36, 70 et 74 de la Classification fédérale des approvisionnements (FSC) en matière de télécommunications, sauf en ce qui concerne a) la planification et la coordination des services de télécommunications pour les ministères, les conseils et les organismes du gouvernement du Canada, et b) la radiodiffusion, sauf en ce qui concerne la gestion du spectre et les volets techniques de la radiodiffusion.)
23. Conseil national de recherches du Canada
24. Conseil de recherches en sciences naturelles et en génie du Canada
25. Conseil de recherches en sciences humaines
26. Ministère de la Justice
27. Commission canadienne des droits de la personne
28. Commission de révision des lois
29. Cour suprême du Canada
30. Agence des douanes et du revenu du Canada
31. Ministère des Ressources naturelles
32. Commission canadienne de sûreté nucléaire
33. Office national de l'énergie (pour son propre compte)
34. Ministère des Travaux publics et des Services gouvernementaux (pour son propre compte) (à l'exclusion des marchés portant sur les produits repris aux n^{os} 36, 70 et 74 de la Classification fédérale des approvisionnements (FSC) concernant l'Agence des télécommunications gouvernementales.)
35. Commission de la fonction publique
36. Ministère du Solliciteur général
37. Service correctionnel du Canada
38. Commission nationale des libérations conditionnelles
39. Ministère des Transports (à l'exclusion des marchés portant sur les produits repris aux n^{os} 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 conservées par le ministère des Transports conformément à l'arrêté pris en vertu de la *Loi sur les restructurations et les transferts d'attributions dans l'administration publique* publié dans la Gazette du Canada, Partie I, sous la référence SI/95-46, soit celles de la Direction des havres et des ports et des divisions régionales des havres et des ports, de la Direction de la réglementation maritime, de la Direction des inspections de navires et les divisions régionales des inspections des navires de la Garde côtière canadienne.)
40. Secrétariat du Conseil du Trésor
41. Ministère des Anciens combattants
42. Ministère de la Diversification de l'économie de l'Ouest (pour son propre compte)
43. Agence de promotion économique du Canada atlantique (pour son propre compte)
44. Bureau du vérificateur général
45. Développement économique Canada pour les régions du Québec
46. Centre canadien de gestion
47. Conseil de la radiodiffusion et des télécommunications canadiennes (pour son propre compte)
48. Tribunal de l'aviation civile
49. Commissaire à la magistrature fédérale
50. Greffe du Tribunal de la concurrence
51. Commission du droit d'auteur

52. Greffe de la Cour fédérale du Canada
53. Bureau de l'Administrateur de l'Office du transport du grain (pour son propre compte)
54. Conseil de contrôle des renseignements relatifs aux matières dangereuses
55. Bureaux des commissaires du Canada à l'information et à la protection de la vie privée
56. Archives nationales du Canada
57. Conseil national des produits agricoles
58. Bibliothèque nationale
59. Office des transports du Canada (pour son propre compte)
60. Administration du pipeline du Nord (pour son propre compte)
61. Conseil d'examen du prix des médicaments brevetés
62. Agence de surveillance du secteur pétrolier
63. Bureau du Conseil privé
64. Secrétariat des conférences intergouvernementales canadiennes
65. Commissariat aux langues officielles
66. Commission des relations de travail dans la fonction publique
67. Bureau du chef de Cabinet du Gouverneur général
68. Bureau du Directeur général des élections
69. Secrétariat des relations fédérales-provinciales
70. Statistique Canada
71. Greffe de la Cour canadienne de l'impôt
72. Centre canadien d'hygiène et de sécurité au travail
73. Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports
74. Directeur de l'établissement des soldats
75. Directeur, Loi sur les terres destinées aux anciens combattants
76. Commission de soutien des prix des produits de la pêche
77. Commission des champs de bataille nationaux
78. Gendarmerie royale du Canada
79. Comité externe d'examen de la Gendarmerie royale du Canada
80. Commission des plaintes du public contre la Gendarmerie royale du Canada
81. Ministère de la Défense nationale

LES PRODUITS SUIVANTS ACHETÉS PAR LE MINISTÈRE DE LA DÉFENSE NATIONALE, LA GARDE CÔTIÈRE ET LA GENDARMERIE ROYALE DU CANADA FONT PARTIE DU CHAMP D'APPLICATION DU PRÉSENT ACCORD, SOUS RÉSERVE DES DISPOSITIONS DE L'ARTICLE XXIII. (LES NUMÉROS SONT CEUX DE LA CLASSIFICATION FÉDÉRALE 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 : Équipement de plongée et de sauvetage en mer, 4230 : Équipement 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. Éléments de canalisation, tuyaux et accessoires
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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

24 December 2003

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/2 and 2/2 of Annex 1 to Appendix I containing the certified modifications.

The modifications concern **Hong Kong, China** and are effective as of **6 August 2003**.

Supachai Panitchpakdi
Director-General

03-6760

WT/Let/453

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to pages 1/2 and 2/2 of Annex 1 to Appendix I of the Agreement on Government Procurement (1994) concerning **Hong Kong, China**, which were notified to the Committee on Government Procurement (GPA/W/269) pursuant to the procedures of Article XXIV:6, became effective as of **6 August 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/2 and 2/2 of Annex 1 to Appendix I of **Hong Kong, China** in the loose-leaf system of Appendices in conformity with the aforementioned decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifteenth day of December, two thousand and three.

Supachai Panitchpakdi

Certified true copy:

Director-General

HONG KONG, CHINA

ANNEX 1

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

Threshold: 130,000 SDR for goods and services other than construction services
5,000,000 SDR for construction services

List of Entities:

1. Agriculture, Fisheries and Conservation Department
2. Architectural Services Department
3. Audit Commission
4. Auxiliary Medical Services
5. Buildings Department
6. Census and Statistics Department
7. Civil Aid Services
8. Civil Aviation Department
9. Civil Engineering Department
10. Civil Service Training and Development Institute
11. Companies Registry
12. Correctional Services Department
13. Customs and Excise Department
14. Department of Health
15. Department of Justice
16. Drainage Services Department
17. Electrical and Mechanical Services Department
18. Environmental Protection Department
19. Fire Services Department
20. Food and Environmental Hygiene Department
21. Government Flying Service
22. Government Laboratory
23. Government Logistics Department
24. Government Property Agency
25. Government Secretariat
26. Highways Department
27. Home Affairs Department
28. Hong Kong Monetary Authority
29. Hong Kong Observatory
30. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
31. Hospital Services Department

32. Immigration Department
33. Independent Commission Against Corruption
34. Information Services Department
35. Information Technology Services Department
36. Inland Revenue Department
37. Intellectual Property Department
38. Invest Hong Kong
39. Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service
40. Judiciary
41. Labour Department
42. Land Registry
43. Lands Department
44. Legal Aid Department
45. Leisure and Cultural Services Department
46. Marine Department
47. Office of the Ombudsman
48. Office of the Telecommunications Authority
49. Official Receiver's Office
50. Planning Department
51. Post Office
52. Public Service Commission
53. Radio Television Hong Kong
54. Rating and Valuation Department
55. Registration and Electoral Office
56. Secretariat, Independent Police Complaints Council
57. Secretariat, University Grants Committee
58. Social Welfare Department
59. Student Financial Assistance Agency
60. Technical Education and Industrial Training Department
61. Television and Entertainment Licensing Authority
62. Territory Development Department
63. Trade and Industry Department
64. Transport Department
65. Treasury
66. Water Supplies Department



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

23 December 2003

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of the following replacement pages in Appendix I containing the certified modifications:

- page 1/5 and 3/5 of Annex 3
- page 1/1 of Annex 5
- page 1/1 of the General Notes

The modifications concern **Japan** and are effective as of **14 October 2003**.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annexes 1 and 5, and the General Notes, to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/W/255) pursuant to the procedures of Article XXIV:6, became effective as of **14 October 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages:

- 1/5 and 3/5 of Annex 3,
- 1/1 of Annex 5,
- 1/1 of the General Notes

to Appendix I of **Japan** in the loose-leaf system of Appendices in conformity with the aforementioned decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this fifteenth day of December, two thousand and three.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

(Authentic in the English language only)

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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

14 October 2003 (WT/Let/452)

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Printing Bureau

Services**Threshold:****Construction services:**

4,500 thousand SDR for Japan Post in Group A

15,000 thousand SDR for all other entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

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;
4,500 thousand SDR for Japan Post in Group A in ANNEX 3;
15,000 thousand SDR for all other entities in Group A in ANNEX 3; and
4,500 thousand SDR for entities in Group B in ANNEX 3.

GENERAL NOTES

1. 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 (except for Japan Post in Group A and the entities in Group B set out in Annex 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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

18 June 2003

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of replacement pages 1/5 to 5/5 of Annex 3 to Appendix I containing the certified modifications.

The modifications concern **Japan** and are effective as of **9 May 2003**.

Supachai Panitchpakdi
Director-General

03-3256

WT/Let/446

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annex 3 to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which were notified to the Committee on Government Procurement (GPA/W/252, GPA/W/253 and GPA/W/254) pursuant to the procedures of Article XXIV:6, became effective as of **9 May 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this sixteenth day of June, two thousand and three.

Supachai Panitchpakdi

Certified true copy:

Director-General

JAPAN

(Authentic in the English language only)

ANNEX 3

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

Supplies

Threshold:

130 thousand SDR

List of Entities:

1. Group A

- | | |
|--|---|
| <ul style="list-style-type: none"> - Water Resources Development Public Corporation - Japan Regional Development Corporation - Japan Green Resources Corporation - Japan National Oil Corporation (c) - Japan Railway Construction Public Corporation (a) (d) - New Tokyo International Airport Authority - Japan Highway Public Corporation - Metropolitan Expressway Public Corporation - Hanshin Expressway Public Corporation - Honshu-Shikoku Bridge Authority - Urban Development Corporation (a) - Japan Science and Technology Corporation - Japan Nuclear Cycle Development Institute (b) - Japan Environment Corporation - Japan International Cooperation Agency - Social Welfare and Medical Service Corporation - Government Pension Investment Fund - Agriculture and Livestock Industries Corporation - Metal Mining Agency of Japan (c) - Japan Small and Medium Enterprise Corporation - Postal Life Insurance Welfare Corporation - Labour Welfare Corporation | <ul style="list-style-type: none"> - Employment and Human Resources Development Organization of Japan - Okinawa Development Finance Corporation - National Life Finance Corporation - Agriculture, Forestry and Fisheries Finance Corporation - Japan Finance Corporation for Small Business - Housing Loan Corporation - Japan Finance Corporation for Municipal Enterprises - Development Bank of Japan - Japan Bank for International Cooperation - 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 - Japan Consumers Information Center - Japan Atomic Energy Research Institute (b) - RIKEN (The 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 |
|--|---|

9 May 2003 (WT/Let/446)

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau

Services**Threshold:****Construction services:**

15,000 thousand SDR for entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)

- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (The 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
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau

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 in Group A 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.
- (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

14 March 2003

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/2 and 2/2 of Annex 2 and pages 1/2 and 2/2 of the General Notes to Appendix I containing the certified modifications.

The modifications concern **Switzerland** and are effective as of **7 February 2003**.

Supachai Panitchpakdi
Director-General

03-1468

WT/Let/437

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 2 and the General Notes, of the Agreement on Government Procurement (1994) concerning **Switzerland** which were notified to the Committee on Government Procurement (GPA/W/225) pursuant to the procedures of Article XXIV:6 became effective as of **7 February 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/2 and 2/2 of Annex 2 and pages 1/2 and 2/2 of the General Notes to Appendix I of **Switzerland** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of March, two thousand and three.

Supachai Panitchpakdi

Certified true copy:

Director-General

ANNEXE 2

Entités des gouvernements sous-centraux¹ qui passent des marchés conformément aux dispositions du présent accord

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

Liste des entités²

1. Les autorités publiques cantonales
2. Les organismes de droit public établis au niveau cantonal n'ayant pas un caractère commercial ou industriel
3. Les autorités et organismes publics du niveau des districts et des communes

Liste des cantons suisses:

Appenzell (Rhodes Intérieures/Extérieures)

Argovie

Bâle (Ville/Campagne)

Berne

Fribourg

Glaris

Genève

Grisons

Jura

Neuchâtel

Lucerne

¹ C'est-à-dire les gouvernements cantonaux selon la terminologie suisse

² Pour 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

Schaffhouse

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.

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;
 - en ce qui concerne les marchés passés par les entités mentionnées au chiffre 3 de l'Annexe 2 aux fournisseurs de produits et de services des Etats-Unis d'Amérique; d'Israël; du Japon; de la Corée; de Hong Kong, Chine; de Singapour; et d'Aruba;
 - 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, des Etats-Unis d'Amérique et du Singapour;
 - électricité: aux fournisseurs de produits et de services du Canada, du Japon et du Singapour;
 - 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;
 - 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.

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.
-



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

14 March 2003

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT

I have the honour to furnish herewith certified true copies of:

- replacement pages 1/3 of the General Notes, in English, French and Spanish, to Appendix I containing the certified modifications. The modifications concern the **European Communities** and are effective as of **11 January 2003**.
- replacement page 1/3 of the General Notes to Appendix I containing the certified modifications. The modifications concern **Iceland** and are effective as of **11 January 2003**.
- replacement page 1/6 of the General Notes to Appendix I containing the certified modifications. The modifications concern **Norway** and are effective as of **11 January 2003**.

Supachai Panitchpakdi
Director-General

03-1469

WT/Let/438

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, General Notes, of the Agreement on Government Procurement (1994) concerning the **European Communities** which were notified to the Committee on Government Procurement (GPA/W/226) pursuant to the procedures of Article XXIV:6 became effective as of **11 January 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/3 of the General Notes to Appendix I, in English, French and Spanish, of the **European Communities** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of March, two thousand and three.

Supachai Panitchpakdi

Certified true copy:

Director-General

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III OF
APPENDIX I OF THE ECGeneral 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;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (a) (water) to the suppliers and service providers of Canada and the USA,
 - (b) (electricity) to the suppliers and service providers of Canada, and Japan,
 - (c) (airports) to the suppliers and service providers of Canada, Korea and the USA,
 - (d) (ports) to the suppliers and service providers of Canada,
 - (e) (urban transport) to the suppliers and service providers of Canada, Japan, Korea and the USA; to the suppliers and service providers of Israel, as regards bus services,until such time as the EC has accepted that the Parties concerned give comparable and effective access for EC undertakings to the relevant markets;
 - to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.
2. The provisions of Article XX shall not apply to suppliers and service providers of:
 - Israel, Japan and Korea 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;

NOTES GENERALES ET DEROGATIONS AUX DISPOSITIONS DE L'ARTICLE III DE
L'APPENDICE I DE LA CENotes générales et dérogations aux dispositions de l'article III

1. La CE n'étendra pas le bénéfice des dispositions de cet accord:

- en ce qui concerne les marchés passés par les entités mentionnées à l'Annexe 2 aux fournisseurs et aux prestataires de services du Canada;
- en ce qui concerne les marchés passés, à l'exception des fournitures, énumérés à l'annexe 2 aux fournisseurs et aux prestataires de services des États-Unis;
- en ce qui concerne les marchés passés par les entités énumérées à l'annexe 3 paragraphes
 - (a) (eau), aux fournisseurs et aux prestataires de services du Canada et des États-Unis,
 - (b) (électricité), aux fournisseurs et aux prestataires de services du Canada, et du Japon,
 - (c) (aéroports), aux fournisseurs et aux prestataires de services du Canada, de la Corée et des États-Unis,
 - (d) (ports), aux fournisseurs et aux prestataires de services du Canada,
 - (e) (transport urbain), aux fournisseurs et aux prestataires de services du Canada, du Japon, de la Corée et des États-Unis d'Amérique; aux producteurs et fournisseurs de service d'Israël, pour ce qui est des services de transport de voyageurs par autobus,

tant qu'elle n'aura pas constaté que les Parties concernées assurent aux entreprises de la CE un accès comparable et effectif aux marchés considérés;

- aux prestataires 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 et aux prestataires de services des pays suivants:

- Israël, Japon et Corée en ce qui concerne les recours intentés contre l'adjudication de marchés par les entités mentionnées à l'annexe 2 paragraphe 2, tant que la CE n'a pas constaté que ces pays ont complété la liste des entités sous-centrales;

NOTAS Y DEROGACIONES GENERALES DE LO PREVISTO EN EL ARTÍCULO III DEL
APÉNDICE I DE LA CENotas y derogaciones generales de lo previsto en el artículo III

1. La CE no concederá los beneficios de este Acuerdo:
 - por lo que se refiere a la adjudicación de los contratos por las entidades enumeradas en el anexo 2 a los proveedores y a los prestadores de servicios de Canadá;
 - por lo que se refiere a la adjudicación de los contratos, con excepción de contratos de suministros, enumerados en el anexo 2 a los proveedores y a los prestadores de servicios de los EE.UU.;
 - por lo que se refiere a la adjudicación de los contratos por entidades enumeradas en el anexo 3 párrafos
 - (a) (agua), a los proveedores y a los prestadores de servicios de Canadá y de los EE.UU.,
 - (b) (electricidad), a los proveedores y a los prestadores de servicios de Canadá y Japón,
 - (c) (aeropuertos), a los proveedores y a los prestadores de servicios de Canadá, Corea y los EE.UU.,
 - (d) (puertos), a los proveedores y a los prestadores de servicios de Canadá,
 - (e) (transporte urbano), a los proveedores y a los prestadores de servicios de Canadá, Japón, Corea y los EE.UU.; a los proveedores en general y a los proveedores de servicios de Israel, respecto de los servicios de autobús,hasta que la CE haya aceptado que las partes afectadas garantizan un acceso comparable y efectivo de empresas de la Comunidad a los mercados pertinentes;
 - a los prestadores de servicios de las Partes que no incluyen los contratos de servicio adjudicados por las entidades enumeradas en anexos 1 a 3 y la categoría pertinente de servicio conforme a los anexos 4 y 5 en su propia cobertura.
2. Lo previsto en el artículo XX no se aplicará a los proveedores y a los prestadores de servicios de los siguiente países:
 - Israel, Japón y Corea por lo que se refiere a la impugnación de la adjudicación de contratos por las entidades enumeradas en el anexo 2 párrafo 2º, hasta que la CE acepte que estos países han completado su cobertura de entidades subcentrales;
 - Japón, Corea y los EE.UU. por lo que se refiere a la impugnación de la adjudicación de los contratos a un proveedor o a un prestador de servicios de las otras Partes, que sean empresas pequeñas o medianas conforme a las disposiciones pertinentes del

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, General Notes, of the Agreement on Government Procurement (1994) concerning **Iceland** which were notified to the Committee on Government Procurement (GPA/W/227) pursuant to the procedures of Article XXIV:6 became effective as of **11 January 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement page to the loose-leaf system. Accordingly, the attached page replaces page 1/3 of the General Notes to Appendix I of **Iceland** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of March, two thousand and three.

Supachai Panitchpakdi

Certified true copy:

Director-General

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Iceland will not extend the benefits of this Agreement:
 - as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (2) (urban transport), to the suppliers and service providers of Canada, 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;
 - (5) (water), to the suppliers and service providers of Canada and the USA;

until such time as Iceland has accepted that the Parties concerned give comparable and effective access for Icelandic 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:
 - Japan and Korea in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Iceland accepts that they have completed coverage of sub-central entities;
 - Japan and Korea 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 Iceland, until such time as Iceland 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 Icelandic entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, General Notes, of the Agreement on Government Procurement (1994) concerning **Norway** which were notified to the Committee on Government Procurement (GPA/W/228) pursuant to the procedures of Article XXIV:6 became effective as of **11 January 2003**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement page to the loose-leaf system. Accordingly, the attached page replaces page 1/6 of the General Notes to Appendix I of **Norway** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of March, two thousand and three.

Supachai Panitchpakdi

Certified true copy:

Director-General

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;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (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;
 - (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 and Korea 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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

13 November 2002

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

**TRANSMISSION OF CERTIFIED TRUE COPIES OF REPLACEMENT PAGES
IN THE LOOSE-LEAF SYSTEM FOR APPENDICES CONTAINING
THE CERTIFIED MODIFICATIONS TO THE AGREEMENT**

I have the honour to furnish herewith certified true copies of replacement pages 1/6 to 6/6 of Annex 2 of Appendix I containing the certified modifications.

The modifications concern the **United States** and are effective as of **16 October 2002**.

Supachai Panitchpakdi
Director-General

02-6290

WT/Let/431

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 2 of the Agreement on Government Procurement (1994) concerning the **United States** which were notified to the Committee on Government Procurement (GPA/W/208) pursuant to the procedures of Article XXIV:6 became effective as of **16 October 2002**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/6 to 6/6 of Annex 2 to Appendix I of the **United States** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twelfth day of November, two thousand and two.

Supachai Panitchpakdi

Certified true copy:

Director-General

UNITED STATES

(Authentic in the English language only)

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:

Arizona

Executive branch agencies

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and construction services

California

Executive branch agencies

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware*

Administrative Services (Central Procurement Agency)
State Universities
State Colleges

Florida*

Executive branch agencies

Hawaii

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Illinois*

Department of Central Management Services

Iowa*

Department of General Services
Department of Transportation
Board of Regents' Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding construction projects

Louisiana

Executive branch agencies

Maine*

Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies
and school construction)
Maine Department of Transportation

Maryland*

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation

Massachusetts

Executive Office for Administration and Finance
Executive Office of Communities and Development
Executive Office of Consumer Affairs
Executive Office of Economic Affairs
Executive Office of Education
Executive Office of Elder Affairs
Executive Office of Environmental Affairs
Executive Office of Health and Human Service
Executive Office of Labor
Executive Office of Public Safety
Executive Office of Transportation and Construction

Michigan*

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York*

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Nebraska

Central Procurement Agency

New Hampshire*

Central Procurement Agency

Oklahoma*

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act, excluding construction services.

Oregon

Department of Administrative Services

Pennsylvania*

Executive branch agencies, including:

Governor's Office
Department of the Auditor General
Treasury Department
Department of Agriculture
Department of Banking
Pennsylvania Securities Commission
Department of Health
Department of Transportation
Insurance Department
Department of Aging
Department of Correction
Department of Labor and Industry
Department of Military Affairs
Office of Attorney General
Department of General Services
Department of Education
Public Utility Commission
Department of Revenue
Department of State
Pennsylvania State Police
Department of Public Welfare
Fish Commission
Game Commission
Department of Commerce
Board of Probation and Parole
Liquor Control Board
Milk Marketing Board
Lieutenant Governor's Office
Department of Community Affairs
Pennsylvania Historical and Museum Commission
Pennsylvania Emergency Management Agency
State Civil Service Commission
Pennsylvania Public Television Network
Department of Environmental Resources
State Tax Equalization Board
Department of Public Welfare
State Employees' Retirement System
Pennsylvania Municipal Retirement Board

Public School Employees' Retirement System
Pennsylvania Crime Commission
Executive Offices

Rhode Island

Executive branch agencies, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

Texas Building and Procurement Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration
Department of Transportation
State Universities

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

Wisconsin

Executive branch agencies, including

Department of Administration
State Correctional Institutions
Department of Development
Educational Communications Board
Department of Employment Relations
State Historical Society
Department of Health and Social Services

Insurance Commissioner
Department of Justice
Lottery Board
Department of Natural Resources
Administration for Public Instruction
Racing Board
Department of Revenue
State Fair Park Board
Department of Transportation
State University System

Wyoming*

Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

Notes to Annex 2

In addition to the conditions specified in the General Notes, the following conditions apply:

1. For those states marked by an asterisk with pre-existing restrictions, the Agreement does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. The Agreement shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women.
3. Nothing in this annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.
4. The Agreement shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

19 March 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**CERTIFICATION OF THE APPENDICES TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT**

RECTIFICATION

I have the honour to draw your attention to technical errors which appear in the authentic text of the above-mentioned Appendices to the Agreement on Government Procurement done at Marrakesh on 15 April 1994 as subsequently rectified or modified in accordance with the procedures of Article XXIV:6 of the Agreement, in the form of a loose-leaf system established pursuant to the decision of the Committee on Government Procurement of 4 June 1996 (GPA/M/2), a certified true copy of which was transmitted on 1 March 2000.

The errors which require rectification are the following:

Japan, Appendix I, Annex 3, Page 1/4, under List of entities, delete Nippon Telegraph and Telephone Co. East (f) and Nippon Telegraph and Telephone Co. West (f) and insert Nippon Telegraph and Telephone Co. (f).

Japan, Appendix I, Annex 3, page 2/4, under List of entities which procure the services, specified in Annex 4, delete Nippon Telegraph and Telephone East Co. (f)(g) and Nippon Telegraph and Telephone West Co. (f)(g).

Pages 1/4 and 2/4 of Appendix I, Annex 3 of Japan in the loose-leaf system for Appendices should be replaced by the attached pages.

As depositary of the Agreement on Government Procurement, I shall cause the corrections to be made to the certified true copy of the Appendices, unless any government notifies me of an objection thereto within thirty days from the date of this document. In due course, the corrections will be certified by a Procès-Verbal of Rectification.

Mike Moore
Director-General

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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
- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation

Supplies (cont'd)

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- 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
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology (e)
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

*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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

1 March 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**CERTIFICATION OF THE APPENDICES TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT**

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Appendices to the Agreement on Government Procurement done at Marrakesh on 15 April 1994 as subsequently rectified or modified in accordance with the procedures of Article XXIV:6 of the Agreement, in the form of a loose-leaf system established pursuant to the decision of the Committee on Government Procurement of 4 June 1996 (GPA/M/2).

Mike Moore
Director-General

00-0882

WT/Let/330

**CERTIFICATION OF THE APPENDICES TO
THE AGREEMENT ON GOVERNMENT
PROCUREMENT**

**CERTIFICATION DES APPENDICES DE
L'ACCORD SUR LES MARCHÉS PUBLICS**

**CERTIFICACIÓN DE LOS APÉNDICES DEL
ACUERDO SOBRE CONTRATACIÓN PÚBLICA**

**LOOSE-LEAF APPENDICES TO THE AGREEMENT ON
GOVERNMENT PROCUREMENT**

Table of Contents

Appendix I	Annexes 1 through 5 setting out the scope of this Agreement	<i>Page</i>
	Canada - (Authentic English version)	Annex 1 1-4 Annex 2 1 Annex 3 1 Annex 4 1-3 Annex 5 1 General Notes 1-2
	Canada - (Authentic French version)	Annex 1 1-4 Annex 2 1 Annex 3 1 Annex 4 1-4 Annex 5 1 General Notes 1-2
	European Communities -	Annex 1 1-70 Annex 2 1-3 Annex 3 1-4 Annex 4 1-6 Annex 5 1-7 Attachment to Annexes 2 and 3 1-33 General Notes (English) 1-3 General Notes (French) 1-3 General Notes (Spanish) 1-3
	Hong Kong, China -	Annex 1 1-2 Annex 2 1 Annex 3 1 Annex 4 1-2 Annex 5 1 General Notes 1-3
	Israel -	Annex 1 1-2 Annex 2 1 Annex 3 1 Annex 4 1 Annex 5 1 General Notes 1 Note 1

			<i>Page</i>
Japan	-	Annex 1	1-3
		Annex 2	1-2
		Annex 3	1-4
		Annex 4	1-2
		Annex 5	1
		General Notes	1
Korea	-	Annex 1	1-4
		Annex 2	1-2
		Annex 3	1-2
		Annex 4	1-3
		Annex 5	1
		General Notes	1
Liechtenstein	-	Annex 1	1
		Annex 2	1
		Annex 3	1-3
		Annex 4	1-2
		Annex 5	1
		General Notes	1-2
Netherlands (with respect to Aruba)	-	Annex 1	1
		Annex 2	1
		Annex 3	1
		Annex 4	1
		Annex 5	1
Norway	-	Annex 1	1-5
		Annex 2	1-2
		Annex 3	1-2
		Annex 4	1-2
		Annex 5	1
		General Notes	1-6
Singapore	-	Annex 1	1-3
		Annex 2	1
		Annex 3	1
		Annex 4	1-2
		Annex 5	1
		General Notes	1
Switzerland	-	Annex 1	1-9
		Annex 2	1-2
		Annex 3	1-4
		Annex 4	1-2
		Annex 5	1
		General Notes	1-2

		<i>Page</i>
United States	- Annex 1	1-5
	Annex 2	1-6
	Annex 3	1-2
	Annex 4	1
	Annex 5	1
	General Notes	1
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	
	- <i>English</i>	1-4
	- <i>French</i>	1-4
	- <i>Spanish</i>	1-4
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	
	- <i>English</i>	1-3
	- <i>French</i>	1-3
	- <i>Spanish</i>	1-3
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	
	- <i>English</i>	1-4
	- <i>French</i>	1-5
	- <i>Spanish</i>	1-5

APPENDIX I

APPENDIX I

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

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

APPENDICE I

Annexes 1 à 5 définissant la portée du présent accord:

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

APÉNDICE I

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

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

CANADA

(Authentic in the English and French languages)

ANNEX 1

Federal Government Entities

<i>Thresholds:</i>	130,000 SDRs	-	Goods
	130,000 SDRs	-	Services covered in Annex 4
	5,000,000 SDRs	-	Construction covered in Annex 5

List of Entities:

1. Department of Agriculture
2. Department of Communications (not including procurements respecting FSCs 36, 70 and 74)
3. Department of Consumer and Corporate Affairs
4. Department of Employment and Immigration
5. Immigration and Refugee Board
6. Employment and Immigration Commission
7. Department of Energy, Mines and Resources
8. Atomic Energy Control Board
9. National Energy Board (on its own account)
10. Department of the Environment
11. Department of External Affairs
12. Canadian International Development Agency (on its own account)
13. Department of Finance
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

1 March 2000 (WT/Let/330)

33. Department of Public Works
34. Department of Secretary of State of Canada
35. Social Science and Humanities Research Council
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

1 March 2000 (WT/Let/330)

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

1 March 2000 (WT/Let/330)

46. Water purification and sewage treatment equipment
47. Pipe, tubing, hose and fittings
48. Valves
49. Maintenance and repair shop equipment
52. Measuring tools
53. Hardware and abrasives
54. Prefabricated structures and scaffolding
55. Lumber, millwork, plywood and veneer
56. Construction and building materials
61. Electric wire and power and distribution equipment
62. Lighting fixtures and lamps
63. Alarm and signal systems
65. Medical, dental and veterinary equipment and supplies
66. Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components 6665: Hazard-detecting instruments and apparatus)
67. Photographic equipment
68. Chemicals and chemical products
69. Training aids and devices
70. General purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations)
71. Furniture
72. Household and commercial furnishings and appliances
73. Food preparation and serving equipment
74. Office machines, visible record equipment and automatic data processing equipment
75. Office supplies and devices
76. Books, maps and other publications - (except 7650 drawings and specifications)
77. Musical instruments, phonographs and home-type radios
78. Recreational and athletic equipment
79. Cleaning equipment and supplies
80. Brushes, paints, sealers and adhesives
81. Containers, packaging and packing supplies
85. Toiletries
87. Agricultural supplies
88. Live animals
91. Fuels, lubricants, oils and waxes
93. Non-metallic fabricated materials
94. Non-metallic crude materials
96. Ores, minerals and their primary products
99. Miscellaneous

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

Federal Enterprises

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

1 March 2000 (WT/Let/330)

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)
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.

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^os 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^os 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
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
48. Robinets-vannes
49. Matériel d'ateliers d'entretien et de réparation
52. Instruments de mesure
53. Articles de quincaillerie et abrasifs
54. Eléments 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 visé e.
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
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
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;
- * 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 jusqu'à 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.

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
COMMUNAUTÉS EUROPEENNES
COMUNIDADES EUROPEAS**

ANNEX 1- ANNEXE 1 - ANEXO 1

*Entities which Procure in Accordance with the Provisions of this Agreement
Entités qui passent des marchés conformément aux dispositions du présent accord
Entidades que se rigen en sus contratos por las disposiciones del presente acuerdo*

SUPPLIES / FOURNITURES / SUMINISTROS

Thresholds: SDR 130,000
Valeurs de seuil: DTS 130 000
Valores de umbral: DEG 130.000

SERVICES / SERVICES / SERVICIOS

specified in Annex 4 / spécifiés dans l'Annexe 4 / detallados en el Anexo 4

Thresholds: SDR 130,000
Valeurs de seuil: DTS 130 000
Valores de umbral: DEG 130.000

WORKS / TRAVAUX / OBRAS

specified in Annex 5 / spécifiés dans l'Annexe 5 / detalladas en el Anexo 5

Thresholds: SDR 5,000,000
Valeurs de seuil: DTS 5 000 000
Valores de umbral: DEG 5.000.000

LIST OF ENTITIES / LISTE DES ENTITÉS / LISTA DE LAS ENTIDADES:**1. EUROPEAN COMMUNITIES ENTITIES
ENTITÉS DE LA COMMUNAUTÉ EUROPÉENNE
ENTIDADES DE LA COMUNIDAD EUROPEA:**

1. THE COUNCIL OF THE EUROPEAN UNION / LE CONSEIL DE L'UNION EUROPÉENNE / EL CONSEJO DE LA UNIÓN EUROPEA.
2. THE EUROPEAN COMMISSION / LA COMMISSION EUROPÉENNE / LA COMISIÓN EUROPEA.

**2. THE FOLLOWING CONTRACTING AUTHORITIES OF THE STATE
LES POUVOIRS ADJUDICATEURS DE L'ÉTAT QUI SUIVENT
LOS SIGUIENTES PODERES ADJUDICADORES DEL ESTADO:**

AUSTRIA - AUTRICHE - AUSTRIA

(Authentic in the English language only)

(A) Present coverage of entities:

1.	Federal Chancellery	Bundeskanzleramt
2.	Federal Ministry for Foreign Affairs	Bundesministerium für auswärtige Angelegenheiten
3.	Federal Ministry of Labour, health and social affairs	Bundesministerium für arbeit, Gesundheit und soziales
4.	Federal Ministry of Finance	Bundesministerium für Finanzen
	(a) Procurement Office	Amtswirtschaftsstelle
	(b) Division III/1 (procurement of technical appliances, equipments and goods for the customs guard)	Abteilung III/1 (Beschaffung von technischen Geräten, Einrichtungen und Sachgütern für die Zollwache)
	(c) Federal EDP-Office (procurement of the Federal Ministry of Finance and of the Federal Office of Accounts)	Bundesrechenamt (EDV-Bereich des Bundesministeriums für Finanzen und des Bundesrechenamtes)
5.	Federal Ministry for Environment, Youth and Family – Procurement Office	Bundesministerium für Umwelt, Jugend und Familie, Amtswirtschaftsstelle
6.	Federal Ministry for Economic Affairs	Bundesministerium für wirtschaftliche Angelegenheiten, Amtswirtschaftsstelle
7.	Federal Ministry of Internal Affairs	Bundesministerium für Inneres
	(a) Division I/5 (Procurement Office)	Abteilung I/5 (Amtswirtschaftsstelle)
	(b) Division I/6 [procurement of goods (other than those procured by Division II/3) for the Federal Police]	Abteilung I/6 (Beschaffung aller Sachgüter für die Bundespolizei soweit sie nicht von der Abteilung II/3 beschafft werden)
	(c) EDP-Centre (procurement of electronical data processing machines (hardware))	EDV-Zentrale (Beschaffung von EDV- "Hardware")
	(d) Division II/3 (procurement of technical appliances and equipments for the Federal Police)	Abteilung II/3 (Beschaffung von technischen Geräten und Einrichtungen für die Bundespolizei)
	(e) Division II/5 (procurement of technical appliances and equipment for the Federal Provincial Police)	Abteilung II/5 (Beschaffung von technischenGeräten und Einrichtungen für die Bundesgendarmerie)

1 March 2000 (WT/Let/330)

(f)	Division II/19 (procurement of equipment for supervision of road traffic)	Abteilung II/19 (Beschaffung von Einrichtungen zur Überwachung des Straßenverkehrs)
(g)	Division II/21 (procurement of aircraft)	Abteilung II/21 (Beschaffung von Flugzeugen)
8.	Federal Ministry for Justice – Procurement Office	Bundesministerium für Justiz, Amtswirtschaftsstelle
9.	Federal Ministry of Defence ¹	Bundesministerium für Landesverteidigung (Nichtkriegsmaterial wie in Annex I, Teil 3 angeführt)
10.	Federal Ministry of Agriculture and Forestry	Bundesministerium für Land- und Forstwirtschaft
11.	Federal Ministry of Education and Cultural Affairs	Bundesministerium für Unterricht und kulturelle Angelegenheiten
12.	Federal Ministry for Science and Transport	Bundesministerium für Wissenschaft und Verkehr
13.	Austrian Central Statistical Office	Österreichisches Statistisches Zentralamt
14.	Austrian Federal Academy of Public Administration	Verwaltungsakademie des Bundes
15.	Federal Office of Metrology and Surveying	Bundesamt für Eich- und Vermessungswesen
16.	Federal Institute for Testing and Research, Arsenal (BVFA)	Bundesforschungs- und Prüfzentrum Arsenal
17.	Austro control GES. M.B.H. - Austrian office for civil aviation	Austro Control GES. M.B.H. - Österreichische Gesellschaft für Zivilluftfahrt
18.	Federal Institute for Testing of Motor Vehicles	Bundesprüfanstalt für Kraftfahrzeuge
19.	Post and Telecom Austria	Post und Telecom Austria Aktiengesellschaft

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

¹ Non-warlike materials contained in Part (3) of this Annex

APPENDIX 1	EUROPEAN COMMUNITY BELGIUM	ANNEX 1	Page 4/324
------------	---	---------	------------

BELGIUM - BELGIQUE - BÉLGICA

(La version française fait foi)

(A) L'État fédéral:

1. Services du Premier Ministre
2. Ministère des Affaires économiques
3. Ministère des Affaires étrangères, du Commerce extérieur et de la Coopération au développement
4. Ministère des Affaires sociales, de la Santé publique et de l'Environnement
5. Ministère des Classes moyennes et de l'Agriculture
6. Ministère des Communications et de l'Infrastructure
7. Ministère de la Défense nationale²
8. Ministère de l'Emploi et du Travail
9. Ministère des Finances
10. Ministère de la Fonction publique
11. Ministère de l'Intérieur
12. Ministère de la Justice

(B) Autres:

1. la Poste³
2. la Régie des Bâtiments
3. L'Office national de Sécurité Sociale
4. L'Institut national d'Assurances sociales pour Travailleurs indépendants
5. L'Institut national d'Assurance Maladie-Invalidité
6. L'Office national des Pensions
7. La Caisse auxiliaire d'Assurance Maladie-Invalidité
8. Le Fonds des Maladies professionnelles
9. L'Office national de l'Emploi

² Matériel non militaire figurant dans la partie (3) de la présente annexe

³ Activités postales visées par la loi du 24 décembre 1993

DENMARK - DANEMARK - DINAMARCA

(Authentic in the English language only)

- | | | | |
|-----|---|---|--|
| 1. | (Parliament) - (Auditor General of Denmark) | | Folketinget - Rigsrevisionen |
| 2. | Prime Minister's Office | | |
| 3. | Ministry of Foreign Affairs | - | 2 departments |
| 4. | Ministry of Labour | - | 5 agencies and institutions |
| 5. | Ministry of Housing and Urban Affairs | - | 7 agencies and institutions |
| 6. | Ministry of Industry and Trade | - | 7 agencies and institutions |
| 7. | Ministry of Finance | - | 3 agencies and institutions |
| 8. | Ministry of Research | - | 1 agency |
| 9. | Ministry of Defence ⁴ (1) | - | Several institutions |
| 10. | Ministry of the Interior | - | 2 agencies |
| 11. | Ministry of Justice | - | 2 directorates and several police offices and courts |
| 12. | Ministry of Ecclesiastical Affairs | - | 10 diocesan authorities |
| 13. | Ministry of Cultural Affairs | - | 3 institutions and several state-owned museums and higher education institutions |
| 14. | Ministry of Agriculture and Fisheries | - | 23 directorates and institutions |
| 15. | Ministry of Environment and Energy | - | 6 agencies and research establishment "Risø" |
| 16. | Ministry of Taxes and Duties | - | 1 agency |
| 17. | Ministry of Social Affairs | - | 4 agencies and institutions |
| 18. | Ministry of Health | - | Several institutions including the State Serum Institute |
| 19. | Ministry of Education | - | 6 directorates and 12 universities and other higher education institutions |
| 20. | Ministry of Economic Affairs | - | Statistical bureau (Statistics Denmark) |
| 21. | Ministry of Transport | | |

⁴ Non-warlike materials contained in Part (3) of this Annex

GERMANY - ALLEMAGNE - ALEMANIA

(Authentic in the English language only)

1.	Federal Foreign Office	Auswärtiges Amt
2.	Federal Chancellery	Bundeskanzleramt
3.	Federal Ministry of Labour and Social Affairs	Bundesministerium für Arbeit und Sozialordnung
4.	Federal Ministry of Education, Science, Research and Technology	Bundesministerium für Bildung, Wissenschaft, Forschung und Technologie
5.	Federal Ministry for Food, Agriculture and Forestry	Bundesministerium für Ernährung, Landwirtschaft und Forsten
6.	Federal Ministry of Finance	Bundesministerium der Finanzen
7.	Federal Ministry of the Interior (civil goods only)	Bundesministerium des Innern
8.	Federal Ministry of Health	Bundesministerium für Gesundheit
9.	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth	Bundesministerium für Familie, Senioren, Frauen und Jugend
10.	Federal Ministry of Justice	Bundesministerium der Justiz
11.	Federal Ministry for Regional Planning, Building and Urban Development	Bundesministerium für Raumordnung, Bauwesen und Städtebau
12.	Federal Ministry of Post and Telecommunications ⁵	Bundesministerium für Post- und Telekommunikation
13.	Federal Ministry of Transport	Bundesministerium für Verkehr
14.	Federal Ministry of Economic Affairs	Bundesministerium für Wirtschaft
15.	Federal Ministry for Economic Co-operation	Bundesministerium für wirtschaftliche Zusammenarbeit
16.	Federal Ministry of Defence ⁶	Bundesministerium der Verteidigung
17.	Federal Ministry of Environment, Nature Conservation and Reactor Safety	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit

⁵ Except telecommunication equipment

⁶ Non-warlike materials contained in Part (3) of this Annex

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.

APPENDIX 1	EUROPEAN COMMUNITY SPAIN	ANNEX 1	Page 8/324
------------	---	---------	------------

SPAIN - ESPAGNE - ESPAÑA

(Esta lista es auténtica en la versión española)

1. Ministerio de Asuntos Exteriores
2. Ministerio de Justicia
3. Ministerio de Defensa⁷
4. Ministerio de Economía y Hacienda
5. Ministerio del Interior
6. Ministerio de Fomento
7. Ministerio de Educación y Cultura
8. Ministerio de Trabajo y Asuntos Sociales
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 Sanidad y Consumo
14. Ministerio de Medio Ambiente

⁷ Material no militar incluido en la parte (3) de este Anexo

FINLAND - FINLANDE - FINLANDIA

(Authentic in the English language only)

- | | | |
|----|---|--------------------------------|
| 1. | OFFICE OF THE CHANCELLOR OF JUSTICE | OIKEUSKANSLERINVIRASTO |
| 2. | MINISTRY OF TRADE AND INDUSTRY | KAUPPA-JA TEOLLISUUSMINISTERIÖ |
| | National Consumer Administration | Kuluttajavirasto |
| | National Food Administration | Elintarvikevirasto |
| | Office of Free Competition | Kilpailuvirasto |
| | Council of Free Competition | Kilpailuneuvosto |
| | Office of the Consumer Ombudsman | Kuluttaja-asiamiehen toimisto |
| | Consumer Complaint Board | Kuluttajavalituslautakunta |
| | National Board of Patents and Registration | Patentti- ja rekisterihallitus |
| 3. | MINISTRY OF TRANSPORT AND COMMUNICATIONS | LIIKENNEMINISTERIÖ |
| | Telecommunications Administration Centre | Telehallintokeskus |
| 4. | MINISTRY OF AGRICULTURE AND FORESTRY | MAA- JA METSÄTALOUSMINISTERIÖ |
| | National Land Survey of Finland | Maanmittauslaitos |
| 5. | MINISTRY OF JUSTICE | OIKEUSMINISTERIÖ |
| | The Office of the Data Protection Ombudsman | Tietosuojavaltuutetun toimisto |
| | Courts of Law | Tuomioistuinlaitos |
| | | – Korkein oikeus |
| | | – Korkein hallinto-oikeus |
| | | – Hovioikeudet |
| | | – Käräjäoikeudet |
| | | – Läänioikeudet |
| | | – Markkinatuomioistuin |
| | | – Työtuomioistuin |
| | | – Vakuutus oikeus |
| | | – Vesioikeudet |
| | Prison Administration | Vankeinhoitolaitos |
| 6. | MINISTRY OF EDUCATION | OPETUSMINISTERIÖ |
| | National Board of Education | Opetushallitus |
| | National Office of Film Censorship | Valtion elokuvatarkastamo |

7.	MINISTRY OF DEFENCE ⁸ Defence Forces	PUOLUSTUSMINISTERIÖ Puolustusvoimat
8.	MINISTRY OF THE INTERIOR Population Register Centre Central Criminal Police Mobile Police Frontier Guard	SISÄASIAINMINISTERIÖ Väestörekisterikeskus Keskusrikospoliisi Liikkuva poliisi Rajavartiolaitos
9.	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	SOSIAALI- JA TERVEYSMINISTERIÖ Työttömyysturvalautakunta Tarkastuslautakunta Lääkelaitos Terveystieteiden tutkimuskeskus Tapaturmavirasto Säteilyturvakeskus Valtion turvapaikan hakijoiden vastaanotto-keskukset
10.	MINISTRY OF LABOUR National Conciliators' Office Labour Council	TYÖMINISTERIÖ Valtakunnansovittelijain toimisto Työneuvosto
11.	MINISTRY FOR FOREIGN AFFAIRS	ULKOASIAINMINISTERIÖ
12.	MINISTRY OF FINANCE State Economy Controller's Office State Treasury Office	VALTIOVARAINMINISTERIÖ Valtiontalouden tarkastusvirasto Valtiokonttori Valtion työmarkkinalaitos Verohallinto Tullihallinto Valtion vakuusrahasto
13.	MINISTRY OF ENVIRONMENT National Board of Waters and Environment	YMPÄRISTÖMINISTERIÖ Vesi- ja ympäristöhallitus

⁸ Non-warlike materials contained in Part (3) of this Annex

FRANCE - FRANCE - FRANCIA

(La version française fait foi)

- (A) Principales entités acheteuses
- (a) *Budget général*
1. Services du Premier Ministre
 2. Ministère des Affaires Sociales, de la Santé et de la Ville
 3. Ministère de l'Intérieur et de l'Aménagement du Territoire
 4. Ministère de la Justice
 5. Ministère de la Défense
 6. Ministère des Affaires Etrangères
 7. Ministère de l'Education Nationale
 8. Ministère de l'Economie
 9. Ministère de l'Industrie, des Postes et Télécommunications et du Commerce Extérieur
 10. Ministère de l'Équipement, des Transports et du Tourisme
 11. Ministère des Entreprises et du Développement Economique, chargé des Petites et Moyennes Entreprises et du Commerce et de l'Artisanat
 12. Ministère du Travail, de l'Emploi et de la Formation Professionnelle
 13. Ministère de la Culture et de la Francophonie
 14. Ministère du Budget
 15. Ministère de l'Agriculture et de la Pêche
 16. Ministère de l'Enseignement Supérieur et de la Recherche
 17. Ministère de l'Environnement
 18. Ministère de la Fonction Publique
 19. Ministère du Logement
 20. Ministère de la Coopération
 21. Ministère des Départements et Territoires d'Outre-Mer
 22. Ministère de la Jeunesse et des Sports
 23. Ministère de la Communication
 24. Ministère des anciens Combattants et Victimes de Guerre

(b) *Budget annexe*

On peut notamment signaler:

1. Imprimerie Nationale

(c) *Comptes spéciaux du Trésor*

On peut notamment signaler:

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

(B) Etablissements publics nationaux à caractère administratif

1. Académie de France à Rome;
2. Académie de Marine;
3. Académie des Sciences d'Outre-Mer;
4. Agence Centrale des Organismes de Sécurité Sociale (A.C.O.S.S.);
5. Agences Financières de Bassins;
6. Agence Nationale pour l'Amélioration des Conditions de Travail (A.N.A.C.T.);
7. Agence Nationale pour l'Amélioration de l'Habitat (A.N.A.H.);
8. Agence Nationale pour l'Emploi (A.N.P.E.);
9. Agence Nationale pour l'Indemnisation des Français d'Outre-Mer (A.N.I.F.O.M.);
10. Assemblée Permanente des Chambres d'Agriculture (A.P.C.A.);
11. Bibliothèque Nationale;
12. Bibliothèque Nationale et Universitaire de Strasbourg;
13. Bureau d'Etudes des Postes et Télécommunications d'Outre-Mer (B.E.P.T.O.M.);
14. Caisse des Dépôts et Consignations;
15. Caisse Nationale des Allocations Familiales (C.N.A.F.);
16. Caisse Nationale d'Assurance Maladie des Travailleurs Salariés (C.N.A.M.);
17. Caisse Nationale d'Assurance-Vieillesse des Travailleurs Salariés (C.N.A.V.T.S.);
18. Caisse Nationale des Autoroutes (C.N.A.);
19. Caisse Nationale Militaire de Sécurité Sociale (C.N.M.S.S.);

20. Caisse Nationale des Monuments Historiques et des Sites;
21. Caisse Nationale des Télécommunications⁹;
22. Caisse de Garantie du Logement Social;
23. Casa de Velasquez;
24. Centre d'Enseignement Zootechnique de Rambouillet;
25. Centre d'Etudes du Milieu et de Pédagogie Appliquée du Ministère de l'Agriculture;
26. Centre d'Etudes Supérieures de Sécurité Sociale;
27. Centres de Formation Professionnelle Agricole;
28. Centre National d'Art et de Culture Georges Pompidou;
29. Centre National de la Cinématographie Française;
30. Centre National d'Etudes et de Formation pour l'Enfance Inadaptée;
31. Centre National d'Etudes et d'Expérimentation du Machinisme Agricole, du Génie Rural, des Eaux et des Forêts;
32. Centre National de Formation pour l'Adaptation Scolaire et l'Education Spécialisée (C.N.E.F.A.S.E.S.);
33. Centre National de Formation et de Perfectionnement des Professeurs d'Enseignement Ménager Agricole;
34. Centre National des Lettres;
35. Centre National de Documentation Pédagogique;
36. Centre National des Oeuvres Universitaires et Scolaires (C.N.O.U.S.);
37. Centre National d'Ophthalmologie des Quinze-Vingts;
38. Centre National de Préparation au Professorat de Travaux Manuels Éducatifs et d'Enseignement Ménager;
39. Centre National de Promotion Rurale de Marmilhat;
40. Centre National de la Recherche Scientifique (C.N.R.S.);
41. Centre Régional d'Education Populaire d'Ile de France;
42. Centres d'Education Populaire et de Sport (C.R.E.P.S.);
43. Centres Régionaux des Oeuvres Universitaires (C.R.O.U.S.);
44. Centres Régionaux de la Propriété Forestière;
45. Centre de Sécurité Sociale des Travailleurs Migrants;
46. Chancelleries des Universités;
47. Collège de France

⁹ Postes seulement

48. Commission des Opérations de Bourse;
49. Conseil Supérieur de la Pêche;
50. Conservatoire de l'Espace Littoral et des Rivages Lacustres;
51. Conservatoire National des Arts et Métiers;
52. Conservatoire National Supérieur de Musique;
53. Conservatoire National Supérieur d'Art Dramatique;
54. Domaine de Pompadour;
55. Ecole Centrale - Lyon;
56. Ecole Centrale des Arts et Manufactures;
57. Ecole Française d'Archéologie d'Athènes;
58. Ecole Française d'Extrême-Orient;
59. Ecole Française de Rome;
60. Ecole des Hautes Études en Sciences Sociales;
61. Ecole Nationale d'Administration;
62. Ecole Nationale de l'Aviation Civile (E.N.A.C.);
63. Ecole Nationale des Chartes;
64. Ecole Nationale d'Equitation;
65. Ecole Nationale du Génie Rural des Eaux et des Forêts (E.N.G.R.E.F.);
66. Ecoles Nationales d'Ingénieurs;
67. Ecole Nationale d'Ingénieurs des Industries des Techniques Agricoles et Alimentaires;
68. Ecoles Nationales d'Ingénieurs des Travaux Agricoles;
69. Ecole Nationale des Ingénieurs des Travaux Ruraux et des Techniques Sanitaires;
70. Ecole Nationale des Ingénieurs des Travaux des Eaux et Forêts (E.N.I.T.E.F.);
71. Ecole Nationale de la Magistrature;
72. Ecoles Nationales de la Marine Marchande;
73. Ecole Nationale de la Santé Publique (E.N.S.P.);
74. Ecole Nationale de Ski et d'Alpinisme;
75. Ecole Nationale Supérieure Agronomique - Montpellier;
76. Ecole Nationale Supérieure Agronomique - Rennes;
77. Ecole Nationale Supérieure des Arts Décoratifs;
78. Ecole Nationale Supérieure des Arts et Industries - Strasbourg;
79. Ecole Nationale Supérieure des Arts et Industries Textiles - Roubaix;

80. Ecoles Nationales Supérieures d'Arts et Métiers;
81. Ecole Nationale Supérieure des Beaux-Arts;
82. Ecole Nationale Supérieure des Bibliothécaires;
83. Ecole Nationale Supérieure de Céramique Industrielle;
84. Ecole Nationale Supérieure de l'Electronique et de ses Applications (E.N.S.E.A.);
85. Ecole Nationale Supérieure d'Horticulture;
86. Ecole Nationale Supérieure des Industries Agricoles Alimentaires;
87. Ecole Nationale Supérieure du Paysage (Rattachée à l'Ecole Nationale Supérieure d'Horticulture);
88. Ecole Nationale Supérieure des Sciences Agronomiques Appliquées (E.N.S.S.A.);
89. Ecoles Nationales Vétérinaires;
90. Ecole Nationale de Voile;
91. Ecoles Normales d'Instituteurs et d'Institutrices;
92. Ecoles Normales Nationales d'Apprentissage;
93. Ecoles Normales Supérieures;
94. Ecole Polytechnique;
95. Ecole Technique Professionnelle Agricole et Forestière de Meymac (Corrèze)
96. Ecole de Sylviculture - Croigny (Aube);
97. Ecole de Viticulture et d'Oenologie de la Tour Blanche (Gironde);
98. Ecole de Viticulture - Avize (Marne);
99. Etablissement National de Convalescents de Saint-Maurice;
100. Etablissement National des Invalides de la Marine (E.N.I.M.);
101. Etablissement National de Bienfaisance Koenigs-Wazter;
102. Fondation Carnegie;
103. Fondation Singer-Polignac;
104. Fonds d'Action Sociale pour les Travailleurs Immigrés et leurs Familles;
105. Hôpital-Hospice National Dufresne-Sommeiller;
106. Institut de l'Elevage et de Médecine Vétérinaire des Pays Tropicaux (I.E.M.V.P.T.)
107. Institut Français d'Archéologie Orientale du Caire;
108. Institut Géographique National;
109. Institut Industriel du Nord;
110. Institut International d'Administration Publique (I.I.A.P.);

111. Institut National Agronomique de Paris-Grignon;
112. Institut National des Appellations d'Origine des Vins et Eux-de-Vie (I.N.A.O.V.E.V.);
113. Institut National d'Astronomie et de Géophysique (I.N.A.G.);
114. Institut National de la Consommation (I.N.C.);
115. Institut National d'Education Populaire (I.N.E.P.);
116. Institut National d'Etudes Démographiques (I.N.E.D.);
117. Institut National des Jeunes Aveugles - Paris;
118. Institut National des Jeunes Sourdes - Bordeaux;
119. Institut National des Jeunes Sourds - Chambéry;
120. Institut National des Jeunes Sourds - Metz;
121. Institut National des Jeunes Sourds - Paris;
122. Institut National de Physique Nucléaire et de Physique des Particules (I.N.P.N.P.P.);
123. Institut National de Promotion Supérieure Agricole;
124. Institut National de la Propriété Industrielle;
125. Institut National de la Recherche Agronomique (I.N.R.A.);
126. Institut National de Recherche Pédagogique (I.N.R.P.);
127. Institut National de la Santé et de la Recherche Médicale (I.N.S.E.R.M.);
128. Institut National des Sports;
129. Instituts Nationaux Polytechniques;
130. Instituts Nationaux des Sciences Appliquées;
131. Instituts National Supérieur de Chimie Industrielle de Rouen;
132. Institut National de Recherche en Informatique et en Automatique (I.N.R.I.A.);
133. Institut National de Recherche sur les Transports et leur Sécurité (I.N.R.T.S.);
134. Instituts Régionaux d'Administration;
135. Institut Supérieur des Matériaux et de la Construction Mécanique de Saint-Ouen
136. Musée de l'Armée;
137. Musée Gustave Moreau;
138. Musée de la Marine;
139. Musée National J.J. Henner;
140. Musée National de la Légion d'Honneur;
141. Musée de la Poste;
142. Muséum National d'Histoire Naturelle;

143. Musée Augustre Rodin;
 144. Observatoire de Paris;
 145. Office de Coopération et d'Accueil Universitaire;
 146. Office Français de Protection des Réfugiés et Apatrides;
 147. Office National des Anciens Combattants;
 148. Office National de la Chasse;
 149. Office National d'Information sur les Enseignements et les Professions (O.N.I.E.P.);
 150. Office National d'Immigration (O.N.I.);
 151. O.R.S.T.O.M. – Institut Français de Recherche Scientifique pour le Développement en Coopération;
 152. Office Universitaire et Culturel Français pour l'Algérie;
 153. Palais de la Découverte;
 154. Parcs Nationaux;
 155. Réunion des Musées Nationaux;
 156. Syndicat des Transports Parisiens;
 157. Thermes Nationaux - Aix-les-Bains;
 158. Universités.
- (C) Autre organisme public national
1. Union des Groupements d'Achats Publics (U.G.A.P.).

GREECE - GRÈCE - GRECIA

(Authentic in the English language only)

List of entities

1. Ministry of the Interior, Public Administration and Decentralization
2. Ministry of Foreign Affairs
3. Ministry of National Economy
4. Ministry of Finance
5. Ministry of Development
6. Ministry of Environment, Planning and Public Works
7. Ministry of Education and Religion
8. Ministry of Agriculture
9. Ministry of Labour and Social security
10. Ministry of Health and Social Selfare
11. Ministry of Justice
12. Ministry of Culture
13. Ministry of Merchant Marine
14. Ministry of Macedonia and Thrace
15. Ministry of the Aegean
16. Ministry of Transport and Communications
17. Ministry for Press and Media
18. Ministry to the Prime Minister
19. Army General Staff
20. Navy General Staff
21. Airforce General Staff
22. General Secretariat for Equality
23. General Secretariat for Greeks Living Abroad
24. General Secretariat for Commerce
25. General Secretariat for Research and Technology
26. General Secretariat for Industry

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

IRELAND - IRLANDE - IRLANDA

(Authentic in the English language only)

- (A) Main purchasing entities
1. Office of Public Works
- (B) Other Departments
1. President's Establishment;
 2. Houses of the Oireachtas (Parliament);
 3. Department of the Taoiseach (Prime Minister);
 4. Office of the Tánaiste (Deputy Prime Minister);
 5. Central Statistics Office;
 6. Department of Arts, Culture and the Gaeltacht;
 7. National Gallery of Ireland;
 8. Department of Finance;
 9. State Laboratory;
 10. Office of the Comptroller and Auditor General;
 11. Office of the Attorney General;
 12. Office of the Director of Public Prosecutions;
 13. Valuation Office;
 14. Civil Service Commission;
 15. Office of the Ombudsman;
 16. Office of the Revenue Commissioners;
 17. Department of Justice;

18. Commissioners of Charitable Donations and Bequests for Ireland;
19. Department of the Environment;
20. Department of Education;
21. Department of the Marine;
22. Department of Agriculture, Food and Forestry;
23. Department of Enterprise and Employment
24. Department of Tourism and Trade
25. Department of Defence¹⁰;
26. Department of Foreign Affairs;
27. Department of Social Welfare;
28. Department of Health;
29. Department of Transport, Energy and Communications

¹⁰ Non-warlike materials contained in Part (3) of this Annex

APPENDIX 1	EUROPEAN COMMUNITY ITALY	ANNEX 1	Page 22/324
------------	---	---------	-------------

ITALY - ITALIE – ITALIA

(Authentic in the English language only)

Purchasing Entities

1.	Presidency of the Council of Ministers with Ministry of Cultural Affairs	Presidenza del Consiglio dei Ministri con il Ministero del Beni Culturali
2.	Ministry of Foreign Affairs	Ministero degli affari esteri
3.	Ministry of the Interior	Ministero dell'Interno
4.	Ministry of Justice	Ministero di Grazia e Giustizia
5.	Ministry of the Treasury ¹¹	Ministero del Tesoro
6.	Ministry of Finance ¹²	Ministero delle Finanze
7.	Ministry of Defence ¹³	Ministero della Difesa
8.	Ministry of Industry, Trade, Handicraft and Tourism	Ministero dell'Industria, del Commercio e Dell'artigianato
9.	Ministry of Public Works	Ministero del Lavori Pubblici
10.	Ministry of Transports	Ministero del Trasporti
11.	Ministry of Posts and Telecommunications ¹⁴	Ministero delle Poste e Telecomunicazioni
12.	Ministry of Health	Ministero della Sanità
13.	Ministry of Education, University, Scientific and Technological Research	Ministero della Pubblica Istruzione, dell'Università e della ricerca scientifica e tecnologica
14.	Ministry of Employment and Social Security	Ministero del Lavoro e della Previdenza Sociale
15.	Ministry of Environment	Ministero dell'Ambiente
16.	Ministry of Foreign Trade	Ministero del Commercio con l'Estero
17.	Ministry of Agriculture resources	Ministero delle Risorse Agricole, Alimentari e Forestali

¹¹ Acting as the central purchasing entity for most of the other Ministries or entities

¹² Not including purchases made by the tobacco and salt monopolies

¹³ Non-warlike materials contained in Part (3) of this Annex

¹⁴ Postal business only

LUXEMBOURG - LUXEMBOURG - LUXEMBURGO

(La version française fait foi)

1. Ministère du Budget: Service Central des Imprimés et des Fournitures de l'Etat;
2. Ministère de l'Agriculture: Administration des Services Techniques de l'Agriculture;
3. Ministère de l'Education 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: Armée¹⁵ - 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: Administration de l'Environnement.

¹⁵ Matériel non-militaire figurant dans la partie (3) de la présente annexe

NETHERLANDS - PAYS BAS - PAÍSES BAJOS

(Authentic in the English Language only)

*List of Entities**Ministries and Central Governmental Bodies*

- | | | |
|----|--|---|
| 1. | <p>MINISTRY OF GENERAL AFFAIRS</p> <p>Advisory Council on Government Policy</p> <p>National Information Office</p> | <p>MINISTERIE VAN ALGEMENE ZAKEN</p> <p>Bureau van de Wetenschappelijke Raad voor het Regeringsbeleid</p> <p>Rijksvoorlichtingsdienst (Directie voorlichting, RVD-DV; Directie toepassing communicatietechniek, RVD-DTC)</p> |
| 2. | <p>MINISTRY OF THE INTERIOR</p> <p>Government Personnel Information System Service</p> <p>Public Servants Medical Expenses Agency</p> <p>Central Archives</p> <p>Netherlands Institute for Firemen and Combatting Calamities</p> <p>Netherlands Bureau for Exams of Firemen</p> <p>National Institute for Selection and Education of Policemen</p> <p>25 Individual Police Regions</p> <p>National Police Forces</p> | <p>MINISTERIE VAN BINNENLANDSE ZAKEN</p> <p>Dienst Informatievoorziening Overheidspersoneel</p> <p>Dienst Ziektelastvoorziening Overheidspersoneel</p> <p>Centrale Archiefselectiedienst</p> <p>Binnenlandse Veiligheidsdienst (BVD)</p> <p>Nederlands Instituut voor Brandweer en Rampenbestrijding (NIBRA)</p> <p>Nederlands Bureau Brandweer Examens (NBBE)</p> <p>Landelijk Selectie en Opleidingsinstituut Politie (LSOP)</p> <p>25 Afzonderlijke politieregio's</p> <p>Korps Landelijke Politiediensten</p> |
| 3. | <p>MINISTRY OF FOREIGN AFFAIRS</p> <p>SNV Organisation for Development Cooperation and Awareness</p> <p>CBI, Centre for promotion of import from developing countries</p> | <p>MINISTERIE VAN BUITENLANDSE ZAKEN</p> <p>SNV, Organisatie voor Ontwikkelingssamenwerking en Bewustwording</p> <p>CBI, Centrum tot Bevordering van de Import uit Ontwikkelingslanden</p> |

4.	<p>MINISTRY OF DEFENCE¹⁶</p> <p>Central Organisation, Ministry of Defense</p> <p>Staff, Defense Interservice Command</p> <p>Defense telematics Agency (establishment of this new service is expected to take place on 1 September 1997)</p> <p>Duyverman Computer Centre (This service will be part of DTO and will consequently loose, as from 1 January 1998, its status as independent procurement service)</p> <p>Central Directorate, Defense Infrastructure Agency</p> <p>The individual regional directorates of the Defence Infrastructure Agency</p> <p>Directorate of material Royal Netherlands Navy</p> <p>Directorate of material Royal Netherlands Army</p> <p>Information Technology Support Centre, Royal Netherlands Army</p> <p>Directorate of material Royal Netherlands Airforce</p> <p>Defense Pipeline Organisation</p>	<p>MINISTERIE VAN DEFENSIE</p> <p>Centrale organisatie van het ministerie van Defensie</p> <p>Staf Defensie Interservice Commando (DICO)</p> <p>Defensie telematica Organisatie (DTO)</p> <p>Duyverman Computer Centrum (DCC)</p> <p>Centrale directie van de Dienst Gebouwen, Werken en Terreinen</p> <p>De afzonderlijke regionale directies van de Dienst Gebouwen, Werken en Terreinen</p> <p>Directie materieel Koninklijke Marine</p> <p>Directie materieel Koninklijke Landmacht</p> <p>Dienstcentrum Automatisering Koninklijke Landmacht</p> <p>Directie materieel Koninklijke Luchtmacht</p> <p>Defensie Pijpleiding Organisatie</p>
5.	<p>MINISTRY OF ECONOMIC AFFAIRS</p> <p>Economic Investigation Agency</p> <p>Central Plan Bureau</p> <p>Netherlands Central Bureau of Statistics Senter</p> <p>Industrial Property Office</p> <p>Central Licensing Office for Import and Export</p> <p>State Supervision of Mines</p>	<p>MINISTERIE VAN ECONOMISCHE ZAKEN</p> <p>Economische Controledienst</p> <p>Centraal Planbureau</p> <p>Centraal Bureau voor de Statistiek Senter</p> <p>Bureau voor de Industriële Eigendom</p> <p>Centrale Dienst voor de In- en Uitvoer</p> <p>Staatstoezicht op de Mijnen</p>
6.	<p>MINISTRY OF FINANCE</p> <p>Directorates of the State Tax Department</p>	<p>MINISTERIE VAN FINANCIËN</p> <p>Directies der Rijksbelastingen</p>

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

	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
	Service for judicial institutions	Dienst justitiële inrichtingen
	Service prevention, Youth protection and rehabilitation	Dienst preventie, Jeugd bescherming en reclassering
	Service Administration of justice	Dienst rechtspleging
	Central Debt Collection Agency of the Ministry of Justice	Centraal Justitie Incassobureau
	National Police Services Force	Korps Landelijke Politiediensten
	Immigration and Naturalisation Service	Immigratie- en Naturalisatiedienst
	Public Prosecutor	Openbaar Ministerie
8.	MINISTRY OF AGRICULTURE, NATURE MANAGEMENT AND FISHERIES	MINISTERIE VAN LANDBOUW, NATUURBEHEER EN VISSERIJ
		Dienst Landelijke Service bij Regelingen (LASER)
	Game Fund	Jachtfonds
	National Inspection Service for Animals and Animal Protection	Rijksdienst voor de Keuring van Vee en Vlees (RVV)
	Plant Protection Service	Plantenziektenkundige Dienst (PD)
	National Forest Service	Staatsbosbeheer (SBB)
	General Inspection Service	Algemene Inspectiedienst (AID)
		Dienst Landinrichting Beheer Landbouwgronden (LBL)
	Agricultural Research Service	Dienst Landbouwkundig Onderzoek (DLO)
	National Fisheries Research Institute	Rijksinstituut voor Visserijonderzoek (RIVO-DLO)
	Government Institute for Quality Control of Agricultural Products	Rijkskwaliteit Instituut voor Land- en Tuinbouwprodukten (RILJIT-DLO)
	National Institute for Nature Management	Instituut voor Bos- en Natuuronderzoek
		De afzonderlijke Regionale Beleidsdirecties
9.	MINISTRY OF EDUCATION, CULTURE AND SCIENCE	MINISTERIE VAN ONDERWIJS, CULTUUR EN WETENSCHAPPEN
	Netherlands State Institute for War Documentation	Rijksinstituut voor Oorlogsdocumentatie

	Public Record Office	Rijksarchiefdienst
	Council for Education	Onderwijsraad
	Advisory Council for Science and Technology Policy	Adviesraad voor het Wetenschap en Technologiebeleid
	Central Financial Entities	Centrale Financiën Instellingen
	Inspection of Education	Onderwijsinspectie
	National Institute for Ancient Monuments	Rijksdienst voor de Monumentenzorg
	National Institute for Archeological Soil Exploration	Rijksdienst Oudheidkundig Bodemonderzoek
	Council for Cultural Heritage	Raad voor Cultuur
10.	MINISTRY OF SOCIAL AFFAIRS AND EMPLOYMENT	MINISTERIE VAN SOCIALE ZAKEN EN WERKGELEGENHEID
11.	MINISTRY OF TRANSPORT, PUBLIC WORKS AND WATER MANAGEMENT	MINISTERIE VAN VERKEER EN WATERSTAAT
	Directorate-General for Civil Aviation	Directoraat-Generaal Rijksluchtvaartdienst
	Directorate-General for Navigation and Maritime Affairs	Directoraat-Generaal Scheepvaart en Maritieme Zaken
	Directorate-General for Transport	Directoraat-Generaal Vervoer
	Directorate-General for Public Works and Water Management	Directoraat-Generaal Rijkswaterstaat
	Telecommunications and Post Department	Hoofddirectie Telecommunicatie en Post
	Royal Netherlands Meteorological Institute	Koninklijk Nederlands Meteorologisch Instituut
	Central Services	Centrale Diensten
	The individual regional directories of Water Management	De afzonderlijke regionale directies van Rijkswaterstaat
	The individual specialised services of Water Management	De afzonderlijke specialistische diensten van Rijkswaterstaat
	Service for Construction	Bouwdienst
	Geometric Service	Meetkundige dienst
	Advisory Council for Traffic and Transport	Adviesdienst Verkeer en Vervoer
	National Institute for Coastal and Marine Management	Rijksinstituut voor Kust en Zee
	National Institute for Sweet Water Management and Waste Water Treatment	Rijksinstituut voor Integraal Zoetwaterbeheer en Afvalwaterbehandeling

12.	<p>MINISTRY OF HOUSING, PHYSICAL PLANNING AND ENVIRONMENT</p> <p>Directorate-General for Environment Management</p> <p>Directorate-General for Public Housing</p> <p>Government Buildings Agency</p> <p>National Physical Planning Agency</p>	<p>MINISTERIE VAN VOLKSHUISVESTING, RUIMTELIJKE ORDENING EN MILIEUBEHEER</p> <p>Directoraat-Generaal Milieubeheer</p> <p>Directoraat-Generaal van de Volkshuisvesting</p> <p>Rijksgebouwendienst</p> <p>Rijksplanologische Dienst</p>
13.	<p>MINISTRY OF WELFARE, HEALTH AND CULTURAL AFFAIRS</p> <p>Inspection Health Protection</p> <p>Inspection Public Health</p> <p>Veterinary Inspection</p> <p>Inspectorate for Child and Youth Care and Protection Services</p> <p>National Institute of Public Health and Environmental Protection</p> <p>Social and Cultural Planning Office</p> <p>Agency to the College for Assessment of Pharmaceuticals</p>	<p>MINISTERIE VAN VOLKSGEZONDHEID, WELZIJN EN SPORT</p> <p>Inspectie Gezondheidsbescherming</p> <p>Inspectie Gezondheidszorg</p> <p>Veterinaire Inspectie</p> <p>Inspectie Jeugdhulpverlening en Jeugdbescherming</p> <p>Rijksinstituut voor de Volksgezondheid en Milieuhygiëne (RIVM)</p> <p>Sociaal en Cultureel Planbureau</p> <p>Agentschap t.b.v. het College ter Beoordeling van Geneesmiddelen</p>
14.	<p>SECOND CHAMBER OF THE STATES GENERAL</p>	<p>TWEEDE KAMER DER STATEN-GENERAAL</p>
15.	<p>FIRST CHAMBER OF THE STATES GENERAL</p>	<p>EERSTE KAMER DER STATEN-GENERAAL</p>
16.	<p>CABINET FOR NETHERLANDS ANTILLEAN AND ARUBAN AFFAIRS</p>	<p>KABINET VOOR NEDERLANDS-ANTILLIAANSE EN ARUBAANSE ZAKEN</p>
17.	<p>COUNCIL OF STATE</p>	<p>RAAD VAN STATE</p>
18.	<p>NETHERLANDS COURT OF AUDIT</p>	<p>ALGEMENE REKENKAMER</p>
19.	<p>NATIONAL OMBUDSMAN</p>	<p>NATIONALE OMBUDSMAN</p>
20.	<p>CHANCELLERY OF THE NETHERLANDS ORDER</p>	<p>KANSELARIJ DER NEDERLANDSE ORDEN</p>
21.	<p>THE QUEEN'S CABINET</p>	<p>KABINET DER KONINGIN</p>

PORTUGAL - PORTUGAL - PORTUGAL

(Authentic in the English language only)

- | | | |
|----|---|--|
| 1. | <p>PRIME MINISTER'S OFFICE</p> <p>Secretariat-General, Prime Minister's Office</p> <p>High Commissioner for Immigration and Ethnic Minorities</p> <p>High Commissioner for the Questions on Equality Promotion and Family</p> <p>Legal Centre</p> <p>Government Computer Network Management Centre</p> <p>Commission for Equality and Women's Rights</p> <p>Economic and Social Council</p> <p>High Council on Administration and Civil Service</p> <p>Ministerial Department on Planning, Studies and Support</p> <p>Ministerial Department with Special Responsibility for Macao</p> <p>Ministerial Department responsible for Community Service by Conscientious Objectors</p> <p>Ministerial Department for European Affairs</p> <p>Secretariat for Administrative Modernization</p> <p>High Council on Sports</p> | <p>PRESIDÊNCIA DO CONSELHO DE MINISTROS</p> <p>Secretaria-Geral da Presidência do Conselho de Ministros</p> <p>Alto Comissário para a Imigração e Minorias Étnicas</p> <p>Alto Comissário para as Questões da Promoção da Igualdade e da Família</p> <p>Centro Juridico-CEJUR</p> <p>Centro de Gestão da Rede Informática do Governo</p> <p>Comissão para a Igualdade e para os Direitos das Mulheres</p> <p>Conselho Económico e Social</p> <p>Conselho Superior da Administração e da Função Pública</p> <p>Gabinete de Apoio, Estudos e Planeamento</p> <p>Gabinete de Macau</p> <p>Gabinete do Serviço Cívico e dos Objectores de Consciência</p> <p>Gabinete dos Assuntos Europeus</p> <p>Secretariado para a Modernização Administrativa</p> <p>Conselho Superior do Desporto</p> |
| 2. | <p>MINISTRY OF HOME AFFAIRS</p> <p>Secretariat-General</p> <p>Legal Service</p> <p>Directorate-General for Roads</p> <p>Ministerial Department responsible for Studies and Planning</p> | <p>MINISTÉRIO DA ADMINISTRAÇÃO INTERNA</p> <p>Secretaria-Geral</p> <p>Auditoria Jurídica</p> <p>Direcção-Geral de Viação</p> <p>Gabinete de Estudos e Planeamento de Instalações</p> |

	Ministerial Department for European Affairs	Gabinete dos Assuntos Europeus
	National Fire Service	Gabinete Nacional Sirene
	Republican National Guard	Guarda Nacional Republicana
	Civilian Administrations	Governos Civis
	Police	Polícia de Segurança Pública
	General Inspectorate on Internal Administration	Inspecção-Geral da Administração Interna
	Technical Secretariat for Electoral Matters	Secretariado técnico dos Assuntos para e Processo Eleitoral
	Customs and Immigration Department	Serviço de Estrangeiros e Fronteiras
	Intelligence and Security Department	Serviço de Informações de Segurança
3.	MINISTRY OF AGRICULTURE, OF RURAL DEVELOPMENT AND FISHERIES	MINISTÉRIO DA AGRICULTURA, DO DESENVOLVIMENTO RURAL E DAS PESCAS
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica
	Environment Audit Office	Auditor do Ambiente
	National Council of Agriculture, Rural Development and Fisheries	Conselho Nacional da Agricultura, do Desenvolvimento Rural et das Pescas
	Directorate-General for Forests	Direcção-Geral das Florestas
	Directorate-General for Fisheries and Agriculture	Direcção-Geral das Pescas e Agricultura
	Directorate-General for Rural Development	Direcção-Geral do Desenvolvimento Rural
	Directorate-General for Control of Food Quality	Direcção-Geral de Fiscalização e Controlo da Qualidade Alimentar
	Institute for Hydraulic questions, Rural Engineering and Environment	Instituto de Hidráulica, Engenharia Rural e Ambiente
	Directorate-General for Culture Protection	Direcção-Geral de Protecção das Culturas
	Directorate-General of Veterinary	Direcção-Geral de Veterinária
	Regional Directorates for Agriculture (7)	Direcções Regionais de Agricultura (7)
	Ministerial Department for Planning and Agri-food Policy	Gabinete de Planeamento e Política Agroalimentar
	General Inspectorate and Audit Office (Management Audits)	Inspecção-Geral e Auditoria de Gestão
	General Inspectorate for fisheries	Inspecção-Geral das Pescas
	Equestrian National Service	Serviço Nacional Coudêlico

	National Laboratory for Veterinary Research	Laboratório Nacional de Investigação Veterinária
4.	MINISTRY OF THE ENVIRONMENT Secretariat-General Directorate-General for Environment Regional Directorates for Environment (5)	MINISTÉRIO DO AMBIENTE Secretaria-Geral Direcção-Geral do Ambiente Direcções Regionais do Ambiente (5)
5.	MINISTRY OF SCIENCE AND TECHNOLOGY Secretariat-General Legal Service High Council for Science and Technology Ministerial Department for Scientific Policy and Technology	MINISTÉRIO DA CIÊNCIA E DA TECNOLOGIA Secretaria-Geral Auditoria Jurídica Conselho Superior da Ciência e Tecnologia Gabinete coordenador da Política Científica e Tecnologia
6.	MINISTRY OF CULTURE Secretariat-General Regional Directorates for Culture (6) Ministerial Department for International Relations Ministerial Department for Copyright General Inspectorate for Cultural Activities	MINISTÉRIO DA CULTURA Secretaria-Geral Delegações Regionais da Cultura (6) Gabinete das Relações Internacionais Gabinete do Direito de Autor Inspeção-Geral das Actividades Culturais
7.	MINISTRY OF DEFENCE Secretariat-General of the Ministry of Defence Legal Service Directorate-General for the Navy Directorate-General for Armaments and Defence Equipments Directorate-General for Infrastructure Directorate-General for Personnel Directorate-General for National Defence Policy National Security Authority General-Inspectorate of Armed Forces National Defence Institute	MINISTÉRIO DA DEFESA NACIONAL Secretaria-Geral do Ministério da Defesa Nacional Auditoria Jurídica Direcção-Geral da Marinha Direcção-Geral de Armamento e Equipamento de Defesa Direcção-Geral de Infra-Estruturas Direcção-Geral de Pessoal Direcção-Geral de Política de Defesa Nacional Autoridade Nacional de Segurança Inspeção-Geral das Forças Armadas Instituto da Defesa Nacional

Council of Defence Science and Technology	Conselho de Ciência et Tecnologia da Defesa
Council of Chiefs of Staff	Conselho da Chefes de Estado Maior
Military Police	Polícia Judiciária Militar
Maritime Authority System	Sistema de Autoridade Marítima
Hydrographic Institute	Instituto Hidrográfico
Alfeite Arsenal	Arsenal do Alfeite
Chief of Staff of the Armed Forces	Estado Maior General das Forças Armadas
Chief of Staff of the Army	Estado Maior do Exército
Chief of Staff of the Navy	Estado Maior da Armada
Chief of Staff of the Air Force	Estado Maior da Força Aérea
Commission on International Law of the Sea	Comissão do Direito Marítimo Internacional
Defence and Military Information Service	Serviço de Informações de Defesa e Militares
Portuguese Commission of Military History	Comissão Portuguesa da História Militar
8. MINISTRY OF ECONOMY	MINISTÉRIO DA ECONOMIA
Secretariat-General	Secretaria-Geral
Commission for the Imposition of Sanctions in Advertising Matters	Comissão de Aplicação de Coimas em Matéria de Publicidade
Commission for Emergency Energy Planning	Comissão de Planeamento Energético de Emergência
Commission for Emergency Industrial Planning	Comissão de Planeamento Industrial de Emergência
Council of Competition	Conselho da Concorrência
Council of Financial Securities	Conselho de Garantias Financeiras
Sectoral Councils for Industry, Construction, Energy, Trade and Tourism	Conselhos Sectoriais da Indústria, da Construção, da Energia, do Comércio e do Turismo
National Council of Quality	Conselho Nacional da Qualidade
Directorate-General for Trade and Competition	Direcção-Geral do Comércio e da Concorrência
Directorate-General for Energy	Direcção-Geral da Energia
Directorate-General for Industry	Direcção-Geral da Indústria
Directorate-General for Tourism	Direcção-Geral do Turismo
Regional Delegations	Delegações Regionais
Ministerial Department for Studies and Economic Prospective	Gabinete de Estudos e Prospectiva Económica
Directorate-General for International Economic Relations	Direcção-Geral das Relações Económicas Internacionais

	General Inspectorate for Economic Activities	Inspecção-Geral das Actividades Económicas
	General Inspectorate for Gambling	Inspecção-Geral de Jogos
	Council for the Economic Development	Conselho para o Desenvolvimento Económico
9.	MINISTRY OF EDUCATION	MINISTÉRIO DA EDUCAÇÃO
	Secretariat-General	Secretaria-Geral
	Social Security Fund	Caixa da Previdência
	Education National Council	Conselho Nacional de Educação
	Council of Directors-General	Conselho de Directores Gerais
	Department for Primary Education	Departamento de Educação Básica
	Department for Educational Resources Management	Departamento de Gestão dos Recursos Educativos
	Department for Secondary Education	Departamento do Ensino Secundário
	Department for Higher Education	Departamento do Ensino Superior
	Regional Directorates for Education (5)	Direcções Regionais de Educação (5)
	University Stadium of Lisbon	Estádio Universitário de Lisboa
	Nursery, Primary and Secondary Education Establishments	Estabelecimentos de Educação Pré-Escolar e dos Ensinos Básico e Secundário
	Ministerial Department of Scholar Sport	Gabinete Coordenador do Desporto Escolar
	Ministerial Department of European Affairs and International Relations	Gabinete dos Assuntos Europeus e Relações Internacionais
	General Inspectorate of Education	Inspecção-Geral da Educação
	Ministerial Department for Financial Management	Gabinete de Gestão Financeira
	Ministerial Department for Prospective and Planning	Departamento de Avaliação, Prospectiva e Planeamento
10.	MINISTRY OF EQUIPMENT, PLANNING, AND TERRITORIAL ADMINISTRATION	MINISTÉRIO DO EQUIPAMENTO, DO PLANEAMENTO E DA ADMINISTRAÇÃO DO TERRITÓRIO
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica
	Environment Service	Auditoria Ambiental
	Commission for Support to Rehabilitation of the Territorial Administration	Comissão de Apoio à Reestruturação da Administração do Território
	Regional Coordination Committees	Comissões de Coordenação Regional
	Commission for Planning of Emergency Maritime Transport	Comissão de Planeamento do Transporte Marítimo de Emergência

	Council for Public and Particular Works Contracts	Conselho de Mercados de Obras Públicas e Particulares
	High Council for Telecommunications	Conselho Superior de Telecomunicações
	Department for Prospective and Planning	Departamento de Prospectiva e Planeamento
	Directorate General for Autarquic Administration	Direcção-Geral da Administração Autárquica
	Directorate General for Civil Aviation	Direcção-Geral da Aviação Civil
	Directorate General for Ports, Navigation and Maritime Transport	Direcção-Geral de Portos, Navegação e Transportes Marítimos
	Directorate General for Regional Development	Direcção-Geral do Desenvolvimento Regional
	Directorate General for Territorial Planning and Urban Development	Direcção-Geral do Ordenamento do território e do Desenvolvimento Urbano
	Directorate General for National Buildings and Monuments	Direcção-Geral dos Edifícios e Monumentos Nacionais
	Directorate General for Land Transport	Direcção-Geral dos Transportes Terrestres
	Ministerial Department for Investment Coordination	Gabinete de Coordenação dos Investimentos e do Financiamento
	Ministerial Department for European Issues and External Relations	Gabinete para os Assuntos Europeus e Relações Externas
	General Inspectorate of the Ministry of Equipment, Planning and Territorial Administration	Inspeção-Geral do Ministério do Equipamento, do Planeamento e da Administração do Território
	High Council for Public Works and Transport	Conselho Superior de Obras Públicas e Transportes
11.	MINISTRY OF FINANCE	MINISTÉRIO DAS FINANÇAS
	Secretariat-General	Secretaria-Geral
	Directorate-General for Customs and Special Taxes on Consumption	Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o consumo
	Directorate-General for European Studies and International Relations	Direcção-Geral de Assuntos Europeus e Relações Internacionais
	Directorate-General for Studies	Direcção-Geral de Estudos e Previsão
	Directorate-General for Informatics and Support to Taxation and Customs Services	Direcção-Geral de Informática e Apoio aos Serviços Tributários e Aduaneiros
	Directorate-General for the Protection of Civil Servants-ADSE	Direcção-Geral de Protecção Social aos Funcionários e Agentes de Administração Pública-ADSE
	Directorate-General for the Budget	Direcção-Geral do Orçamento
	Directorate-General of Patrimony	Direcção-Geral do Património
	Directorate-General for the Treasury	Direcção-Geral do Tesouro

Directorate-General for Taxation	Direcção-Geral dos Impostos
General Inspectorate for Finance	Inspeção-Geral de Finanças
Institute for Information Technology	Instituto de Informática
Customs Stabilization Fund	Fundo de Estabilização Aduaneiro
Taxation Stabilization Fund	Fundo de Estabilização Tributário
Public Debt Regularization Fund	Fundo de Regularização da Dívida Pública
12. MINISTRY OF JUSTICE	MINISTÉRIO DA JUSTIÇA
Secretariat-General	Secretaria-Geral
Legal Service	Auditoria Jurídica
Directorate-General for Fighting Against Corruption, Fraud and Economic-Financial Infractions	Direcção Central para o Combate à Corrupção, Fraudes e Infracções Económico-Financeiras
Directorate-General for Registers and Other Official Documents	Direcção-Geral dos Registos e Notariado
Directorate-General for Computerized Services	Direcção-Geral dos Serviços de Informática
Directorate-General for Judiciary Services	Direcção-Geral dos Serviços Judiciários
Directorate-General for the Prison Service	Direcção-Geral dos Serviços Prisionais
Directorate-General for the Protection and Care of Minors Prison Establishments	Direcção-Geral dos Serviços Tutelares de Menores
Ministerial Department responsible for European Law	Gabinete de Direito Europeu
Ministerial Department responsible for Documentation and Comparative Law	Gabinete de Documentação e Direito Comparado
Ministerial Department responsible for Studies and Planning	Gabinete de Estudos e Planeamento
Ministerial Department responsible for Financial Management	Gabinete de Gestão Financeira
Ministerial Department responsible for Planning and Coordinating Drug Control	Gabinete de Planeamento e Coordenação do Combate à Droga
Criminal Investigation Department	Polícia Judiciária
Social Services	Serviços Sociais
National Police and Forensic Science Institute	Instituto Nacional de Polícia e Ciências Criminais
Forensic Medicine Institutes	Serviços Médico-Legais
Legal Courts	Tribunais Judiciais
The High Council of the Judiciary	Conselho Superior de Magistratura
Public Prosecutor office	Ministério Público

13.	<p>MINISTRY OF FOREIGN AFFAIRS</p> <p>Secretariat-General</p> <p>Legal Affairs Department</p> <p>Interministerial Commission for Cooperation</p> <p>Interministerial Commission for Community Affairs</p> <p>Interministerial Commission for Migration and Portuguese Communities</p> <p>Council of Portuguese Communities</p> <p>Directorate-General for Bilateral Relations</p> <p>Directorate-General for Foreign Policy</p> <p>Directorate-General for Community Affairs</p> <p>Directorate-General for Consular Affairs and Portuguese Communities</p> <p>Directorate-General for Multilateral Affairs</p> <p>Ministerial Department for Information and Press</p> <p>Diplomatic and Consular Inspectorate</p> <p>Diplomatic Institute</p>	<p>MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS</p> <p>Secretaria-Geral</p> <p>Departamento dos Assuntos Jurídicos</p> <p>Comissão Interministerial para a cooperação</p> <p>Comissão Interministerial para os Assuntos Comunitários</p> <p>Comissão Interministerial as Migrações e Comunidades Portuguesas</p> <p>Conselho das Comunidades Portuguesas</p> <p>Direcção-Geral das Relações Bilaterais</p> <p>Direcção-Geral de Política Externa</p> <p>Direcção-Geral dos Assuntos Comunitários</p> <p>Direcção-Geral dos Assuntos Consulares e Comunidades Portuguesas</p> <p>Direcção-Geral dos Assuntos Multilaterais</p> <p>Gabinete de Informação e Imprensa</p> <p>Inspeção Diplomática e Consular</p> <p>Instituto Diplomático</p>
14.	<p>MINISTRY FOR QUALIFICATION AND EMPLOYMENT</p> <p>Secretariat-General</p> <p>Interministerial Commission for Employment</p> <p>National Council for Health and Safety in the workplace</p> <p>Statistics Department</p> <p>Studies and Planning Department</p> <p>European Social Fund Department</p> <p>Department of European Affairs and External Relations</p> <p>Directorate-General for Employment and Vocational Training</p>	<p>MINISTÉRIO PARA A QUALIFICAÇÃO E O EMPREGO</p> <p>Secretaria-Geral</p> <p>Comissão Interministerial para o Emprego</p> <p>Conselho Nacional de Higiene e Segurança no Trabalho</p> <p>Departamento de Estatística</p> <p>Departamento de Estudos e Planeamento</p> <p>Departamento para os Assuntos do Fundo Social Europeu</p> <p>Departamento para os Assuntos Europeus e Relações Externas</p> <p>Direcção-Geral do Emprego e Formação Profissional</p>

	Directorate-General for Labour Conditions	Direcção-Geral das Condições de Trabalho
	Legal Department	Gabinete Jurídico
	Centre for Scientific and Technical Information	Centro de Informação Científica e Técnica
15.	MINISTRY OF HEALTH	MINISTÉRIO DA SAÚDE
	Secretariat-General	Secretaria-Geral
	Department for Studies and Health Planning	Departamento de Estudos e Planeamento da Saúde
	Health Human Resource Department	Departamento de Recursos Humanos da Saúde
	Directorate-General for Health Installations & Equipment	Direcção-Geral das instalações e Equipamentos da Saúde
	Directorate-General for Health	Direcção-Geral da Saúde
	General Inspectorate of Health	Inspeção-Geral da Saúde
	Institutes of General Clinics	Institutos de Clínica Geral
	National Health Council	Conselho Nacional de Saúde
16.	MINISTRY OF SOLIDARITY AND SOCIAL SECURITY	MINISTÉRIO DA SOLIDARIEDADE E SEGURANÇA SOCIAL
	Secretariat-General	Secretaria-Geral
	National Council for Social Economy	Conselho Nacional para a Economia Social
	National Council for third-age policy	Conselho Nacional para a Política de Terceira Idade
	National Council for Rehabilitation and Integration of Dissable People	Conselho nacional para a Reabilitação e Integração das pessoas com Deficiência
	Department of Statistics, Studies and Planning	Departamento de Estatística, Estudos e Planeamento
	Ministerial Department for European Affairs and International Relations	Gabinete de Assuntos Europeus e de Relações Internacionais
	Directorate-General for Social Works	Direcção-Geral da Acção Social
	Directorate-General for Social Security Schemes	Direcção-Geral dos Regimes de Segurança Social
	General Inspectorate for Social Security	Inspeção-Geral da Segurança Social
	Social Observatory	Observatório Social
17.	PRESIDENCY OF THE REPUBLIC	PRESIDÊNCIA DA REPÚBLICA
	Secretariat-General of the Presidency of the Republic	Secretaria-Geral da Presidência da República

- | | | |
|-----|--|--|
| 18. | CONSTITUTIONAL COURT | TRIBUNAL CONSTITUCIONAL |
| 19. | COURT OF AUDITORS
Directorate-General of the Court of
Auditors | TRIBUNAL DE CONTAS
Direcção-Geral do Tribunal de Contas |
| 20. | OMBUDSMAN | PROVEDORIA DE JUSTIÇA |

SWEDEN - SUÈDE -SUECIA

(Authentic in the English language only)

Royal Academy of Fine Arts	Akademien för de fria konsterna
Public Law-Service Offices (26)	Allmänna advokatbyråerna (26)
National Board for Consumer Complaints	Allmänna reklamationsnämnden
National Board of Occupational Safety and Health	Arbetskyddsstyrelsen
Labour Court	Arbetsdomstolen
National Agency for Government Employers	Arbetsgivarverket
National Institute for Working Life	Arbetslivsinstitutet
National Labour Market Board	Arbetsmarknadsstyrelsen
Board of Occupational Safety and Health for Government Employees	Arbetsmiljönämnd, statliga sektorns
Museum of Architecture	Arkitekturmuseet
National Archive of Recorded Sound and Moving Images	Arkivet för ljud och bild
The Office of the Childrens' Ombudsman	Barnombudsmannen
Swedish Council on Technology Assessment in Health Care	Beredning för utvärdering av medicinsk metodik, statens
Royal Library	Biblioteket, Kungliga
National Board of Film Censors	Biografbyrå, statens
Dictionary of Swedish Biography	Biografiskt lexikon, svenskt
Swedish Accounting Standards Board	Bokföringsnämnden
National Housing Credit Guarantee Board	Bostadskreditnämnd, statens (BKN)
National Housing Board	Boverket
National Council for Crime Prevention	Brottsförebyggande rådet
Criminal Victim Compensation and Support Authority	Brottsoffermyndigheten
Council for Building Research	Byggforskningsrådet
Central Committee for Laboratory Animals	Centrala försöksdjursnämnden
National Board of Student Aid	Centrala studiestödsnämnden
Data Inspection Board	Datainspektionen
Ministries (Government Departments)	Departementen
National Courts Administration	Domstolsverket

National Electrical Safety Board	Elsäkerhetsverket
Export Credits Guarantee Board	Exportkreditnämnden
Financial Supervisory Authority	Finansinspektionen
National Board of Fisheries	Fiskeriverket
Aeronautical Research Institute	Flygtekniska försöksanstalten
National Institute of Public Health	Folkhälsoinstitutet
Council for Planning and Co-ordination of Research	Forskningsrådsnämnden
National Fortifications Administration	Fortifikationsverket
	Förhandlare (K 1996:01) för statens köp av färjetrafik till och från Gotland
National Conciliators' Office	Förlikningsmannarexpedition, statens
National Defence Research Establishment	Försvarets forskningsanstalt
Defence Material Administration	Försvarets materielverk
National Defence Radio Institute	Försvarets radioanstalt
Swedish Museums of Military History	Försvärshistoriska museer, statens
National Defence College	Försvärshögskolan
The Swedish Armed Forces	Försvarmakten
Social Insurance Offices	Försäkringskassorna
Geological Survey of Sweden	Geologiska undersökning, Sveriges
Geotechnical Institute	Geotekniska institut, statens
The National Rural Development Agency	Glesbygdsverket
Graphic Institute and the Graduate School of Communications	Grafiska institutet och institutet för högre kommunikations- och reklamutbildning
The Swedish Broadcasting Commission	Granskningsnämnden för Radio och TV
Swedish Government Seamen's Service	Handelsflottans kultur- och fritidsråd
Ombudsman for the Disabled	Handikappombudsmannen
Board of Accident Investigation	Haverikommission, statens
Courts of Appeal (6)	Hovrätterna (6)
Council for Research in the Humanities and Social Sciences	Humanistisk-samhällsvetenskapliga forskningsrådet
Regional Rent and Tenancies Tribunals (12)	Hyses- och arendenämnder (12)
Remand Prisons (28)	Häktena (28)
Committee on Medical Responsibility	Hälso- och sjukvårdens ansvarsnämnd
National Agency for Higher Education	Högskoleverket
Supreme Court	Högsta domstolen

Register Authority for Floating Charges	Inskrivningsmyndigheten för företagsinteckningar
National Institute for Psycho-Social Factors and Health	Institut för psykosocial miljömedicin, statens
National Institute for Regional Studies	Institut för regionalforskning, statens
Swedish Institute of Space Physics	Institutet för rymdfysik
Swedish Immigration Board	Invandrarverk, statens
Swedish Board of Agriculture	Jordbruksverk, statens
Office of the Chancellor of Justice	Justitiekanslern
Office of the Equal Opportunities Ombudsman	Jämställdhetsombudsmannen
National Judicial Board of Public Lands and Funds	Kammarkollegiet
Administrative Courts of Appeal (4)	Kammarrätterna (4)
National Chemicals Inspectorate	Kemikalieinspektionen
National Board of Trade	Kommerskollegium
Swedish Transport and Communications Research Board	Kommunikationsforskningsberedningen
National Franchise Board for Environment Protection	Koncessionsnämnden för miljöskydd
National Institute of Economic Research	Konjunkturinstitutet
Swedish Competition Authority	Konkurrensverket
College of Arts, Crafts and Design	Konstfack
College of Fine Arts	Konsthögskolan
National Art Museums	Konstmuseer, statens
Arts Grants Committee	Konstnärsnämnden
National Art Council	Konstråd, statens
National Board for Consumer Policies	Konsumentverket
Armed Forces Archives	Krigsarkivet
National Laboratory of Forensic Science	Kriminaltekniska laboratorium, statens
Correctional Regional Offices (6)	Kriminalvårdens regionkanslier (6)
National/Local Institutions (68)	Kriminalvårdsanstalterna (68)
National Paroles Board	Kriminalvårdsnämnden
National Prison and Probation Administration	Kriminalvårdsstyrelsen
Enforcement Services (24)	Kronofogdemyndigheterna (24)
National Council for Cultural Affairs	Kulturråd, statens
Swedish Coast Guard	Kustbevakningen
Nuclear-Power Inspectorate	Kärnkraftsinspektion, statens

National Land Survey	Lantmäteriverket
Royal Armoury	Livruskammaren/Skoklosters slott/ Hallwylska museet
National Food Administration	Livsmedelsverk, statens
The National Gaming Board	Lotteriinspektionen
Medical Products Agency	Läkemedelsverket
County Labour Boards (24)	Länsarbetsnämnderna (24)
County Administrative Courts (24)	Länsrätterna (24)
County Administrative Boards (24)	Länsstyrelserna (24)
National Government Employee Salaries and Pensions Board	Löne- och pensionsverk, statens
Market Court	Marknadsdomstolen
Medical Research Council	Medicinska forskningsrådet
Swedish Meteorological and Hydrological Institute	Meteorologiska och hydrologiska institut, Sveriges
Armed Forces Staff and War College	Militärhögskolan
Swedish National Collections of Music	Musiksamlingar, statens
Museum of Natural History	Naturhistoriska riksmuseet
Natural Science Research Council	Naturvetenskapliga forskningsrådet
National Environmental Protection Agency	Naturvårdsverket
Scandinavian Institute of African Studies	Nordiska Afrikainstitutet
Nordic School of Public Health	Nordiska hälsovårdshögskolan
Nordic Institute for Studies in Urban and Regional Planning	Nordiska institutet för samhällsplanering
Nordic Museum	Nordiska museet, stiftelsen
Swedish Delegation of the Nordic Council	Nordiska rådets svenska delegation
Recorders Committee	Notariennämnden
National Board for Intra Country Adoptions	Nämnden för internationella adoptionsfrågor
National Board for Public Procurement	Nämnden för offentlig upphandling
National Fund for Administrative Development	Statens förnyelsefond
Swedish National Committee for Contemporary Art Exhibitions Abroad	Nämnden för utställning av nutida svensk konst i utlandet
National Board for Industrial and Technical Development	Närings- och teknikutvecklingsverket (NUTEK)

Office of the Ethnic Discrimination Ombudsman; Advisory Committee on Questions Concerning Ethnic Discrimination	Ombudsmannen mot etnisk diskriminering; nämnden mot etnisk diskriminering
Court of Patent Appeals	Patentbesvärsrätten
Patents and Registration Office	Patent- och registreringsverket
Co-ordinated Population and Address Register	Person- och adressregisternämnd, statens
Swedish Polar Research Secretariat	Polarforskningssekretariatet
Press Subsidies Council	Presstödsnämnden
National Library for Psychology and Education	Psykologisk-pedagogiska bibliotek, statens
The Swedish Radio and TV Authority	Radio- och TV-verket
Governmental Central Services Office	Regeringskansliets förvaltningsavdelning
Supreme Administrative Court	Regeringsrätten
Central Board of National Antiquities and National Historical Museums	Riksantikvarieämbetet och statens historiska museer
National Archives	Riksarkivet
Bank of Sweden	Riksbanken
Administration Department of the Swedish Parliament	Riksdagens förvaltningskontor
The Parliamentary Ombudsmen	Riksdagens ombudsmän, JO
The Parliamentary Auditors	Riksdagens revisorer
National Social Insurance Board	Riksförsäkringsverket
National Debt Office	Riksgäldskontoret
National Police Board	Rikspolisstyrelsen
National Audit Bureau	Riksrevisionsverket
National Tax Board	Riksskatteverket
Travelling Exhibitions Service	Riksutställningar, Stiftelsen
Office of the Prosecutor-General	Riksåklagaren
National Space Board	Rymdstyrelsen
Council for Working Life Research	Rådet för arbetslivsforskning
National Rescue Services Board	Räddningsverk, statens
Regional Legal-aid Authority	Rättshjälpsmyndigheten
National Board of Forensic Medicine	Rättsmedicinalverket
Sami (Lapp) School Board	Sameskolstyrelsen och sameskolor
Sami (Lapp) Schools	
National Maritime Administration	Sjöfartsverket

National Maritime Museums	Sjöhistoriska museer, statens
Local Tax Offices (24)	Skattemyndigheterna (24)
Swedish Council for Forestry and Agricultural Research	Skogs- och jordbrukets forskningsråd, SJFR
National Board of Forestry	Skogsstyrelsen
National Agency for Education	Skolverk, statens
Swedish Institute for Infectious Disease Control	Smittskyddsinstitutet
National Board of Health and Welfare	Socialstyrelsen
Swedish Council for Social Research	Socialvetenskapliga forskningsrådet
National Inspectorate of Explosives and Flammables	Sprängämnesinspektionen
Statistics Sweden	Statistiska centralbyrån
Agency for Administrative Development	Statskontoret
National Institute of Radiation Protection	Strålskyddsinstitut, statens
Swedish International Development Cooperation Authority	Styrelsen för internationellt utvecklings-samarbete, SIDA
National Board of Psychological Defence and Conformity Assessment	Styrelsen för psykologiskt försvar
Swedish Board for Accreditation	Styrelsen för ackreditering och teknisk kontroll
Swedish Institute	Svenska Institutet, stiftelsen
Library of Talking Books and Braille Publications	Talboks- och punktskriftsbiblioteket
Swedish Research Council for Engineering Sciences	Teknikvetenskapliga forskningsrådet
National Museum of Science and Technology	Tekniska museet, stiftelsen
District and City Courts (97)	Tingsrätterna (97)
Judges Nomination Proposal Committee	Tjänsteförslagsnämnden för domstolsväsendet
Armed Forces' Enrolment Board	Totalförsvarets pliktverk
Swedish Board of Customs	Tullverket
Swedish Tourist Authority	Turistdelegationen
The National Board of Youth Affairs	Ungdomsstyrelsen
Universities and University Colleges	Universitet och högskolor
Aliens Appeals Board	Utlänningsnämnden
National Seed Testing and Certification Institute	Utsädeskontroll, statens
National Water Supply and Sewage Tribunal	Vatten- och avloppsnämnd, statens

National Agency for Higher Education	Verket för högskoleservice (VHS)
National Veterinary Institute	Veterinärmedicinska anstalt, statens
Swedish National Road and Transport Research Institute	Väg- och transportforskningsinstitut, statens
National Plant Variety Board	Växsortnämnd, statens
Labour Inspectorate	Yrkesinspektionen
Public Prosecution Authorities incl. County Public Prosecution Authority and District Prosecution Authority	Åklagarmyndigheterna inkl. läns- och distriktsåklagarmyndigheterna
National Board of Civil Emergency Preparedness	Överstyrelsen för civil beredskap

UNITED KINGDOM - ROYAUME-UNI - REINO UNIDO

(Authentic in the English language only)

1. CABINET OFFICE
Civil Service College
Office of Public Services
The Buying Agency
Parliamentary Counsel Office
Central Comuter and Telecommunications Agency (CCTA)
2. CENTRAL OFFICE OF INFORMATION
3. CHARITY COMMISSION
4. CROWN PROSECUTION SERVICE
5. CROWN ESTATE COMMISSIONERS (VOTE EXPENDITURE ONLY)
6. CUSTOMS AND EXCISE DEPARTMENT
7. DEPARTMENT FOR INTERNATIONAL DEVELOPMENT
8. DEPARTMENT FOR NATIONAL SAVINGS
9. DEPARTMENT FOR EDUCATION AND EMPLOYMENT
Higher Education Funding Council for England
Office of Manpower Economics
10. 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
11. 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
12. 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
13. DEPARTMENT OF THE ENVIRONMENT
- Building Research Establishment Agency
Commons Commission
Countryside Commission
Valuation tribunal
Rent Assessment Panels
Royal Commission on Environmental Pollution
14. DEPARTMENT OF THE PROCURATOR GENERAL AND TREASURY SOLICITOR
- Legal Secretariat to the Law Officers
15. DEPARTMENT OF TRADE AND INDUSTRY
- National Weights and Measures Laboratory
Domestic Coal Consumers' Council
Electricity Committees
Gas Consumers' Council
Central Transport Consultative Committees

- Monopolies and Mergers Commission
- Patent Office
- Employment Appeal Tribunal
- Industrial Tribunals
- 16. DEPARTMENT OF TRANSPORT
 - Coastguard Services
- 17. EXPORT CREDITS GUARANTEE DEPARTMENT
- 18. FOREIGN AND COMMONWEALTH OFFICE
 - Wilton Park Conference Centre
- 19. GOVERNMENT ACTUARY'S DEPARTMENT
- 20. GOVERNMENT COMMUNICATIONS HEADQUARTERS
- 21. HOME OFFICE
 - Boundary Commission for England
 - Gaming Board for Great Britain
 - Inspectors of Constabulary
 - Parole Board and Local Review Committees
- 22. HOUSE OF COMMONS
- 23. HOUSE OF LORDS
- 24. INLAND REVENUE, BOARD OF
- 25. INTERVENTION BOARD FOR AGRICULTURAL PRODUCE
- 26. 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
27. MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
Agricultural Dwelling House Advisory Committees
Agricultural Land Tribunals
Agricultural Wages Board and Committees
Cattle Breeding Centre
Plant Variety Rights Office
Royal Botanic Gardens, Kew
28. MINISTRY OF DEFENCE¹⁷
Meteorological Office
Procurement Executive
29. NATIONAL AUDIT OFFICE
30. NATIONAL INVESTMENT AND LOANS OFFICE
31. NORTHERN IRELAND COURT SERVICE
Coroners Courts
County Courts
Court of Appeal and High Court of Justice in Northern Ireland
Crown Court
Enforcement of Judgements Office
Legal Aid Fund
Magistrates Court
Pensions Appeals Tribunals
32. NORTHERN IRELAND, DEPARTMENT OF AGRICULTURE
33. NORTHERN IRELAND, DEPARTMENT OF ECONOMIC DEVELOPMENT
34. NORTHERN IRELAND, DEPARTMENT OF EDUCATION
35. NORTHERN IRELAND, DEPARTMENT OF THE ENVIRONMENT
36. NORTHERN IRELAND, DEPARTMENT OF FINANCE AND PERSONNEL

¹⁷ Non-warlike materials contained in Part (3) of this annex

37. NORTHERN IRELAND, DEPARTMENT OF HEALTH AND SOCIAL SERVICES
38. 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
39. OFFICE OF FAIR TRADING
40. OFFICE FOR NATIONAL STATISTICS
 - National Health Service Central Register
41. OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION AND HEALTH SERVICE COMMISSIONERS
42. PAYMASTER GENERAL'S OFFICE
43. POSTAL BUSINESS OF THE POST OFFICE
44. PRIVY COUNCIL OFFICE
45. PUBLIC RECORD OFFICE
46. REGISTRY OF FRIENDLY SOCIETIES
47. ROYAL COMMISSION ON HISTORICAL MANUSCRIPTS
48. ROYAL HOSPITAL, CHELSEA
49. ROYAL MINT
50. SCOTLAND, CROWN OFFICE AND PROCURATOR
 - Fiscal Service
51. SCOTLAND, REGISTERS OF SCOTLAND
52. SCOTLAND, GENERAL REGISTER OFFICE
53. SCOTLAND, LORD ADVOCATE'S DEPARTMENT
54. SCOTLAND, QUEEN'S AND LORD TREASURER'S REMEMBRANCER

55. 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
56. THE SCOTTISH OFFICE CENTRAL SERVICES
57. THE SCOTTISH OFFICE AGRICULTURE AND FISHERIES DEPARTMENT:
Crofters Commission
Red Deer Commission
Royal Botanic Garden, Edinburgh
58. THE SCOTTISH OFFICE INDUSTRY DEPARTMENT
59. THE SCOTTISH OFFICE EDUCATION DEPARTMENT
National Galleries of Scotland
National Library of Scotland
National Museums of Scotland
Scottish Higher Education Funding Council
60. 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
61. 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

62. SCOTTISH RECORD OFFICE

63. HM TREASURY

64. 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 Finding Council
Welsh National Health Service Authorities and Trusts
Welsh Rent Assessment Panels

3. LIST OF SUPPLIES AND EQUIPMENT PURCHASED BY MINISTRIES OF DEFENCE IN AUSTRIA, BELGIUM, DENMARK, THE FEDERAL REPUBLIC OF GERMANY, SPAIN, FINLAND, FRANCE, GREECE, IRELAND, ITALY, LUXEMBOURG, THE NETHERLANDS, PORTUGAL, SWEDEN AND THE UNITED KINGDOM 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 (except Austria)
heating and engine fuels (only Austria)
- 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 36 Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations (only Austria and Sweden)
- except (only Austria)
ex 36.01: propellant powders
ex 36.02: prepared explosives
ex 36.04: detonators
ex 36.08: explosives
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
- except:
ex 38.19: toxic products (Not for Sweden)
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
- except:
ex 39.03: explosives (Not for Sweden)
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
- except:
ex 40.11: bullet-proof tyres (Not for Sweden)
- Chapter 41: Raw hides and skins (other than furskins) and leather: (Not for Austria)

- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut): (Not for Austria)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal: (Not for Austria)
- 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: (Not for Austria)
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans: (Not for Austria)
- Chapter 65: Headgear and parts thereof
except (only Austria):
ex 65.05: military headgear
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 72: Coins (only Austria and Sweden)
- 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 (Not for Austria)
ex 82.07: tools, parts
ex 82.08: hand tools (only Austria)
- 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 (Not for Austria)
ex 84.55: parts of machines under heading No 84.53 (Not for Austria and Sweden)
ex 84.59: nuclear reactors (Not for Austria and Sweden)
- Chapter 85: Electrical machinery and equipment, parts thereof
except:
ex 85.03: electric cells and batteries (only Austria)
ex 85.13: telecommunication equipment
ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)
except:
ex 86.02: armoured locomotives, electric
ex 86.03: other armoured locomotives
ex 86.05: armoured wagons

- ex 86.06: repair wagons
ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof
- except:
ex 87.08: tanks and other armoured vehicles
ex 87.01: tractors
ex 87.02: military vehicles
ex 87.03: breakdown lorries
ex 87.09: motorcycles
ex 87.14: trailers
- Chapter 88: Aircraft and parts thereof (only Austria)
- Chapter 89: Ships, boats and floating structures
- except:
ex 89.01: warships (only Austria)
ex 89.01 A: warships (except Austria)
ex 89.03: floating structures (only Austria)
- 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 (Not for Sweden and Austria)
ex 90.17: medical instruments (Not for Sweden and Austria)
ex 90.18: mechano-therapy appliances (Not for Sweden and Austria)
ex 90.19: orthopaedic appliances (Not for Sweden and Austria)
ex 90.20: X-ray apparatus (Not for Sweden and Austria)
- 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 (Not for Austria)
- Chapter 95: Articles and manufactures of carving or moulding material

- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 97: Toys, games and sport requisites, parts thereof (only Austria and Sweden)
- Chapter 98: Miscellaneous manufactured articles

3. LISTE DES MATÉRIELS ACHETÉS PAR LES MINISTÈRES DE LA DÉFENSE DE L'AUTRICHE, BELGIQUE, DANEMARK, LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, ESPAGNE, FINLANDE, FRANCE, GRÈCE, IRLANDE, ITALIE, LUXEMBOURG, PAYS-BAS, PORTUGAL, SUÈDE ET ROYAUME-UNI, ET 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

à l'exception de:

ex 27.10: carburant spéciaux (sauf pour l'Autriche)

fuel-oils de chauffage et carburants (seulement pour l'Autriche)

Chapitre 28: Produits chimiques inorganiques, composés inorganiques ou organiques de métaux précieux, d'éléments radio-actifs, 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
- Chapitre 32: Extraits tannants et tinctoriaux, tanins et leur dérivés, matières colorantes, couleurs, peintures, vernis et teintures, mastics, encres
- Chapitre 33: Huiles essentielles et sésinoïdes, 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 (seulement pour l'Autriche and Suède)
- à l'exception de (seulement pour l'Autriche)
ex 36.01: poudres à tirer
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 (sauf pour la Suède)
- 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 (sauf pour la Suède)
- Chapitre 40: Caoutchouc naturel ou synthétique, factice pour caoutchouc et ouvrages en caoutchouc
- à l'exception de:
ex 40.11: pneus pour automobiles (sauf pour la Suède)

- Chapitre 41: Peaux and cuirs: (sauf pour l'Autriche)
- Chapitre 42: Ouvrages en cuir, articles de bourrellerie et de sellerie, articles de voyage, sacs à main et contenants similaires, ouvrages en boyaux: (sauf pour l'Autriche)
- Chapitre 43: Pelleteries et fourrures, pelleteries factices
- Chapitre 44: Bois, charbon de bois et ouvrages en bois: (sauf pour l'Autriche)
- Chapitre 45: Liège et ouvrages en liège
- Chapitre 46: Ouvrages de sparterie et de vannerie
- Chapitre 47: Matières servant à la fabrication du papier
- Chapitre 48: Papier et cartons, ouvrages en pâte de cellulose, en papier et en carton: (sauf pour l'Autriche)
- Chapitre 49: Articles de librairie et produits des arts graphiques: (sauf pour l'Autriche)
- Chapitre 65: Coiffures et parties de coiffures
à l'exception de (seulement pour l'Autriche):
ex 65.05: coiffures militaires
- 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: Verres 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 72: Monnaies (seulement pour l'Autriche et la Suède)
- Chapitre 73: Fonte, fer et acier
- Chapitre 74: Cuivre

- Chapitre 75: Nickel
- Chapitre 76: Aluminium
- Chapitre 77: Magnésium, béryllium
- 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
- à l'exception de:
ex 82.05: outillage (sauf Autriche)
ex 82.07: pièces d'outillage
ex 82.08: outillage à main (seulement pour l'Autriche)
- Chapitre 83: Ouvrages divers en métaux communs
- Chapitre 84: Chaudières, machines, appareils et engins mécaniques
- à l'exception de:
ex 84.06: moteurs
ex 84.08: autres propulseurs
ex 84.45: machines
ex 84.53: machines automatiques de traitement de l'information (sauf pour l'Autriche)
ex 84.55: pièces No 84.53 (sauf pour l'Autriche et la Suède)
ex 84.59: réacteurs nucléaires (sauf pour l'Autriche et la Suède)
- Chapitre 85: Machines et appareils électriques et objets servant à des usages électrotechniques
- à l'exception de:
ex 85.03: piles électriques (seulement pour l'Autriche)
ex 85.13: télécommunication
ex 85.15: appareils de transmission
- Chapitre 86: Véhicules et matériel 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 locoblindés
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:
ex 87.08: chars et automobiles blindés
ex 87.01: tracteurs
ex 87.02: véhicules militaires
ex 87.03: voitures de dépannage
ex 87.09: motocycles
ex 87.14: remorques
- Chapitre 88: Navigation aérienne (seulement pour l'Autriche)
- Chapitre 89: Navigation maritime et fluviale
- à l'exception de:
ex 89.01: bateaux de guerre (seulement pour l'Autriche)
ex 89.01A: bateaux de guerre (sauf pour l'Autriche)
ex 89.03: engins flottants (seulement pour l'Autriche)
- 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 mesures électriques ou électroniques
ex 90.11: microscopes (sauf pour l'Autriche et la Suède)
ex 90.17: instruments médicaux (sauf pour l'Autriche et la Suède)
ex 90.18: appareils de mécanothérapie (sauf pour l'Autriche et la Suède)
ex 90.19: appareils d'orthopédie (sauf pour l'Autriche et la Suède)
ex 90.20: appareils rayon X (sauf pour l'Autriche et la Suède)
- Chapitre 91: Horlogerie
- Chapitre 92: Instruments de musique, appareils d'enregistrement ou de reproduction du son; appareils d'entregistrement ou de reproduction des images et du son en télévision, parties et accessoires de ces instruments et appareils
- Chapitre 94: Meubles, mobilier médico-chirurgical, articles de literie et similaires
- à l'exception de:
ex 94.01A: sièges d'aérodyne (sauf pour l'Autriche)

- 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 97: Jouets, jeux, articles pour divertissements et pour sports (seulement pour l'Autriche and Suède)
- Chapitre 98: Ouvrages divers

3. LISTA DE MATERIALES COMPRADOS POR LOS MINISTERIOS DE DEFENSA DE AUSTRIA, BELGICA, DINAMARCA, ALEMANIA, ESPAÑA, FINLANDIA, FRANCIA, GRECIA, IRLANDA, ITALIA, LUXEMBURGO, PAÍSES BAJOS, PORTUGAL, SUECIA Y EL REINO UNIDO, Y SUJETOS AL ACUERDO

Capítulo 25: Sal, azufre, tierras y piedras, yesos, cales y cementos

Capítulo 26: Minerales metalúrgicos, escorias, cenizas

Capítulo 27: Combustibles minerales, aceites minerales y productos de su destilación, materias bituminosas, ceras minerales

excepto:

ex 27.10: carburantes especiales (salvo Austria)

combustibles para calefacción y carburantes (solamente Austria)

Capítulo 28: Productos químicos inorgánicos, compuestos inorgánicos u orgánicos de metales preciosos, de elementos radioactivos, de metales de las tierras raras y de isótopos

excepto:

ex 28.09: explosivos

ex 28.13: explosivos

ex 28.14: gases lacrimógenos

ex 28.28: explosivos

ex 28.32: explosivos

ex 28.39: explosivos

ex 28.50: productos tóxicos

ex 28.51: productos tóxicos

ex 28.54: explosivos

Capítulo 29: Productos químicos orgánicos

excepto:

ex 29.03: explosivos

ex 29.04: explosivos

ex 29.07: explosivos

ex 29.08: explosivos

ex 29.11: explosivos

ex 29.12: explosivos

ex 29.13: productos tóxicos

ex 29.14: productos tóxicos

ex 29.15: productos tóxicos

ex 29.21: productos tóxicos

ex 29.22: productos tóxicos

ex 29.23: productos tóxicos

- ex 29.26: explosivos
ex 29.27: productos tóxicos
ex 29.29: explosivos
- Capítulo 30: Productos farmacéuticos
- Capítulo 31: Abonos
- Capítulo 32: Extractos curtientes y tintóreos, taninos y sus derivados, materias colorantes, colores, pinturas, barnices y tintes, mástiques, tintas
- Capítulo 33: Aceites esenciales y resinoides, productos de perfumería o de tocador y cosméticos
- Capítulo 34: Jabones, productos orgánicos tensoactivos, preparaciones para lavar, preparaciones lubricantes, ceras artificiales, ceras preparadas, productos para lustrar y pulir, bujías y artículos análogos, pastas para modelar, y "ceras para el arte dental"
- Capítulo 35: Materias albuminoides y colas, enzimas
- Capítulo 36: Pólvoras y explosivos, artículos de pirotecnia, fósforos, aleaciones pirofóricas, materias inflamables (solamente Austria y Suecia)
- excepto (solamente Austria)
ex 36.01: pólvoras de proyección
ex 36.02: explosivos preparados
ex 36.04: detonadores
ex 36.08: explosivos
- Capítulo 37: Productos fotográficos y cinematográficos
- Capítulo 38: Productos diversos de las industrias químicas
- excepto:
ex 38.19: productos tóxicos (salvo Suecia)
- Capítulo 39: Materias plásticas artificiales, éteres y ésteres de la celulosa, resinas artificiales y manufacturas de estas materias
- excepto:
ex 39.03: explosivos (salvo Suecia)
- Capítulo 40: Caucho natural o sintético, caucho facticio y manufacturas de caucho
- excepto:
ex 40.11: neumáticos a prueba de bala (salvo Suecia)

- Capítulo 41: Pieles y cuero: (salvo Austria)
- Capítulo 42: Manufacturas de cuero, artículos de guarnicionería y talabartería, artículos de viaje, bolsos de mano y continentes similares, manufacturas de tripas: (salvo Austria)
- Capítulo 43: Peletería y confecciones de peletería, peletería facticia
- Capítulo 44: Madera, carbón vegetal y manufacturas de madera: (salvo Austria)
- Capítulo 45: Corcho y sus manufacturas
- Capítulo 46: Manufacturas de espartería y cestería
- Capítulo 47: Materias utilizadas en la fabricación de papel
- Capítulo 48: Papel y cartón, manufacturas de pasta de celulosa, de papel y de cartón: (salvo Austria)
- Capítulo 49: Artículos de librería y productos de las artes gráficas: (salvo Austria)
- Capítulo 65: Sombreros y demás tocados y sus partes componentes
excepto (solamente Austria):
ex 65.05: sombreros, gorras y demás tocados militares
- Capítulo 66: Paraguas, quitasoles, bastones, látigos, fustas y sus partes componentes
- Capítulo 67: Plumas y plumón preparados y artículos de pluma o de plumón, flores artificiales, manufacturas de cabellos
- Capítulo 68: Manufacturas de piedra, yeso, cemento, amianto, mica y materias análogas
- Capítulo 69: Productos cerámicos
- Capítulo 70: Vidrio y manufactura de vidrio
- Capítulo 71: Perlas finas, piedras preciosas y semipreciosas y similares, metales preciosos, chapados de metales preciosos y manufacturas de estas materias, bisutería de fantasía
- Capítulo 72: Monedas (solamente Austria y Suecia)
- Capítulo 73: Fundición, hierro y acero
- Capítulo 74: Cobre
- Capítulo 75: Níquel

- Capítulo 76: Aluminio
- Capítulo 77: Magnesio, berilio (glucinio)
- Capítulo 78: Plomo
- Capítulo 79: Zinc
- Capítulo 80: Estaño
- Capítulo 81: Otros metales comunes
- Capítulo 82: Herramientas, artículos de cuchillería y cubiertos de mesa, de metales comunes
- excepto:
- ex 82.05: herramientas (salvo Austria)
- ex 82.07: piezas de herramientas
- ex 82.08: herramientas de mano (solamente Austria)
- Capítulo 83: Manufacturas diversas de metales comunes
- Capítulo 84: Calderas, máquinas, aparatos y artefactos mecánicos
- excepto:
- ex 84.06: motores
- ex 84.08: otros propulsores
- ex 84.45: máquinas
- ex 84.53: máquinas automáticas para tratamiento de la información (salvo Austria)
- ex 84.55: piezas de las máquinas de la partida 84.53 (salvo Austria y Suecia)
- ex 84.59: reactores nucleares (salvo Austria y Suecia)
- Capítulo 85: Máquinas y aparatos eléctricos y objetos destinados a usos electrotécnicos
- excepto:
- ex 85.03: pilas eléctricas (solamente Austria)
- ex 85.13: telecomunicaciones
- ex 85.15: aparatos transmisores
- Capítulo 86: Vehículos y material para vías férreas, aparatos non eléctricos de señalización para vías de comunicación
- excepto:
- ex 86.02: locomotoras blindadas
- ex 86.03: las demás locomotoras de maniobra blindadas
- ex 86.05: vagones blindados
- ex 86.06: vagones talleres

- ex 86.07: vagones
- Capítulo 87: Vehículos automóviles, tractores, velocípedos y otros vehículos terrestres
- excepto:
ex 87.08: carros y automóviles blindados
ex 87.01: tractores
ex 87.02: vehículos militares
ex 87.03: coches para arreglo de averías
ex 87.09: motocicletas
ex 87.14: remolques
- Capítulo 88: Navegación aérea (solamente Austria)
- Capítulo 89: Navegación marítima y fluvial
- excepto:
ex 89.01: buques de guerra (solamente Austria)
ex 89.01 A: buques de guerra (salvo Austria)
ex 89.03: artefactos flotantes (solamente Austria)
- Capítulo 90: Instrumentos y aparatos de óptica, de fotografía y de cinematografía, de medida, de comprobación y de precisión, instrumentos y aparatos médico-quirúrgicos,
- excepto:
ex 90.05: gemelos
ex 90.13: instrumentos diversos, lasers
ex 90.14: telémetros
ex 90.28: instrumentos de medida eléctricos o electrónicos
ex 90.11: microscopios (salvo Austria y Suecia)
ex 90.17: instrumentos de medicina (salvo Austria y Suecia)
ex 90.18: aparatos de mecanoterapia (salvo Austria y Suecia)
ex 90.19: aparatos de ortopedia (salvo Austria y Suecia)
ex 90.20: aparatos de rayos X (salvo Austria y Suecia)
- Capítulo 91: Relojería
- Capítulo 92: Instrumentos de música, aparatos para el registro y la reproducción del sonido o para el registro y reproducción en televisión de imágenes y sonido, partes y accesorios de esos instrumentos y aparatos
- Capítulo 94: Muebles, mobiliario médico-quirúrgico, artículos de cama y similares
- excepto:
ex 94.01 A: asientos para aeronaves (salvo Austria)
- Capítulo 95: Materias para talla y moldeo, labradas (incluidas las manufacturas)

- Capítulo 96: Manufacturas de cepillería, pinceles, escobas, plumeros, borlas y cedazos
- Capítulo 97: Juguetes, juegos, artículos para recreo y para deportes (salvo Austria y Suecia)
- Capítulo 98: Manufacturas diversas

**EUROPEAN COMMUNITIES
COMMUNAUTÉS EUROPEENNES
COMUNIDADES EUROPEAS**

ANNEX 2- ANNEXE 2 - ANEXO 2

*Entities which Procure in Accordance with the Provisions of this Agreement
Entités qui passent des marchés conformément aux dispositions du présent accord
Entidades que se rigen en sus contratos por las disposiciones del presente acuerdo*

SUPPLIES / FOURNITURES / SUMINISTROS

Thresholds: SDR 200,000
Valeurs de seuil: DTS 200 000
Valores de umbral: DEG 200.000

SERVICES / SERVICES / SERVICIOS

specified in Annex 4 / spécifiés dans l'Annexe 4 / detallados en el Anexo 4

Thresholds: SDR 200,000
Valeurs de seuil: DTS 200 000
Valores de umbral: DEG 200.000

WORKS / TRAVAUX / OBRAS

specified in Annex 5 / spécifiés dans l'Annexe 5 / detalladas en el Anexo 5

Thresholds: SDR 5,000,000
Valeurs de seuil: DTS 5 000 000
Valores de umbral: DEG 5.000.000

LIST OF ENTITIES / LISTE DES ENTITÉS / LISTA DE LAS ENTIDADES:

- | |
|---|
| 1. CONTRACTING AUTHORITIES OF THE REGIONAL OR LOCAL PUBLIC AUTHORITIES;
POUVOIRS ADJUDICATEURS DES COLLECTIVITÉS TERRITORIALES;
PODERES ADJUDICADORES DE LOS ENTES PÚBLICOS TERRITORIALES: |
|---|

2. ***BODIES GOVERNED BY PUBLIC LAW AS DEFINED IN DIRECTIVE 93/37;
LES ORGANISMES DE DROIT PUBLIC TELS QUE DÉFINIS PAR LA DIRECTIVE 93/37;
LOS ORGANISMOS DE DERECHO PÚBLICO SEGÚN LA DEFINICIÓN DE LA DIRECTIVA
93/37:***

- A "**body governed by public law**" means any body
 - established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and
 - having legal personality, and
 - financed, for the most part, by the State, or regional or local authorities, or other bodies governed by public law, or subject to management supervision by those bodies, or having an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

The lists of bodies and categories of bodies governed by public law which fulfill the criteria referred to are set out in Annex I to Directive 93/37. These lists are indicative only (see Official Journal of the European Communities n° L 199/56, 09.08.1993 and n° C 241/228, 29.08.1994).

- On entend par "**organisme de droit public**" tout organisme:
 - créé pour satisfaire spécifiquement des besoins d'intérêt général ayant un caractère autre qu'industriel ou commercial, et
 - doté de la personnalité juridique, et
 - dont l'activité et 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.

Les listes des organismes et des catégories d'organismes de droit public qui remplissent les ces critères figurent à l'annexe I de la Directive 93/37. Ces listes sont uniquement indicatives (voir Journal officiel des Communautés Européennes n° L 199/54, 09.08.1993 et n° C 241/228, 29.08.1994).

- "**Organismo de derecho público**" cualquier organismo:
 - creado para satisfacer específicamente necesidades de interés general que no tengan carácter industrial o mercantil, y
 - dotado de personalidad jurídica, y

- cuya actividad esté mayoritariamente financiada por el Estado, los entes territoriales u otros organismos de derecho público, o bien, cuya gestión se halle sometida a un control por parte de estos últimos, o bien, cuyo órgano de administración, de dirección o de vigilancia esté compuesto por miembros de los cuales más de la mitad sean nombrados por el Estado los entes territoriales u otros organismos de derecho público.

En el Anexo I a la Directiva 93/37 figuran las listas de los organismos y de las categorías de organismos de derecho público que reúnen estos criterios. Estas listas son únicamente indicativas (véase Diario Oficial de las Comunidades Europeas Oficial n° L 199/56, 09.08.1993 y n° C 241/228, 29.08.1994).

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

ANNEX 3- ANNEXE 3 - ANEXO 3

*Entities which Procure in Accordance with the Provisions of this Agreement
Entités qui passent des marchés conformément aux dispositions du présent accord
Entidades que se rigen en sus contratos por las disposiciones del presente acuerdo*

SUPPLIES / FOURNITURES / SUMINISTROS

*Thresholds: SDR 400,000
Valeurs de seuil: DTS 400 000
Valores de umbral: DEG 400.000*

SERVICES / SERVICES / SERVICIOS

specified in Annex 4 / spécifiés dans l'Annexe 4 / detallados en el Anexo 4

*Thresholds: SDR 400,000
Valeurs de seuil: DTS 400 000
Valores de umbral: DEG 400.000*

WORKS / TRAVAUX / OBRAS

specified in Annex 5 / spécifiés dans l'Annexe 5 / detalladas en el Anexo 5

*Thresholds: SDR 5,000,000
Valeurs de seuil: DTS 5 000 000
Valores de umbral: DEG 5.000.000*

List of Entities / Liste des entités / Lista de las entidades:

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 urban transport by railway¹, 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. Those lists are indicative only (see Official Journal of the European Communities n° L 199/84, 09.08.1993 and n° C 241/228, 29.08.1994).

List of Entities / Liste des entités / Lista de las entidades:

Les autorités adjudicatrices au sens de l'article 2 de la directive 93/38/CEE qui sont des pouvoirs publics ou des entreprises publiques et qui exercent une des activités visées ci-dessous ou plusieurs de ces activités:

- (a) 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;

¹ Not including the entities listed in Annex VI of Directive 93/38/EEC (copy attached)

- (b) 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;
- (c) la mise à disposition des transporteurs aériens des aéroports ou d'autres terminaux de transport;
- (d) la mise à disposition des transporteurs maritimes ou fluviaux des ports maritimes ou intérieurs ou d'autres terminaux de transport;
- (e) la exploitation de réseaux destinés à fournir un service au public dans le domaine du transport urbain par chemin de fer², systèmes automatiques, tramway, trolleybus ou autobus ou câble, en accord avec la directive 93/38/CEE.

Les pouvoirs publics ou autorités publiques énumérées aux annexes I (production, transport ou distribution d'eau potable), II (production, transport ou distribution d'électricité), VII (entités adjudicatrices dans le domaine des services de chemin de fer), VIII (entités adjudicatrices dans le domaine des installations aéroportuaires) et IX (entités adjudicatrices dans le domaine des installations portuaires maritimes ou intérieures ou autres terminaux) de la directive 93/38 répondent aux critères énoncés ci-dessus. Ces listes sont uniquement indicatives (voir Journal officiel des Communautés Européennes n° L 199/54, 09.08.1993 et n° C 241/228, 29.08.1994).

List of Entities / Liste des entités / Lista de las entidades:

Las entidades contractantes según el sentido del artículo 2 de la directiva 93/38/CEE que sean poderes públicos o empresas públicas y que realicen alguna de la actividades contempladas en los párrafos siguientes o varias de estas actividades:

- (a) la puesta a disposición o la explotación de redes fijas que presten un servicio al público en relación con la producción, transporte o distribución de agua potable o el suministro de agua potable a dichas redes;
- (b) la puesta a disposición o la explotación de redes fijas que presten un servicio al público en relación con la producción, transporte o distribución de electricidad o el suministro de electricidad a dichas redes;
- (c) la puesta a disposición de los transportistas aéreos de los aeropuertos o de otras terminales de transporte;
- (d) la puesta a disposición de los transportistas marítimos o fluviales de los puertos marítimos o interiores o de otras terminales de transporte;
- (e) la explotación de redes que presten un servicio público en el campo del transporte urbano por ferrocarril³, sistemas automáticos, tranvía, trolebús, autobús o cable.

² Ne sont pas inclus les entités énumérées dans l'annexe VI de la directive 93/38/CEE (copie annexée)

³ No se incluyen las entidades enumeradas en el anexo VI de la directiva 93/38/CEE (copia anexa)

Las entidades contractantes enumeradas en los anexos I (producción, transporte o distribución de agua potable), II (producción, transporte o distribución de electricidad), VII (entidades contractantes del sector de los servicios de ferrocarriles urbanos, tranvías, trolebuses o autobuses), VIII (entidades contractantes del sector de los aeropuertos) y IX (entidades contractantes del sector de los puertos marítimos o fluviales u otras terminales) de la directiva 93/38/CEE reúnen los criterios enunciados anteriormente. Estas listas son únicamente indicativas (véase Diario Oficial de las Comunidades Europeas Oficial n° L 199/56, 09.08.1993 y n° C 241/228, 29.08.1994).

**EUROPEAN COMMUNITIES
COMMUNAUTÉS EUROPÉENNES
COMUNIDADES EUROPEAS**

ANNEX 4 - ANNEXE 4 - ANEXO 4

Services / Services / Servicios

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

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. In Finland payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System. In Sweden, payments to and from governmental agencies shall be transacted through the Swedish Postal Giro System (Postgiro).
- *** except arbitration and conciliation services.

De la Liste universelle des services contenue dans le document MTN.GNS/W/120, les services suivants sont inclus:

<i>Désignation des services</i>	<i>Numéro de référence CPC</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 (except 71235), 7512, 87304
Services de transports aériens: transport de voyageurs et de marchandises, à l'exclusion des transports de courrier	73 (except 7321)
Transport de courrier par transport terrestre, à l'exclusion du transport ferroviaire, et par air	71235, 7321
Services de télécommunications	752* (except 7524, 7525, 7526)
Services financiers	ex 81
(a) Services d'assurance	812, 814
(b) Services bancaires et d'investissement**	
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***
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 de l'Annexe 4

- * à l'exclusion des services de téléphonie vocale, de télex, de radiotéléphonie, d'appel unilatéral sans transmission de parole, ainsi que des services de transmission par satellite.
- ** à 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 prestés par des banques centrales. In Finland payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System. In Sweden, payments to and from governmental agencies shall be transacted through the Swedish Postal Giro System (Postgiro).
- *** à l'exclusion des services d'arbitrage et de conciliation.

De la Lista universal de servicios contenida en el documento MTN.GNS/W/120, se incluyen los servicios siguientes:

<i>Servicios</i>	<i>Número de referencia CCP</i>
Servicios de mantenimiento y de reparación	6112, 6122, 633, 886
Servicios de transporte por vía terrestre, incluidos servicios de furgones blindados y servicios de mensajería, excepto transporte de correo	712 (except 71235), 7512, 87304
Servicios de transporte aéreo de pasajeros y carga, excepto transporte de correo	73 (except 7321)
Transporte de correo por vía terrestre, excepto transporte por ferrocarril, y por vía aérea	71235, 7321
Servicios de telecomunicación	752* (except 7524, 7525, 7526)
Servicios financieros	ex 81
(a) Servicios de seguros	812, 814
(b) Servicios bancarios y de inversiones**	
Servicios informáticos y servicios conexos	84
Servicios de contabilidad, auditoría et teneduría de libros	862
Servicios de investigación de estudios y encuestas de opinión pública	864
Servicios de consultores de dirección y servicios conexos	865, 866***
Servicios de arquitectura; servicios de ingeniería y servicios integrados de ingeniería; servicios de planificación urbana y servicios de arquitectura paisajista; servicios conexos de consultores en ciencia y tecnología; servicios de ensayos y análisis técnicos	867
Servicios de publicidad	871
Servicios de limpieza de edificios y servicios de administración de bienes raíces	874, 82201 - 82206
Servicios editoriales y de imprenta, por tarifa o por contrato	88442

<i>Servicios</i>	<i>Número de referencia CCP</i>
Alcantarillado y eliminación de desperdicios: servicios de saneamiento y servicios similares	94

Notas del Anexo 4

- * exceptuando los servicios de telefonía vocal, de télex, de radiotelefonía, de llamada unilateral sin transmisión de palabra, así como los servicios de transmisión por satélite.
- ** exceptuando los contratos de servicios financieros relativos a la emisión, compra, venta y transferencia de títulos u otros instrumentos financieros, y los servicios prestados por los bancos centrales. In Finland payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System. In Sweden, payments to and from governmental agencies shall be transacted through the Swedish Postal Giro System (Postgiro).
- *** exceptuando los servicios de arbitraje y conciliación.

**EUROPEAN COMMUNITIES
COMMUNAUTÉS EUROPÉENNES
COMUNIDADES EUROPEAS**

ANNEX 5- ANNEXE 5 - ANEXO 5

Construction Services / Services de construction / Servicios de construcción

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.

Définition:

Un marché de services de construction est un marché qui a pour objet la réalisation, par quelque moyen que ce soit, des travaux de bâtiment ou génie civil, au sens de la Division 51 de la Classification centrale de produits.

Definición:

Un contrato de servicios de construcción es un contrato que tiene por objeto la realización, por cualquier medio, de una obra de construcción de edificios e ingeniería civil, en el sentido de la División 51 de la Clasificación Central de Productos.

<i>List of Division 51, CPC / Liste de la division 51, CPC / Lista de la división 51, CCP</i>

Group	Class	Subclass	Title	Corresponding ISCI
SECTION 5			CONSTRUCTION WORK AND CONSTRUCTIONS: LAND	
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	

Group	Class	Subclass	Title	Corresponding ISCI
	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
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

Group	Class	Subclass	Title	Corresponding ISCI
516	5159	51590	Other special trade construction work	4520
			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	
517		51691	Lift and escalator construction work	4530
		51699	Other installation work n.e.c.	4530
			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	

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

List of Division 51, CPC / Liste de la division 51, CPC / Lista de la división 51, CCP

Groupe	Classe	Sous-classe	Titre	Correspondance ISCI
SECTION 5				
DIVISION 51			TRAVAUX DE CONSTRUCTION	
511			Travaux de préparation des sites et chantiers de construction	
512			Travaux d'entreprises générales de construction de bâtiments	
513			Travaux d'entreprises générales de construction d'ouvrages de génie civil	
514			Assemblage et construction d'ouvrages préfabriqués	
515			Travaux d'entreprises de construction spécialisées	
516			Travaux de pose d'installations et de montage	
517			Travaux d'achèvement et de finition des bâtiments	
518			Autres services	

List of Division 51, CPC / Liste de la division 51, CPC / Lista de la división 51, CCP

Grupo	Clase	Subclase	Titulo	Corresponden-cia ISCI
SECTION 5				
DIVISION 51			TRABAJOS DE CONSTRUCCION	
511			Preparación de solares de construcción	
512			Construcción de inmuebles	
513			Obras de ingeniería civil	
514			Ensamblaje y construcción de obras prefabricadas	
515			Obras de empresas de construcción especializadas	
516			Obras de instalación y de montaje	
517			Obras de decoración y acabado	
518			Otros servicios	

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

Directive 93/37

As mentioned in Appendix I - Annex 2 of
the GPA

ANNEX I

LISTS OF BODIES AND CATEGORIES OF BODIES GOVERNED BY PUBLIC LAW
REFERRED TO IN ARTICLE 1(b)

I. BELGIUM

Bodies

- 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 belges, 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 Ier - Koninklijke Bibliotheek Albert I,
- Caisse auxiliaire de paiement des allocations de chômage - Hulpkas voor Werkloosheidsuitkeringen,
- Caisse auxiliaire d'assurance maladie-invalidité - Hulpkas voor Ziekte- en Invaliditeitsverzekeringen,
- 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 Rampenschade,
- Caisse spéciale de compensation pour allocations familiales en faveur des travailleurs de l'industrie diamantaire - 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'économie - 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 communautaire de garantie des bâtiments scolaires - Gemeenschappelijk Waarborgfonds voor Schoolgebouwen,
- Fonds d'aide médicale urgente - Fonds voor Dringende Geneeskundige Hulp,
- Fonds des accidents du travail - Fonds voor Arbeidsongevallen,
- Fonds des maladies professionnelles - Fonds voor Beroepsziekten,
- Fonds des routes - Wegenfonds,
- 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 dégâts 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 pompages 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'épidémiologie - 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 d'assurance maladie-invalidité - Rijksinstituut voor Ziekte- en Invaliditeitsverzekering,
- Institut national d'assurances sociales pour travailleurs indépendants - Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen,
- Institut national des industries extractives - Nationaal 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 pour l'encouragement de la recherche scientifique dans l'industrie et l'agriculture - Instituut tot Aanmoediging van het Wetenschappelijk Onderzoek in Nijverheid en Landbouw,
- Institut royal belge des sciences naturelles - Koninklijk Belgisch Instituut voor Natuurwetenschappen,
- Institut royal belge du patrimoine artistique - Koninklijk Belgisch Instituut voor het Kunstpatrimonium,
- Institut royal de météorologie - Koninklijk Meteorologisch Instituut,
- Enfance et famille - Kind en Gezin,
- Compagnie des installations maritimes de Bruges - Maatschappij der Brugse Zeevaartinrichtingen,
- 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 de l'économie et de l'agriculture - Belgische Dienst voor Bedrijfsleven en Landbouw,
- 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 l'emploi - Rijksdienst voor de Arbeidsvoorziening,
- Office national des débouchés agricoles et horticoles - Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten,
- Office national de sécurité sociale - Rijksdienst voor Sociale Zekerheid,
- Office national de sécurité sociale des administrations provinciales et locales - Rijksdienst voor Sociale Zekerheid van de Provinciale en Plaatselijke Overheidsdiensten,
- Office national des pensions - Rijksdienst voor Pensioenen,
- Office national des vacances annuelles - Rijksdienst voor de Jaarlijkse Vakantie,
- Office national du lait - Nationale Zuiveldienst,
- 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 -Splijststoffen,
- Palais des beaux-arts - Paleis voor Schone Kunsten,
- Pool des marins de la marine marchande - Pool van de Zeelieden ter Koopvaardij,
- Port autonome de Charleroi - Autonome Haven van Charleroi,
- Port autonome de Liège - Autonome Haven van Luik,
- Port autonome de Namur - Autonome Haven van Namen,
- Radio et télévision belges de la Communauté française - Belgische Radio en Televisie van de Franse Gemeenschap,
- Régie des bâtiments - Regie der Gebouwen,
- Régie des voies aériennes - Regie der Luchtwegen,
- Régie des postes - Regie der Posterijen,
- Régie des télégraphes et des téléphones - Regie van Telegraaf en Telefoon,
- Conseil économique et social pour la Flandre - Sociaal-economische Raad voor Vlaanderen,
- Société anonyme du canal et des installations maritimes de Bruxelles - Naamloze Vennootschap Zeekanaal en-Haveninrichtingen van Brussel,
- Société du logement de la Région bruxelloise et sociétés agréées - Brusselse Gewestelijke Huisvestingsmaatschappij en erkende maatschappijen,
- Société nationale terrienne - Nationale Landmaatschappij,
- Théâtre royal de la Monnaie - De Koninklijke Muntchouwburg,
- 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.

Categories

- les centres publics d'aide sociale,
- les fabriques d'église (church councils).

II. DENMARK

Bodies

- Københavns Havn,
- Danmarks Radio,
- TV 2/Danmark,
- TV2 Reklame A/S,
- Danmarks Nationalbank,
- A/S Storebæltsforbindelsen,
- A/S Øresundsforbindelsen (alene tilslutningsanlæg i Danmark),
- Københavns Lufthavn A/S,
- Byfornyelsesselskabet København,
- Tele Danmark A/S with subsidiaries:
- Fyns Telefon A/S,
- Jydsk Telefon Aktieselskab A/S,
- Kjøbenhavns Telefon Aktieselskab,
- Tele Sønderjylland A/S,
- Telecom A/S,
- Tele Danmark Mobil A/S.

Categories

- De kommunale havne (municipal ports),
- Andre Forvaltningssubjekter (other public administrative bodies).

III. GERMANY

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 carcasse-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, Kindertagesheime, Erholungseinrichtungen, Kinder- und Jugendheime, Freizeiteinrichtungen, Gemeinschafts- und Bürgerhäuser, Frauenhäuser, Altersheime, Obdachlosenunterkünfte) (social welfare: nursery schools, children's playschools, rest-homes, 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: fire brigades, other emergency services),
- Bildung (Umschulungs-, Aus-, Fort- und Weiterbildungseinrichtungen, Volkshochschulen) (education: training, further training and retraining establishments, adult evening classes),
- Wissenschaft, Forschung und Entwicklung (Großforschungseinrichtungen, wissenschaftliche Gesellschaften und Vereine, Wissenschaftsförderung) (science, research and development: large-scale research institutes, scientific societies and associations, bodies promoting science),
- Entsorgung (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).

IV. GREECE

Categories

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

V. SPAIN

Categories

- Entidades Gestoras y Servicios Comunes de la Seguridad Social (administrative entities and common services of the health and social services)
- Organismos Autónomos de la Administración del Estado (independent bodies of the national administration)
- Organismos Autónomos de las Comunidades Autónomas (independent bodies of the autonomous communities)
- Organismos Autónomos de las Entidades Locales (independent bodies of local authorities)
- Otras entidades sometidas a la legislación de contratos del Estado español (other entities subject to Spanish State legislation on procurement).

VI. FRANCE

Bodies

1. National public bodies:

1.1. with scientific, cultural and professional character:

- Collège de France,
- Conservatoire national des arts et métiers,
- Observatoire de Paris.

1.2. Scientific and technological:

- Centre national de la recherche scientifique (CNRS),
- Institut national de la recherche agronomique,
- Institut national de la santé et de la recherche médicale,
- Institut français de recherche scientifique pour le développement en coopération (ORSTOM).

1.3. with administrative character:

- Agence nationale pour l'emploi,
- Caisse nationale des allocations familiales,

- Caisse nationale d'assurance maladie des travailleurs salariés,
- Caisse nationale d'assurance vieillesse des travailleurs salariés,
- Office national des anciens combattants et victimes de la guerre,
- Agences financières de bassins.

Categories

1. National public bodies:

- universités (universities),
- écoles normales d'instituteurs (teacher training colleges).

2. Administrative public bodies at regional, departmental and local level:

- collèges (secondary schools),
- lycées (secondary schools),
- établissements publics hospitaliers (public hospitals),
- offices publics d'habitations à loyer modéré (OPHLM) (public offices for low-cost housing).

3. Groupings of territorial authorities:

- syndicats de communes (associations of local authorities),
- districts (districts),
- communautés urbaines (municipalities),
- institutions interdépartementales et interrégionales (institutions common to more than one Département and interregional institutions).

VII. IRELAND

Bodies

- Shannon Free Airport Development Company Ltd,
- Local Government Computer Services Board,
- Local Government Staff Negotiations Board,
- Córas Tráchtála (Irish Export Board),
- Industrial Development Authority,
- 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

Bodies

- Agenzia per la promozione dello sviluppo nel Mezzogiorno.

Categories

- Enti portuali e aeroportuali (port and airport authorities),
- Consorzi per le opere idrauliche (consortia for water engineering works),
- Le università statali, gli istituti universitari statali, i consorzi per i lavori interessanti le università (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 observations),
- 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 e di 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),
- Comunità montane (groupings of municipalities in mountain areas),
- Enti preposti a servizi di pubblico interesse (organizations providing services in the public interest),
- Enti pubblici preposti ad attività di spettacolo, sportive, 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

Categories

- Les établissements publics de l'État placés sous la surveillance d'un membre du gouvernement (public establishments of the State placed under the supervision of a member of the Government),
- Les établissements publics placés sous la surveillance des communes (public establishments placed under the supervision of the communes),
- Les syndicats de communes créés en vertu de la loi du 14 février 1900 telle qu'elle a été modifiée par la suite (associations of communes created under the law of 14 February 1900 as subsequently modified).

X. THE NETHERLANDS

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

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),
- Fundações públicas (public foundations),
- Administrações gerais e juntas autónomas (general administration bodies and independent councils).

XII. THE UNITED KINGDOM

Bodies

- Central Blood Laboratories Authority,
- Design Council,
- Health and Safety Executive,
- National Research Development Corporation,
- Public Health Laboratory Services Board,
- 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 Enterprise,
- Scottish Homes,
- Welsh Development Agency.

Categories

- Universities and polytechnics, maintained schools and colleges,
- National Museums and Galleries,
- Research Councils,
- Fire Authorities,
- National Health Service Authorities,
- Police Authorities,
- New Town Development Corporations,
- Urban Development Corporations.

The following is added to Annex I 'Lists of bodies and categories of bodies governed by public law referred to in Article 1 (b)':

XIII. Austria

All bodies subject to budgetary supervision by the 'Rechnungshof' (audit authority) not having an industrial or commercial character.

XIV. Finland

Public or publicly controlled entities or undertakings not having an industrial or commercial character.

XVI. Sweden

All non-commercial bodies whose procurement is subject to supervision by the National Board for Public Procurement.

In addition to the entities listed in Annex I of Directive 93/37/EEC, the following entities shall be regarded as bodies governed by public law within the sense of such Directive:

Austria: "Austrian State Printing Office"

Denmark: "Copenhagen Hospital Corporation" ("Hovedstandens Sygehusfaellesskab")

Ireland: "Forbas"; "Forbairt"

Luxembourg: "L'entreprise des Postes et Télécommunications (Postal business only)"

Portugal:

"INGA (National Agricultural Intervention and Guarantee Institute/Instituto Nacional de Intervenção e Garantia Agrícola)"

"Institute for the Consumer / Instituto do Consumidor"

"Institute for Meteorology / Instituto de Meteorologia"

"Institute for Natural Conservation / Instituto da Conservação da Natureza"

"Water Institute / Instituto da Agua"

"ICEP / Instituto de Comércio Externo de Portugal"

"Portuguese Blood Institute / Instituto do Sangue"

United Kingdom: "Ordnance Survey"

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

Directive 93/38

As mentioned in Appendix I - Annex 3 of
the GPA

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 lovbekendtgøelse 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 / *Εταιρεία Ύδρευσης – Αποχέτευσης Πρωτεύουσας* (Etaireia Ydrefsis Apochetefsis Protevoysis) set up pursuant to Law 1068/80 of 23 August 1980.

The Water Company of Salonica / *Οργανισμός Ύδρευσης Θεσσαλονίκης* (Organismos Ydrefsis Thessalonikis) operating pursuant to Presidential Decree 61/1988.

The Water Company of Voios / *Εταιρεία Ύδρευσης Βόλου* (Etaireia Ydrefsis Voloy) operating pursuant to Law 890/1979.

Municipal companies / *Δημοτικές Επιχειρήσεις ύδρευσης - αποχέτευσης* (Dimotikes Epicheiriseis ydrefsis apochetefsis) producing or distributing water and set up pursuant to Law 1059/80 of 23 August 1980.

Associations of local authorities / *Σύνδεσμοι ύδρευσης* (Syndesmoi ydrevsys) operating pursuant to the Code of local authorities *Κώδικας Δήμων και Κοινοτήτων* (Kodikas Dimon Kai Koinotiton) 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.

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 no 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 stærkstrømsanlæg, jf. lovbekendtgørelse nr. 669 af 28. december 1977.*

GERMANY

Entities producing, transporting or distributing electricity as defined in §2 *Absatz 2 of the Gesetz zur Förderung der Energiewirtschaft (Energiewirtschaftsgesetz) of 13 December 1935. Last modified by the Gesetz of 19 December 1977, and auto-production of electricity so far as this is covered by the field of application of the Directive pursuant to Article 2, paragraph 5.*

GREECE

Δημόσια Επιχείρηση Ηλεκτρισμού (Dimosia Epicheirisi Ilektrismoy) (Public Power Corporation) set up pursuant to the law 1468 of 2 August 1950 *Περί ιδρύσεως Δημοσίας Επιχειρήσεως Ηλεκτρισμού (Peri idryseos Dimosias Epicheiriseos Ilektrismoy)*, and operating pursuant to *the law 57/85: Δομή ρόλος και τρόπος διοίκησης και λειτουργίας της κοινωνικοποιημένης Δημόσιας Επιχείρησης Ηλεκτρισμού (Domi, rolos kai tropos dioksis kai leitoyrgias tis koinonikopoiimenis Dimosias Epicheiriseos Ilektrismoy).*

SPAIN

Entities producing, transporting or distributing electricity pursuant to *Article 1 of the Decreto de 12 de marzo de 1954, approving the Reglamento de verificaciones eléctricas y regularidad en el suministro de energía and pursuant to Decreto 2617/1966, de 20 de octubre, sobre autorización administrativa en materia le instalaciones eléctricas.*

Red Eléctrica de España SA, set up pursuant to *Real Decreto 91/1985 de 23 de enero.*

FRANCE

Électricité de France, set up and operating pursuant to *the loi 46/6288 du 8 avril 1946 sur la nationalisation de l'électricité et du gaz.*

Entities (sociétés d'économie mixte or régies) distributing electricity and referred to in *article 23 of the loi 48/1260 du 12 août 1948 portant modification des lois 46/6288 du 8 avril 1946 et 46/2298 du 21 octobre 1946 sur la nationalisation de l'électricité et du gaz.*

Compagnie nationale du Rhône.

IRELAND

The Electricity Supply Board (ESB) set up and operating pursuant to *the Electricity Supply Act 1927.*

ITALY

Ente nazionale per l'energia elettrica set up pursuant to *legge n. 1643, 6 dicembre 1962 approvato con Decreto n.1720, 21 dicembre 1965.*

Entities operating on the basis of a concession pursuant to *article 4, n.5 or 8 of legge 6 dicembre 1962, n.1643 - Istituzione dell'Ente nazionale per la energia elettrica e trasferimento ad esso delle imprese esercenti le industrie elettriche.*

Entities operating on the basis of concession pursuant to *article 20 of Decreto del Presidente delle Repubblica 18 marzo 1965, n. 342 norme integrative della legge 6 dicembre 1962, n. 1643 e norme relative al coordinamento e all'esercizio delle attività elettriche esercitate da enti ed imprese diverse dell'Ente nazionale per l'energia elettrica.*

LUXEMBOURG

Compagnie grand-ducale d'électricité de Luxembourg, producing or distributing electricity pursuant to *the convention du 11 novembre 1927 concernant l'établissement et l'exploitation des réseaux de distribution d'énergie électrique dans le grand-duché du Luxembourg approuvée par la loi du 4 janvier 1928.*

Société 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).

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 no 502/76 de 30 de Junho de 1976*.

Entities distributing electricity pursuant to *artigo 1o do Decreto-Lei no 344-B/82 de 1 de Setembro de 1982, amended by Decreto-Lei no 297/86 de 19 de Setembro de 1986*. Entities producing electricity pursuant to *Decreto Lei no 189/88 de 27 de Maio de 1988*.

Independent producers of electricity pursuant to *Decreto Lei n o 189/88 de 27 de Maio de 1988*.

Empresa de Electricidade dos Açores - EDA, EP, created pursuant to the *Decreto Regional no 16/80 de 21 de Agosto de 1980*.

Empresa de Electricidade da Madeira, EP, created pursuant to the *Decreto-Lei no 12/74 de 17 de Janeiro de 1974 and regionalized pursuant to the Decreto-Lei no 31/79 de 24 de Fevereiro de 1979, Decreto-Lei no 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 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 to *the Personenbeförderungsgesetz vom 21 März 1961, as last amended on 25 July 1989.*

GREECE

Ηλεκτροκίνητα Λεωφορεία Περιοχής Αθηνών-Πειραιώς (Ilektrokinita Leoforeia Periochis Athinon-Peiraios, Electric buses of the Athens - Piraeus area) operating pursuant to *decree 768/1970 and law 588/1977*.

Ηλεκτρικοί Σιδηρόδρομοι Αθηνών-Πειραιώς (Ilektrikoi Sidorodromoi Athinon-Peiraios, Athen-Piraeus electric railways) operating pursuant to *laws 352/1976 and 588/1977*.

Επιχείρηση Αστικών Συγκοινωνιών (Epicheirisi Ostikon Sygkoinion, (Enterprise of urban transport) operating pursuant to *law 588/1977*.

Κοινό Ταμείο Εισπράξεως Λεωφορείων Κοινο (Tameio Eisprazeos Leoforeion, Joint receipts fund of buses) operating pursuant to *decree 102/1973*.

ΡΟΔΑ (Δημοτική Επιχείρηση Λεωφορείων Ρόδου) (Diomtiki Epicheirisi Leoforeion) Roda: Municipal bus enterprise in Rhodes.

Οργανισμός Αστικών Συγκοινωνιών Θεσσαλονίκης Organismos Astikon Sygkoinion Thessalonikis. (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 no 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 Éiréann (Irish Rail).

Bus Éireann (Irish Bus).

Bus Átha Cliath (Dublin Bus).

Entities providing transport services to the public pursuant to the amended Road Transport Act 1932.

ITALY

Entities providing transport services of a concession pursuant to *Legge 28 settembre 1939, n. 1822 - Disciplina degli autoservizi di linea (autolinee per viaggiatori, bagagli e pacchi agricoli in regime di concessione all'industria privata) - Article 1 as modified by Article 45 of Decreto del Presidente della Repubblica 28 giugno 1955, n. 771*.

Entities providing transport services to the public pursuant to *Article 1 (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 reglement 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.

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 arrCetBe 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, as last amended by the Verordnung vom 21 Juli 1986.*

GREECE

Airports operating pursuant to law 517/1931 setting up the civil aviation service Υπηρεσία Πολιτικής Αεροπορίας(ΥΠΙΑ)(Ypiresia Politikis Aeroporias (YPA)).

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 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 no 246/79*.

Aeroporto do Funchal and Aeroporto de Porto Santo, regionalized pursuant to the *Decreto-Lei no 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

- Οργανισμός Λιμένος Πειραιώς Piraeus port (Organismos Limenos Peiraios) set up pursuant to *Emergency Law 1559/1950 and Law 1630/1951.*
- Οργανισμός Λιμένος Θεσσαλονίκης Thessaloniki port (Organismos Limenos Thessalonikis) set up pursuant to *decree N.A. 2251/1953.*

- Other ports governed by presidential *decree 649/1977 (NA. 649/1977) Εποπτεία, οργάνωση λειτουργίας, διοικητικός έλεγχος λιμένων (Eropteia, organosi leitoyrgias dioktitikos elenchos limeron, 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.*
- 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 Valençia 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'BEtat 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 to *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'Etat.*

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.*

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 no 36976 de 20 de Julho de 1948.*

Porto do Douro e Leixões set up pursuant to *Decreto-Lei n o 36977 de 20 de Julho de 1948.*

Porto de Sines set up pursuant to *Decreto-Lei no 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 no 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 waterway.*

3. 393 L 0038: Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ No L 199, 9.8.1993, p. 84).

(a) The following is added to Annex I 'PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER':

AUSTRIA

Entities of local authorities (Gemeinden) and associations of local authorities (Gemeindeverbände) producing, transporting or distributing drinking water pursuant to *the Wasserversorgungsgesetze of the nine Länder.*

FINLAND

Entities producing, transporting or distributing drinking water pursuant to *Article 1 of Laki yleisistä vesi- ja viemärlaitoksista (982/77) of 23 December 1977.*

SWEDEN

Local authorities and municipal companies which produce, transport or distribute drinking water pursuant to *lagen (1970:244) om allmänna vatten- och avloppsanläggningar.*

- (b) the following is added to Annex II 'PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY':

AUSTRIA

Entities producing, transporting or distributing electricity pursuant to *the second Verstaatlichungsgesetz (BGBl. Nr. 81/1947), and the Elektrizitätswirtschaftsgesetz (BGBl. Nr. 260/1975), including the Elektrizitätswirtschaftsgesetze of the nine Länder.*

FINLAND

Entities producing, transporting or distributing electricity on the basis of a concession pursuant to *Article 27 of Sähkölaki (319/79) of 16 March 1979.*

SWEDEN

Entities which transport or distribute electricity on the basis of a concession pursuant to *lagen (1902:71 s. 1) innefattande vissa bestämmelser om elektriska anläggningar.*

- (g) the following is added to Annex VII 'CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEY BUS OR BUS SERVICES':

AUSTRIA

Entities providing transport services pursuant to *the Eisenbahngesetz 1957 (BGBl. Nr. 60/1957) and the Kraftfahrliniengesetz 1952 (BGBl. Nr. 84/1952).*

FINLAND

Public or private entities operating bus services according to *"Laki (343/91) luvanvaraisesta henkilöliikenteestä tiellä" and Helsingin kaupungin liikennelaitos/Helsingfors stads trafikverk (Helsinki Transport Board), which provides metro and tramway services to the public.*

SWEDEN

Entities operating urban railway or tramway services according to *lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik and lagen (1990:1157) om jaernvägssäkerhet. Public or private entities operating a trolley bus or bus service in accordance with the lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik and lagen (1983:293) om yrkestrafik.*

- (h) the following is added to Annex VIII 'CONTRACTING ENTITIES IN THE FIELD OF AIRPORT FACILITIES':

AUSTRIA

Austro Control GmbH

Entities as defined in *Articles 60 to 80 of the Luftfahrtgesetz 1957 (BGBl. Nr. 253/1957).*

FINLAND

Airports managed by "Ilmailulaitos/Luftfartsverket" pursuant to *Ilmailulaki (595/64)*.

SWEDEN

Publicly owned and operated airports in accordance with *lagen (1957:297) om luftfart*.

Privately owned and operated airports with an exploitation permit under the act, where this permit corresponds to the criteria of Article 2 (3) of the Directive.;

- (i) the following is added to Annex IX 'CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER TERMINAL FACILITIES':

'AUSTRIA

Inland ports owned totally or partially by Länder and/or Gemeinden.

FINLAND

Ports operating pursuant to *Laki kunnallisista satamajärjestyksistä ja liikennemaksuista (955/76)*.

Saimaa Canal (Saimaan kanavan hoitokunta).

SWEDEN

Ports and terminal facilities according to *lagen (1983:293) om inrättande, utvidgning och avlysning av allmän farled och allmän hamn, the förordningen (1983:744) om trafiken paa Göta kanal*.

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III OF
APPENDIX I OF THE ECGeneral 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;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (a) (water) to the suppliers and service providers of Canada and the USA,
 - (b) (electricity) to the suppliers and service providers of Canada, and Japan,
 - (c) (airports) to the suppliers and service providers of Canada, Korea and the USA,
 - (d) (ports) to the suppliers and service providers of Canada,
 - (e) (urban transport) to the suppliers and service providers of Canada, Japan, Korea and the USA; to the suppliers and service providers of Israel, as regards bus services,until such time as the EC has accepted that the Parties concerned give comparable and effective access for EC undertakings to the relevant markets;
 - to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.
2. The provisions of Article XX shall not apply to suppliers and service providers of:
 - Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2 paragraph 2, until such time as the EC accepts that they have completed coverage of sub-central entities;
 - Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium sized enterprises under the relevant provisions of EC law, until such time as the EC accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;

- Israel, Japan and Korea in contesting that award of contracts by EC entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the EC has accepted that the Parties concerned provide access for EC suppliers and service providers to their own markets, the EC will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery, general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations), office machines, visible record equipment and ADP equipment);
- Canada, as regards procurement of FSG 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;
- Korea and Israel as regards procurement by entities listed in Annex 3 paragraph (b), as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos. 8501, 8536 and 902830;
- the USA, as regards procurement by entities listed in Annex 3 paragraph (d), as regards procurement of dredging services and procurement related to shipbuilding;
- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

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

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;
- an international agreement relating to the stationing of troops;
- the particular procedure of an international organization.

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

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

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

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

- for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-member country;
 - for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
8. This Agreement shall not be applicable to contracts:
- for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;
 - for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
9. This Agreement shall not be applicable to the award of service contracts by Spanish entities listed in Annex 3 before 1 January 1997 or to the award of contracts by Greek or Portuguese entities listed in Annex 3 before 1 January 1998.
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.
11. This Agreement shall not apply to contracts awarded to an entity in Finland which itself is a contracting authority within the meaning of the Public Procurement Act: "Laki julkisista hankinnoista" (1505/92), or in Sweden within the meaning of the "Lag om offentlig upphandling" (1992:1528), on the basis of an exclusive right which it enjoys pursuant to a law, regulation or administrative provision or to contracts of employment in Finland and Sweden.
12. When a specific procurement may impair important national policy objectives, the Finnish or Swedish Governments 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 Cabinet level. Finland also reserves its position with regard to the application of this Agreement to the Åland Islands (Ahvenanmaa).

NOTES GENERALES ET DEROGATIONS AUX DISPOSITIONS DE L'ARTICLE III DE
L'APPENDICE I DE LA CENotes générales et dérogations aux dispositions de l'article III

1. La CE n'étendra pas le bénéfice des dispositions de cet accord:

- en ce qui concerne les marchés passés par les entités mentionnées à l'Annexe 2 aux fournisseurs et aux prestataires de services du Canada;
- en ce qui concerne les marchés passés, à l'exception des fournitures, énumérés à l'annexe 2 aux fournisseurs et aux prestataires de services des États-Unis;
- en ce qui concerne les marchés passés par les entités énumérées à l'annexe 3 paragraphes
 - (a) (eau), aux fournisseurs et aux prestataires de services du Canada et des États-Unis,
 - (b) (électricité), aux fournisseurs et aux prestataires de services du Canada, et du Japon,
 - (c) (aéroports), aux fournisseurs et aux prestataires de services du Canada, de la Corée et des États-Unis,
 - (d) (ports), aux fournisseurs et aux prestataires de services du Canada,
 - (e) (transport urbain), aux fournisseurs et aux prestataires de services du Canada, du Japon, de la Corée et des États-Unis d'Amérique; aux producteurs et fournisseurs de service d'Israël, pour ce qui est des services de transport de voyageurs par autobus,

tant qu'elle n'aura pas constaté que les Parties concernées assurent aux entreprises de la CE un accès comparable et effectif aux marchés considérés;

- aux prestataires 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 et aux prestataires de services des pays suivants:

- Israël, Japon, Corée et Suisse en ce qui concerne les recours intentés contre l'adjudication de marchés par les entités mentionnées à l'annexe 2 paragraphe 2, tant que la CE n'a pas constaté que ces pays ont complété la liste des entités sous-centrales;

- Japon, Corée et États-Unis en ce qui concerne les recours intentés contre l'adjudication de marchés à un fournisseur ou à un prestataire de services d'autres parties, lorsque ledit fournisseur est une entreprise petite ou moyenne au sens du droit communautaire, tant que la CE 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 de la CE de marchés dont la valeur est inférieure au seuil appliqué à la même catégorie de marchés par lesdites Parties.

3. Tant que la CE n'aura pas constaté que les Parties concernées assurent l'accès de leurs marchés aux fournisseurs et aux prestataires de services de la CE, elle n'étendra pas le bénéfice des dispositions du présent accord aux fournisseurs et aux prestataires de services des pays suivants:

- Canada, en ce qui 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 FSG 58 (matériel de communications, matériel de détection des radiations et d'émission de rayonnement cohérent) et États-Unis 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 paragraphe (b), pour les produits relevant des n° 8504, 8535, 8537 et 8544 du SH (transformateurs électriques, prises de courant, interrupteurs et câbles isolés); et Israël en ce qui concerne les produits relevant des n° 8501, 8536 et 902830 du SH;
- États-Unis, en ce qui concerne les marchés passés par les entités énumérées à l'annexe 3 paragraphe (d), en ce qui concerne l'acquisition des services de dragage et l'acquisition relative à la construction navale;
- Canada et États-Unis 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;
- d'un accord international conclu en relation avec le stationnement des troupes;
- de la procédure spécifique d'une organisation internationale.

5. Le présent accord n'est pas applicable aux marchés des produits agricoles passés en application des programmes de soutien à l'agriculture ou de programmes d'aide alimentaire.

6. Les marchés passés par les entités mentionnées aux annexes 1 et 2 dans les secteurs de l'eau potable, de l'énergie, du transport ou des télécommunications, ne sont pas inclus.

7. Le présent accord n'est pas applicable aux marchés passés par les entités mentionnées à l'annexe 3:

- pour l'acquisition d'eau et la fourniture d'énergie ou de combustibles destinés à la production d'énergie;
- à des fins autres que la poursuite de leurs activités selon la description donnée dans cette annexe ou pour la poursuite de ces activités dans un pays tiers;
- 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.

8. Le présent accord n'est pas applicable aux marchés passés:

- pour l'acquisition ou la location de terrains, de bâtiments existants, ou d'autres biens immeubles ou qui concernent des droits sur ces biens;
- pour l'acquisition, le développement, la production ou la coproduction du matériel destiné à la radiodiffusion et la télédiffusion et des contrats de temps d'émission.

9. Le présent accord n'est pas applicable à la passation des marchés de service par les entités espagnoles énumérées à l'annexe 3 avant le 1er janvier 1997 ou à la passation des marchés par les entités grecques ou portugaises énumérées à l'annexe 3 avant le 1er janvier 1998.

10. La prestation des services, y compris les services de construction, dans le contexte des procédures de passation de marchés en vertu cet accord est soumise aux conditions et aux qualifications pour l'accès au marché et le traitement national exigées par l'Autriche conformément à ses engagements sous l'AGCS.

11. Cet accord n'est pas applicable aux marchés attribués à une entité en Finlande qui est elle-même un pouvoir adjudicateur au sens de la loi sur les marchés publics: "Laki julkisista hankinnoista" (1505/92), ou en Suède au sens de la "Lag om offentlig upphandling" (1992:1528), sur la base d'un droit exclusif dont elle bénéficie en vertu des dispositions législatives, réglementaires ou administratives ou en vertu des contrats de travail en Finlande ou Suède.

12. Lorsqu'une acquisition spécifique peut altérer des objectifs politiques nationaux importants, les gouvernements finlandais et suédois pourront considérer nécessaire de s'écarter du principe de traitement national de l'Accord dans des cas particuliers. Une telle décision sera prise au niveau du Cabinet. La Finlande réserve également sa position en ce qui concerne l'application de cet accord aux îles Åland (Ahvenanmaa).

NOTAS Y DEROGACIONES GENERALES DE LO PREVISTO EN EL ARTÍCULO III DEL
APÉNDICE I DE LA CENotas y derogaciones generales de lo previsto en el artículo III

1. La CE no concederá los beneficios de este Acuerdo:

- por lo que se refiere a la adjudicación de los contratos por las entidades enumeradas en el anexo 2 a los proveedores y a los prestadores de servicios de Canadá;
- por lo que se refiere a la adjudicación de los contratos, con excepción de contratos de suministros, enumerados en el anexo 2 a los proveedores y a los prestadores de servicios de los EE.UU.;
- por lo que se refiere a la adjudicación de los contratos por entidades enumeradas en el anexo 3 párrafos
 - (a) (agua), a los proveedores y a los prestadores de servicios de Canadá y de los EE.UU.,
 - (b) (electricidad), a los proveedores y a los prestadores de servicios de Canadá y Japón,
 - (c) (aeropuertos), a los proveedores y a los prestadores de servicios de Canadá, Corea y los EE.UU.,
 - (d) (puertos), a los proveedores y a los prestadores de servicios de Canadá,
 - (e) (transporte urbano), a los proveedores y a los prestadores de servicios de Canadá, Japón, Corea y los EE.UU.; a los proveedores en general y a los proveedores de servicios de Israel, respecto de los servicios de autobús,hasta que la CE haya aceptado que las partes afectadas garantizan un acceso comparable y efectivo de empresas de la Comunidad a los mercados pertinentes;
- a los prestadores de servicios de las Partes que no incluyen los contratos de servicio adjudicados por las entidades enumeradas en anexos 1 a 3 y la categoría pertinente de servicio conforme a los anexos 4 y 5 en su propia cobertura.

2. Lo previsto en el artículo XX no se aplicará a los proveedores y a los prestadores de servicios de los siguiente países:

- Israel, Japón, Corea y Suiza por lo que se refiere a la impugnación de la adjudicación de contratos por las entidades enumeradas en el anexo 2 párrafo 2º, hasta que la CE acepte que estos países han completado su cobertura de entidades subcentrales;
- Japón, Corea y los EE.UU. por lo que se refiere a la impugnación de la adjudicación de los contratos a un proveedor o a un prestador de servicios de las otras Partes, que sean empresas pequeñas o medianas conforme a las disposiciones pertinentes del

derecho comunitario, hasta que la CE acepte que ya no aplican medidas discriminatorias a favor de ciertas pequeñas empresas y ciertas empresas de minoría;

- Israel, Japón y Corea por lo que se refiere a la impugnación de la adjudicación de los contratos por las entidades de la CE cuyo valor es inferior al umbral aplicable en la misma categoría de contratos por estas partes.

3. Hasta que la CE haya aceptado que las partes afectadas proporcionan el acceso de los proveedores y los prestadores de servicios de la CE a sus propios mercados, la CE no concederá los beneficios de este Acuerdo a los proveedores y a los prestadores de servicios de los países siguientes:

- Canadá, por lo que se refiere a la adquisición de FSC 36, 70 y 74 (maquinaria industrial especial, material general de proceso de datos automáticos, soporte lógico, suministros y material auxiliar (excepto 7010 configuraciones ADPE), máquinas de oficina, material de ofimática y de informática de oficina);
- Canadá, por lo que se refiere a la adquisición de FSG 58 (material de comunicaciones, material de detección de radiaciones y de emisión de radiación coherente) y los EE.UU. por lo que se refiere al material de control de tráfico aéreo;
- Corea e Israel por lo que se refiere a la adquisición por entidades enumeradas en el anexo 3 párrafo (b), por lo que se refiere a la adquisición de nos. 8504, 8535, 8537 y 8544 HS (transformadores eléctricos, enchufes, interruptores y cables aislantes); y para Israel, nos. 8501, 8536 y 902830 HS;
- los EE.UU., por lo que se refiere a la adquisición por entidades enumeradas en el anexo 3 párrafo (d), por lo que se refiere a la adquisición de servicios de dragado y a la adquisición relacionada con la construcción naval;
- Canadá y los EE.UU. por lo que se refiere a los contratos de bienes o de servicios componentes de contratos que, aunque sean concedidos por una entidad cubierta por este Acuerdo, no están ellos mismos sujetos a este Acuerdo.

4. El presente Acuerdo no se aplicará a los contratos adjudicados en virtud de:

- un acuerdo internacional destinado a la ejecución o explotación conjunta de un proyecto por los Estados signatarios;
- un acuerdo internacional relativo al estacionamiento de tropas;
- un procedimiento específico de una organización internacional.

5. El presente Acuerdo no se aplicará a la adquisición de productos agrícolas hecha en aplicación de programas de ayuda a la agricultura y de programas de ayuda alimentaria.

6. Los contratos adjudicados por las entidades en los anexos 1 y 2 con respecto a actividades en los sectores del agua potable, la energía, el transporte o las telecomunicaciones, no están incluidos.

7. El presente Acuerdo no se aplicará a los contratos que las entidades enumeradas en el anexo 3 adjudiquen:

- para la compra de agua y para el suministro de energía o de combustibles destinados a la producción de energía;
- para fines distintos de la prosecución de sus actividades según lo descrito en este anexo o para la prosecución de tales actividades en un país tercero;
- a efectos de reventa o arrendamiento a terceros siempre y cuando la entidad contratante no goce de derechos especiales o exclusivos de venta o arrendamiento del objeto de dichos contratos, y existan otras entidades que puedan venderlos o arrendarlos libremente en las mismas condiciones que la entidad contratante.

8. El presente Acuerdo no será aplicable a contratos:

- para la adquisición o el arrendamiento de terrenos, edificios ya existentes, u otros bienes inmuebles o relativos a derechos sobre estos bienes;
- para la adquisición, el desarrollo, la producción o coproducción de material de programa por emisores de ondas y contratos de tiempo de emisión.

9. El presente Acuerdo no será aplicable a la adjudicación de contratos de servicio por entidades españolas enumeradas en el anexo 3 antes del 1 de enero de 1997 o a la adjudicación de los contratos por entidades griegas o portuguesas enumeradas en el anexo 3 antes del 1 de enero de 1998.

10. La prestación de servicios, incluidos los servicios de construcción, en el contexto de los procedimientos de contratación en virtud este Acuerdo está sujeta a las condiciones y calificaciones para el acceso al mercado y el trato nacional requeridas por Austria de conformidad con sus compromisos bajo el ACCS.

11. Este Acuerdo no se aplicará a los contratos adjudicados a una entidad en Finlandia que sea a su vez una entidad adjudicadora en el sentido de la Ley de Contratación Pública: "Hankinnoista de julkisista Laki" (1505/92), o en Suecia en el sentido del "Lag om offentlig upphandling" (1992:1528), basándose en un derecho exclusivo del que goce en virtud de disposiciones legales, reglamentarias o administrativas, o en virtud de un contrato laboral en Finlandia y Suecia.

12. Cuando una adquisición específica puede alterar objetivos importantes de política nacional, los gobiernos finés o sueco podrán considerar necesario desviarse en casos concretos del principio del trato nacional del Acuerdo. Decisiones de este tipo se tomarán a nivel de gabinete. Finlandia también se reserva su posición por lo que se refiere a la aplicación de este Acuerdo a las islas Aland (Ahvenanmaa).

HONG KONG, CHINA

ANNEX 1

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

Threshold: 130,000 SDR for goods and services other than construction services
5,000,000 SDR for construction services

List of Entities:

1. Agriculture, Fisheries and Conservation Department
2. Architectural Services Department
3. Audit Commission
4. Auxiliary Medical Services
5. Buildings Department
6. Census and Statistics Department
7. Civil Aid Services
8. Civil Aviation Department
9. Civil Engineering Department
10. Civil Service Training and Development Institute
11. Companies Registry
12. Correctional Services Department
13. Customs and Excise Department
14. Department of Health
15. Drainage Services Department
16. Education Department
17. Electrical and Mechanical Services Department
18. Environmental Protection Department
19. Fire Services Department
20. Government Flying Service
21. Government Laboratory
22. Government Land Transport Agency
23. Government Property Agency
24. Government Secretariat
25. Government Supplies Department
26. Highways Department
27. Home Affairs Department
28. Hong Kong Monetary Authority
29. Hospital Services Department
30. Immigration Department
31. Independent Commission Against Corruption
32. Industry Department

1 March 2000 (WT/Let/330)

33. Information Services Department
34. Information Technology Services Department
35. Inland Revenue Department
36. Intellectual Property Department
37. Judiciary
38. Labour Department
39. Lands Department
40. Land Registry
41. Department of Justice
42. Legal Aid Department
43. Marine Department
44. Office of the Ombudsman
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. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
54. Hong Kong Observatory
55. Social Welfare Department
56. Secretariat, Independent Police Complaints Council
57. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
58. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
59. Student Financial Assistance Agency
60. Technical Education and Industrial Training Department
61. Television and Entertainment Licensing Authority
62. Territory Development Department
63. Trade Department
64. Transport Department
65. Treasury
66. Secretariat, University Grants Committee
67. Water Supplies Department
68. Management Services Agency
69. Official Languages Agency
70. Registration and Electoral Office
71. Food and Environmental Hygiene Department
72. Leisure and Cultural Services Department

ANNEX 2

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

Non-applicable for Hong Kong, China (Hong Kong, China does not have any Sub-central entities).

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. Airport Authority
4. Mass Transit Railway Corporation
5. Kowloon-Canton Railway Corporation

ANNEX 4

Services

The following services, classified according to the United Nations Central Product Classification (CPC) Code on Goods and Services, will be covered:

CPC1. *Computer and Related Services*

- | | |
|--|---------|
| - Data base and processing services | 843+844 |
| - Maintenance and repair service of office machinery and equipment including computers | 845 |
| - Other Computer Services | 849 |

2. *Rental/Leasing Services Without Operators*

- | | |
|---|-------------------|
| - Relating to ships | 83103 |
| - Relating to aircraft | 83104 |
| - Relating to other transport equipment | 83101+83102+83105 |
| - Relating to other machinery and equipment | 83106+83109 |

3. *Other Business Services*

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+8861-8866
---	---------------

Market Research & Public Opinion Polling Services	864
---	-----

Security Services	87304
-------------------	-------

Building-Cleaning Services	874
----------------------------	-----

Advertising Services	871
----------------------	-----

4. *Courier Services*5. *Telecommunications Services*

(Provisions of certain types of service may require licensing under the Telecommunication Ordinance)

Value-added telecommunications services	7523, 843
---	-----------

Basic telecommunications services	7521, 7529
-----------------------------------	------------

Telecommunications-related services	754
-------------------------------------	-----

6. *Environmental Services*

- Sewage services 9401
- Refuse disposal services 9402

7. *Financial Services*

ex 81

- All Insurance and Insurance-Related Services (exceptions are set out in paragraph 5 of General Conditions)
- Banking and other financial services

8. *Transport Services*

- 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 of the CPC

Threshold: 5,000,000 SDR

GENERAL CONDITIONS APPLICABLE TO ENTITIES AND SERVICES
SPECIFIED IN ANNEXES 1 TO 5

1. Notwithstanding anything in the Annexes 1-5, 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
 - Purchase of office or residential accommodation by the Government Property Agency.
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 radio communications 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. Hong Kong Government shall not be obliged 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 the Financial Services under Annex 4
 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 on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the Annex on Financial Services in the General Agreement on Trade in Services, 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	<i>Threshold:</i>	130,000 SDR
Services (specified in Annex 4)	<i>Threshold:</i>	130,000 SDR
Construction (specified in Annex 5)	<i>Threshold:</i>	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
- Medical dressings (bandages, adhesive tapes excluding gauze bandages and gauze pads)
- Intravenous solution
- Administration sets for transfusions
- Scalp vein sets
- Hemi-dialysis and blood lines
- Blood packs
- Syringe needles

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*

Supplies	<i>Threshold:</i>	355,000 SDR
Services (specified in Annex 4)	<i>Threshold:</i>	355,000 SDR
Construction (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 (2a)
 Mekoroth Water Resources Ltd.
 Sports' Gambling Arrangement Board
 Israel Standards Institute
 National Insurance Institute
 All entities operating in the field of urban transport, except those operating in the field of bus services (2b)

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.

- (2a) 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).
- (2b) With regard to procurement by entities operating in the field of urban transport, except those operating in the field of bus services, this Agreement shall apply only to goods and services, including construction services, of the European Community.

Israel is willing to negotiate the opening of procurement by entities operating in the field of urban transport, except those operating in the field of bus services, to other Parties to the Agreement under the condition of reciprocity.

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>
6112, 6122, 633, 886	Maintenance and repair services
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
874, 82201-82206	Building-cleaning services and property management services
88442	Publishing and printing services on a fee or contract basis
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 tender notices and specify them clearly in the contract documents.
 - (b) Suppliers will not be required to purchase goods that are not offered on competitive terms, including price and quality, or to take any action which is not justified from a commercial standpoint.
 - (c) Offsets in any form may be required up to 35 per cent of the contract going down to 30 per cent after five years and 20 per cent after nine years, beginning from the date Israel implements the Agreement.
2.
 - (a) At the end of each period of five and four years Israel will submit a report concerning the implementation of this Note.
 - (b) When the level of the offset has reached 20 per cent, Israel will consult with the Parties to this Agreement on the level of the use of offset by Israel. The review shall take into consideration *inter alia* general and economic developments in Israel, its trade balance, the actual performance within the framework of this Agreement and the views of the other Parties.

JAPAN

(Authentic in the English language only)

ANNEX 1

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Prime Minister's Office
- Fair Trade Commission
- National Public Safety Commission (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
- Financial Supervisory Agency
- 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)

1 March 2000 (WT/Let/330)

Services (cont'd)

- 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
- Financial Supervisory Agency
- 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

FSC Description (cont'd)

- 6660 Meteorological Instruments and Apparatus
- 6670 Scales and Balances
- 6675 Drafting, Surveying, and Mapping Instruments
- 6680 Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
- 6685 Pressure, Temperature, and Humidity Measuring and Controlling Instruments
- 6695 Combination and Miscellaneous Instruments
- 67 Photographic Equipment
- 68 Chemicals and Chemical Products
- 71 Furniture
- 72 Household and Commercial Furnishings and Appliances
- 73 Food Preparation and Serving Equipment
- 74 Office Machines and Visible Record Equipment
- 75 Office Supplies and Devices
- 76 Books, Maps, and Other Publications
- 77 Musical Instruments, Phonographs, and Home-type Radios
- 79 Cleaning Equipment and Supplies
- 80 Brushes, Paints, Sealers, and Adhesives
- 8110 Drums and Cans
- 8115 Boxes, Cartons, and Crates
- 8125 Bottles and Jars
- 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 subdivisions, 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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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. East (f)
- Nippon Telegraph and Telephone Co. West (f)
- Northern Territories Issue Association
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (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

Supplies (cont'd)

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- 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
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

*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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Nippon Telegraph and Telephone East Co. (f)(g)
- Nippon Telegraph and Telephone West Co. (f)(g)

Services (cont'd)

- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (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
- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- 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
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology (e)
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

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.

Notes to Annex 3 (cont'd)

4. Notes to specific entities:
- (a) Procurement related to operational safety of transportation is not included.
 - (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

1 March 2000 (WT/Let/330)

Notes to Annex 4

1. Maintenance and repair services are not included with respect to those motor vehicles, motorcycles and snowmobiles which are specifically modified and inspected to meet regulations of the entities.
2. Courier services are not included with respect to letters.
3. Architectural, engineering and other technical services related to construction services, with the exception of the following services when procured independently, are included:
 - Final design services of CPC 86712 Architectural design services;
 - CPC 86713 Contract administration services;
 - Design services consisting of one or a combination of final plans, specifications and cost estimates of either CPC 86722 Engineering design services for the construction of foundations and building structures, or CPC 86723 Engineering design services for mechanical and electrical installations for buildings, or CPC 86724 Engineering design services for the construction of civil engineering works; and
 - CPC 86727 Other engineering services during the construction and installation phase.
4. Publishing and printing services are not included with respect to materials containing confidential information.

ANNEX 5

*Construction Services**Definition:*

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

List of Division 51, CPC:

All services listed in Division 51.

Threshold: 4,500 thousand SDR for entities set out in ANNEX 1;
15,000 thousand SDR for those in ANNEX 2; and
15,000 thousand SDR for those in ANNEX 3.

GENERAL NOTES

1. 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.
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
- Ministry of Finance and Economy
- National Unification Board
- Ministry of Government Administration
- Ministry of Science and Technology
- Ministry of Information
- Government Legislation Agency
- Patriots and Veterans Affairs Agency
- Ministry of Foreign Affairs
- Ministry of Home Affairs
- Ministry of Justice
- Ministry of National Defense
- Ministry of Education
- Ministry of Culture and Sports
- Ministry of Agriculture and Forestry
- Ministry of Trade, Industry and Energy
- Ministry of Health and Welfare
- Ministry of Labor
- Ministry of Construction and Transportation
- Ministry of Maritime Affairs and Fisheries
- Ministry of Information and Communications
- Ministry of Environment
- 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 Tax Administration
- Customs Administration
- National Statistical Office

1 March 2000 (WT/Let/330)

- Korea Meteorological Administration
- National Police Administration (except purchases for the purpose of maintaining public order, as provided in Article XXIII of the Code)
- Supreme Public Prosecutors' Office
- Military Manpower Administration
- Rural Development Administration
- Forestry Administration
- Korea Industrial Property Office
- Small and Medium Business 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.)
- National Maritime Police Agency (except purchases for the purpose of maintaining public order, as provided in Article XXIII of the Agreement)

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 Act Relating to Contracts to which the State is a Party 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.

1 March 2000 (WT/Let/330)

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

ANNEX 4

Services

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

<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 87107	Rental/leasing services without operators relating to other machinery and equipment 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
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)

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
	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	Maintenance and repair of equipment
	8862, 8863	
	8864, 8865	
	8866	
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.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
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

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
		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.c	748*	Freight transport agency services <ul style="list-style-type: none"> - 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.

LIECHTENSTEIN

(Authentic in the English language only)

ANNEX 1

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

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

List of Entities:

Government of the Principality of Liechtenstein

Note to Annex 1

The Agreement shall not apply to contracts awarded by contracting authorities in the field of drinking water, energy, transport or telecommunications.

ANNEX 2

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

<i>Supplies</i>	<i>Threshold:</i>	SDR 200,000
<i>Services</i> (specified in Annex 4)	<i>Threshold:</i>	SDR 200,000
<i>Construction services</i> (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

1. Public Authorities at local level
2. Bodies governed by public law and not having an industrial or commercial character at the local level.

Note to Annex 2

The Agreement shall not apply to contracts awarded by contracting authorities in connection with activities in the field of drinking water, energy, transport or telecommunications.

ANNEX 3

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

Supplies	Threshold:	SDR 400,000
Services	Threshold:	SDR 400,000
Works (specified in Annex 5)	Threshold:	SDR 5,000,000

List of Entities:

The contracting entities which are public authorities¹ or public undertakings² and which have as at least one of their activities any of those referred to below:

1. 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 (as specified under title I);
2. 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 (as specified under title II);
3. the operation of fixed networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);

¹ Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

- is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- 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.

² Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- hold the majority of the undertaking's subscribed capital; or
- control the majority of the votes attaching to shares issued by the undertaking; or
- can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

4. the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);
5. the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title V).

I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

- Gruppenwasserversorgung Liechtensteiner Oberland
- Gruppenwasserversorgung Liechtensteiner Unterland

II. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to the "Gesetz vom 16. Juni 1947 betreffend die "Liechtensteinischen Kraftwerke" (LKWG)".

- Liechtensteinische Kraftwerke

III. Contracting entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

Liechtensteinische Post-, Telefon- und Telegrafbetriebe (PTT)

according to "Vertrag vom 9. Januar 1978 zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über die Besorgung der Post- und Fernmeldedienste im Fürstentum Liechtenstein durch die Schweizerischen Post-, Telefon- und Telegrafbetriebe (PTT).

IV. Contracting entities in the field of airport facilities

None

Notes to Annex 3

This Agreement shall not apply:

1. to contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in this Annex.
2. 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.
3. to contracts for the purchase of water.
4. to contracts of contracting entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Annex under I and II and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years.
5. to contracts for the supply of energy or of fuels for the production of energy.
6. to contracts awarded by contracting entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.

ANNEX 4

Services

The following services from the services sectoral classification list contained in document MTN.GNS/W/120 are included:

Subject

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 ¹
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services ²	
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 ³
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

¹ Except voice telephony, telex, radiotelephony, paging and satellite services

² Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services

³ Except arbitration and conciliation services

Building-cleaning services and property management services	874, 82201-82206
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

Notes to Annex 4

The Agreement shall not apply to:

1. service contracts awarded to an entity which is itself a procuring entity listed in Annex 1 or 2 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.
2. service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Annex 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive 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, the total turnover deriving from the provision of services by those undertakings shall be taken into account.
3. contracts for the acquisition or rental, by whatever means, of land, existing buildings, or other immovable property or concerning rights thereon.
4. to contracts of employment.
5. for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

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:

General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514 + 516
Building completion and finishing work	517
Other	511 + 515 + 518

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. The Principality of Liechtenstein 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 United States of America,
- as regards the award of contracts by entities listed in Annex 3 in the following sectors:
 - water: to the suppliers and service providers of Canada and the United States of America;
 - electricity: to the suppliers and service providers of Canada, Japan and the United States of America;
 - urban transport: to the suppliers and service providers of Canada, Israel, Japan, Korea and the United States of America

until such time as the Principality of Liechtenstein has accepted that the Parties concerned give comparable and effective access for undertakings of the Principality of Liechtenstein 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 bodies governed by public law and not having an industrial or commercial character listed in Annex 2, paragraph 2, until such time as the Principality of Liechtenstein accepts that they have completed coverage of sub-central entities;
- Canada, Japan, Korea and the United States of America 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 the law of Liechtenstein until such time as the Principality of Liechtenstein 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 entities of the Principality of Liechtenstein, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide access for suppliers and service providers to their own markets, the Principality of Liechtenstein 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 United States of America 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 United States of America 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 signatory States;
 - 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. 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 the Principality of Liechtenstein in conformity with its commitments under the GATS.

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

(Authentic in the English language only)

ANNEX 1

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

<i>Supplies</i>	<i>Threshold:</i>	SDR 130,000
<i>Services</i>	<i>Threshold:</i>	SDR 130,000
<i>Works</i>	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Ministry of General Affairs;
Ministry of Public Works and Health;
Ministry of Transport and Communication;
Ministry of Welfare;
Ministry of Justice and Sport;
Ministry of Finance;
Ministry of Economic Affairs.

ANNEX 2

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

Non-applicable for Aruba (Aruba does not have any Sub-central Governments).

ANNEX 3

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

<i>Supplies</i>	<i>Threshold:</i>	SDR 400,000
<i>Services</i>	<i>Threshold:</i>	SDR 400,000
<i>Works</i>	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Water en Energiebedrijf N.V. (Water and Energy Company);
Aruba Ports Authority N.V.;
Arubus N.V. (Public Transport Company);
Setar (Telecommunications Company);
Airport Authority N.V.;
Fundacion Caspa Comunidad Arubano (Public Housing).

ANNEX 4

Services

<i>List of Services</i>	<i>CPC</i>
Legal services	861
Accountancy	862
Taxation services	863
Engineering services	8672
Computer services	841
Management consulting services	865
Franchising	8929
Insurance	812, 814
Banking and securities trade	811, 813
Hotel lodging services	6411
Entertainment services	9619
Recreation park and beach services	96491
Sporting services	9641
Shipping (freight and passenger transport)	72
Maritime auxiliary services: cargo handling	74
Freight transport: agency services/freight forwarding	74
Maritime auxiliary services: storage/warehousing	74
Road transport	71231, 71234, 71239

ANNEX 5

*Construction Services**List of Construction Services*

CPC

Construction work for buildings

512

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 central government entities including:

Statsministerens kontor**Barne - og familiedepartementet**

Barneombudet
Forbrukerombudet
Forbrukerrådet
Likestillingsombudet
Likestillingsrådet
Statens Adopsjonskontor
Statens Institutt for Forbruksforskning

Finans- og tolldepartementet

Kredittilsynet
Skattedirektoratet
Oljeskattekontoret
Toll- og avgiftsdirektoratet

Fiskeridepartementet

Fiskeridirektoratet

Office of the Prime Minister**Ministry of Children and Family Affairs**

Commissioner for Children
Consumer Ombudsman
Consumer Council
Equal Status Ombud
Equal Status Council
Government Adoption Office
National Institute for Consumer Research

Ministry of Finance

The Banking, Insurance and Securities
Commission of Norway
Directorate of Taxes
Petroleum Tax Office
Directorate of Customs and Excise

Ministry of Fisheries

Directorate of Fisheries

1 March 2000 (WT/Let/330)

Havforskningsinstituttet
Kystdirektoratet

Institute of Marine Research
Coast Directorate

Forsvarsdepartementet*

Ministry of Defence*

Forsvarets bygningstjeneste
Forsvarets Forskningsinstitutt*

Norwegian Defence Construction Service
Norwegian Defence Research
Establishment*

Forsvarets Overkommando*
Forsvarets tele- og datatjeneste

Headquarters Defence Command Norway*
Norwegian Defence Communications and
Data Services Administration

Haerens Forsyningskommando*
Luftforsvarets Forsyningskommando*
Sjøforsvarets Forsyningskommando*
Forsvarets Sanitet*

Army Material Command*
Airforce Material Command*
Navy Material Command*
Norwegian Defence Medical Service*

Justis- og politidepartementet

Ministry of Justice (and the Police)

Brønnøysundregisterene
Datatilsynet
Direktoratet for sivilt beredskap

The Brønnøysund Register Centre
The Data Inspectorate
The Directorate for Civil Defence and
Emergency Planning

Riksadvokaten
Statsadvokatembetene
Politiet

Director General of Public Prosecutions
Offices of the District Public Prosecutor
Police Services

**Kirke,- utdannings- og
forskningsdepartementet**

**Ministry of Education, Research
and Church Affairs**

Bispedømmerådet
Det norske meteorologiske institutt
Kirkerådet
Lærerutdanningsrådet
Nidarosdomens restaureringsarbeider

Diocesan Council
Norwegian Meteorological Institute
National Council of the Church of Norway
Teacher Training Council
The Restoration Workshop of Nidaros
Cathedral

Norsk Utenrikspolitisk Institutt
Norsk Voksenpedagogisk
Forskningsinstitutt
Riksbibliotek tjenesten

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 Ministry of Local Government and Labour

Arbeidsdirektoratet
Arbeidsforskningsinstituttet
Direktoratet for arbeidstilsynet

Directorate of Labour
Work Research Institute
Norwegian Directorate of Labour Inspection

Direktoratet for Brann og Eksplosjonsvern

Directorate for Fire and Explosion
Prevention

Produkt- og elektrisitetstilsynet
Electrical Safety
Produktregisteret
Statens Bygningstekniske Etat

The Norwegian Directorate for Product and

The Product Register
National Office of Building Technology
and Administration
Directorate of Immigration

Utlendingsdirektoratet

Kulturdepartementet

Ministry of Cultural Affairs

Norsk Filminstitutt
Norsk Kulturråd
Norsk Språkråd
Riksarkivet
Statsarkivene
Rikskonsertene

National Film Board
Norwegian Cultural Council
Norwegian Language Council
National Archives of Norway
National Archives
Norwegian State Foundation for National
Promotion of Music

Statens Bibliotektilsyn

Norwegian Directorate of Public and
School Libraries

Statens Filmkontroll
Statens Filmsentral

National Board of Film Censors
National Film Board

Landbruksdepartementet

Ministry of Agriculture

Reindriftsadministrasjonen
Statens dyrehelsetilsyn
Statens forskningsstasjoner i Landbruk

Directorate for Reindeer Husbandry
Norwegian Animal Health Authority
Norwegian State Agricultural Research
Stations

Statens landbrukstilsyn
Statens Næringsmiddeltilsyn
Veterinærinstituttet

Norwegian Agricultural Inspection Service
The Norwegian Food Control Authority
National Veterinary Institute

Miljøverndepartementet

Ministry of the Environment

Direktoratet for Naturforvaltning
Norsk Polarinstitutt
Riksantikvaren
Statens Forurensingstilsyn
Statens Kartverk

Directorate of Nature Management
Norwegian Polar Research Institute
Directorate for Cultural Heritage
State Pollution Control Authority
Norwegian Mapping Authority

Nærings-og handelsdepartementet

Ministry of Trade and Industry

Bergvesenet
Justervesenet
Service
Norges Geologiske Undersøkelse
Statens Veiledningskontor for oppfinnere

Directorate of Mining
Norwegian Metrology and Accreditation

Geological Survey of Norway
Norwegian Government Consultative
Office for Inventors

Sjøfartsdirektoratet
 Skipsregistrene
 Styret for det industrielle rettsvern

Norwegian Maritime Directorate
 Norwegian International Ship Register
 Norwegian Patent Office

Olje- og energidepartementet Ministry of Oil and Energy

Norges vassdrags- og energiverk
 Administration
 Oljedirektoratet

Norwegian Water Resources and Energy
 Norwegian Petroleum Directorate

Planleggings- og samordningsdepartementet

Ministry of National Planning and Coordination

Fylkesmannsembetene
 Konkurransetilsynet
 Prisdirektoratet
 Statens Forvaltningstjeneste
 Statens Informasjonstjeneste
 Statsbygg
 Property
 Statskonsult

The County Governors
 Norwegian Competition Authority
 The Price Directorate
 Government Administration Services
 Norwegian Central Information Service
 The Directorate of Public Construction and
 Directorate of Public Management

Samferdselsdepartementet

Ministry of Transport and Communication

Postdirektoratet
 Statens teleforvaltning
 Statens vegvesen

Norway Post
 Norwegian Telecommunications Authority
 Public Roads Administration

Sosialdepartementet

Ministry of Health and Social Affairs

Statens helsetilsyn
 Statens Institutt for Folkehelse
 Radiumhospitalet
 Rikshospitalet
 Rikstrygdeverket
 Rusmiddeldirektoratet

Norwegian Board of Health
 National Institute of Public Health
 Norwegian Radium Hospital
 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

Statens Helseundersøkelser
 Statens Institutt for alkohol- og
 narkotikaforskning
 Statens Legemiddelkontroll
 Statens Strålevern
 Statens Tobakkskaderåd

Utenriksdepartementet

Direktoratet for utviklingshjelp

StortingetStortingets ombudsmann for
forvaltningen - Sivilombudsmannen

Riksrevisjonen

Domstolene**Ministry of Foreign Affairs**

Directorate for Development Cooperation

The StortingStortingets Ombudsman for Public
Administration

Office of the Auditor General

Courts of Law***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 law¹, including:

Norsk Rikskringkastning
Norges Bank
Statistisk Sentralbyrå
Norges Forskningsråd
Statens Pensjonskasse

The Norwegian Broadcasting Corporation
Norges Bank
Statistics Norway
Research Council of Norway
Norwegian Public Service Pension Fund

¹ A body is considered to be governed by public law when it:

- is established for the specific purpose of meeting needs in the general interest, not being of a commercial or industrial nature, and
- has legal personality, and
- is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

Garanti-instituttet for Eksportkreditt

Norwegian Guarantee Institute for
Export Credit

Categories:

- *Statsbanker (State Banks)*
- *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 Sectors:*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 løipestrenger (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

* 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

1 March 2000 (WT/Let/330)

<i>Subject</i>	<i>CPC Reference N</i>
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 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;
- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
- as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (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;
 - (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
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

SINGAPORE

ANNEX 1

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

Goods	<i>Threshold:</i>	SDR 130,000
Services (specified in Annex 4)	<i>Threshold:</i>	SDR 130,000
Construction (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Auditor-General's Office
Attorney-General's Office
Cabinet Office
Istana
Judicature
Ministry of Communications
Ministry of Community Development
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Health
Ministry of Home Affairs
Ministry of Information and the Arts
Ministry of Manpower
Ministry of Law
Ministry of National Development
Ministry of Trade and Industry
Parliament
Presidential Councils
Prime Minister's Office
Public Service Commission
Ministry of Defence

This Agreement will generally apply to purchases by the Singapore Ministry of Defence of the following FSC categories (others being excluded) subject to the Government of Singapore's determinations under the provision of Article XXIII, paragraph 1.

1 March 2000 (WT/Let/330)

<i>FSC</i>	<i>Description</i>
22	Railway Equipment
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
24	Tractors
25	Vehicular Equipment Components
26	Tires and Tubes
29	Engine Accessories
30	Mechanical Power Transmission Equipment
31	Bearings
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
42	Fire Fighting, Rescue and Safety Equipment
43	Pumps and Compressors
44	Furnace, Steam Plant and Drying Equipment
45	Plumbing, Heating and Sanitation Equipment
46	Water Purification and Sewage Treatment Equipment
47	Pipe, Tubing, Hose and Fittings
48	Valves
51	Handtools
52	Measuring Tools
53	Hardware and Abrasives
54	Prefabricated Structures and Scaffolding
55	Lumber, Millwork, Plywood and Veneer
56	Construction and Building Materials
61	Electric Wire, and Power and Distribution Equipment
62	Lighting, Fixtures and Lamps
63	Alarm, Signal and Security Detection Systems
65	Medical, Dental and Veterinary Equipment and Supplies
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
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines, Text Processing Systems and Visible Record 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
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
84	Clothing, Individual Equipment, and Insignia
85	Toiletries
87	Agricultural Supplies
88	Live Animals
89	Subsistence
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
95	Metal Bars, Sheets and Shapes
96	Ores, Minerals, and their Primary Products
99	Miscellaneous

Notes to Annex 1:

1. The Agreement shall not apply to any procurement in respect of:
 - (a) construction contracts for chanceries abroad and headquarters buildings made by the Ministry of Foreign Affairs; and
 - (b) contracts made by the Internal Security Department, Criminal Investigation Department, Security Branch and Central Narcotics Bureau of the Ministry of Home Affairs as well as procurement that have security considerations made by the Ministry.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 2

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

Non-applicable for Singapore (Singapore does not have any Sub-central Governments).

ANNEX 3

*All other Entities which Procure in Accordance
with the Provisions of this Agreement*

Goods	<i>Threshold:</i>	SDR 400,000
Services (specified in Annex 4)	<i>Threshold:</i>	SDR 400,000
Construction (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Board of Architects
Civil Aviation Authority of Singapore
Building and Construction Authority
Economic Development Board
Housing and Development Board
Inland Revenue Authority of Singapore
Land Transport Authority of Singapore
Jurong Town Corporation
Maritime and Port Authority of Singapore
Monetary Authority of Singapore
National Computer Board
National Science & Technology Board
Nanyang Technological University
National Parks Board
National University of Singapore
Preservation of Monuments Board
Professional Engineers Board
Public Transport Council
Sentosa Development Corporation
Singapore Broadcasting Authority
Singapore Productivity and Standards Board
Singapore Tourism Board
Telecommunication Authority of Singapore
Trade Development Board
Urban Redevelopment Authority

Note to Annex 3:

1. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

1 March 2000 (WT/Let/330)

ANNEX 4

Services

The following services as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 130,000 for entities as set out in Annex 1
SDR 400,000 for entities as set out in Annex 3

<i>CPC</i>	<i>Description</i>
862	Accounting, Auditing and Book-keeping Services
8671	Architectural Services
865	Management Consulting Services
874	Building-Cleaning Services
641-643	Hotels and Restaurants (incl. catering)
74710	Travel Agencies and Tour Operators
7472	Tourist Guide Services
843	Data Processing Services
844	Database Services
932	Veterinary Services
84100	Consultancy Services Related to the Installation of Computer Hardware
84210	Systems and Software Consulting Services
87905	Translation and Interpretation Services
7523	Electronic Mail
7523	Voice Mail
7523	On-Line Information and Database Retrieval
7523	Electronic Data Interchange
96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services
96121	Motion Picture Projection Services
96122	Video Tape Projection Services
96311	Library Services
8672	Engineering Services
7512	Courier Services
-	Biotechnology Services
-	Exhibition Services
-	Commercial Market Research
-	Interior Design Services, Excluding Architecture
-	Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services

Notes to Annex 4:

1. The offer regarding services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 5

Construction Services

The following construction services in the sense of Division 51 of the Central Product Classification as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 5,000,000 for entities as set out in Annex 1
 SDR 5,000,000 for entities as set out in Annex 3

List of construction services offered:

<i>CPC</i>	<i>Description</i>
512	General construction work for buildings
513	General construction work for civil engineering
514, 516	Installation and assembly work
517	Building completion and finishing work
511, 515, 518	Others

Notes to Annex 5:

1. The offer regarding construction services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

GENERAL NOTE:

1. Taking into account the concerns expressed by GPA Members, Singapore will review its current compulsory registration system with the view to removing any unintended effects of discrimination and of limited tendering in its open tender system that the existing registration system may have on GPA Members within a period of three years after its accession.

SUISSE

(La version française fait foi)

ANNEXE 1

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

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

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

Administration centrale du Groupement de l'armement¹

Administration fédérale des contributions

Administration fédérale des douanes¹

Administration fédérale des finances

Archives fédérales

Bibliothèque centrale du Parlement et de l'administration fédérale

Caisse fédérale d'assurance

Commandement du Corps des gardes fortification¹

Commandement des écoles d'état-major et de commandants¹

Commission de la concurrence

Commission fédérale des banques

Contrôle de l'armement et la sauvegarde de la paix¹

Contrôle fédéral des finances

¹ Pour 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 frontière et des douaniers.)

Direction de la coopération au développement, de l'aide humanitaire et de la coopération technique avec l'Europe centrale et orientale

Direction du droit international public

Direction politique

Ecole fédérale de sport de Macolin

Ecoles polytechniques fédérales et établissements annexes

Entreprises des postes

Etat-major de l'instruction²

Groupe des affaires sanitaires¹

Groupe de l'aide au commandement¹

Groupe de la direction de l'instruction¹

Groupe logistique¹

Groupe des opérations¹

Groupe des opérations des Forces aériennes¹

Groupe du personnel de l'armée¹

Groupe du personnel enseignant¹

Groupe planification¹

Groupe renseignements¹

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

Institut fédéral de recherches sur la forêt, la neige et le paysage

Institut Paul Scherrer

Institut suisse de météorologie

Laboratoire fédéral d'essai des matériaux et de recherches

Ministère public de la Confédération

² Pour autant que l'entité ne soit pas en concurrence avec des entreprises auxquelles le présent accord n'est pas applicable.

Monnaie

Office de l'auditeur en chef¹

Office fédéral des affaires économiques extérieures

Office fédéral de l'agriculture

Office fédéral de l'aménagement du territoire

Office fédéral pour l'approvisionnement économique du pays

Office fédéral des armes de combat

Office fédéral des armes et des services d'appui¹

Office fédéral des armes et des services de la logistique¹

Office fédéral de l'assurance militaire¹

Office fédéral des assurances privées

Office fédéral des assurances sociales

Office fédéral de l'aviation civile

Office fédéral de la communication

Office des constructions fédérales

Office fédéral de la culture

Office fédéral de l'économie des eaux

Office fédéral de l'éducation et de la science

Office fédéral de l'énergie

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

Office fédéral des étrangers

Office fédéral des exploitations des Forces aériennes¹

Office des exploitations des Forces terrestres¹

Office central fédéral des imprimés et du matériel

Office fédéral de l'industrie, des arts et métiers et du travail

Office fédéral de l'informatique

Office fédéral de l'instruction des Forces aériennes¹

Office fédéral de la justice

Office fédéral du logement

Office fédéral du matériel d'armée et des constructions¹

Office fédéral de métrologie

Office fédéral du personnel

Office fédéral de la police

Office fédéral de la protection civile¹

Office fédéral des questions conjoncturelles

Office fédéral des réfugiés

Office fédéral des routes

Office fédéral de la santé publique

Office fédéral de la statistique

Office fédéral des systèmes d'armes des Forces aériennes et des systèmes de commandement¹

Office fédéral des systèmes d'armes et des munitions¹

Office fédéral de la topographie

Office fédéral des transports

Office vétérinaire fédéral

Office central de la défense¹

Régie fédérale des alcools

Services centraux de l'état-major général¹

Services centraux des Forces aériennes¹

Services centraux des Forces terrestres¹

Services du Parlement

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.

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

<i>Chapitre 30:</i>	Produits pharmaceutiques
<i>Chapitre 31:</i>	Engrais
<i>Chapitre 32:</i>	Extraits tannants ou tinctoriaux; tanins et leurs dérivés; matières colorantes, couleurs, peintures, vernis et teintures, mastics, encres
<i>Chapitre 33:</i>	Huiles essentielles et résinoïdes; produits de parfumerie ou de toilette et cosmétiques
<i>Chapitre 34:</i>	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"
<i>Chapitre 35:</i>	Matières albuminoïdes; colles, enzymes
<i>Chapitre 36:</i>	Poudres et explosifs; articles de pyrotechnie; allumettes; alliages pyrophoriques; matières inflammables <i>à l'exception de:</i> ex 36.01 : poudres ex 36.02 : explosifs préparés ex 36.04 : détonateurs ex 36.08 : explosifs
<i>Chapitre 37:</i>	Produits photographiques et cinématographiques
<i>Chapitre 38:</i>	Produits divers des industries chimiques <i>à l'exception de:</i> ex 38.19 : produits toxicologiques
<i>Chapitre 39:</i>	Matières plastiques artificielles, éthers et esters de la cellulose, résines artificielles et ouvrages en ces matières <i>à l'exception de:</i> ex 39.03 : explosifs
<i>Chapitre 40:</i>	Caoutchouc naturel ou synthétique, factice pour caoutchouc et ouvrages en caoutchouc <i>à l'exception de:</i> ex 40.11 : pneus
<i>Chapitre 43:</i>	Pelleteries et fourrures, pelleteries factices

<i>Chapitre 44:</i>	Bois, charbon de bois et ouvrages en bois
<i>Chapitre 45:</i>	Liège et ouvrages en liège
<i>Chapitre 46:</i>	Ouvrages de sparterie et de vannerie
<i>Chapitre 47:</i>	Matières servant à la fabrication du papier
<i>Chapitre 48:</i>	Papiers et cartons; ouvrages en pâte de cellulose, en papier et en carton
<i>Chapitre 49:</i>	Articles de librairie et produits des arts graphiques
<i>Chapitre 65:</i>	Coiffures et parties de coiffures
<i>Chapitre 66:</i>	Parapluies, parasols, cannes, fouets, cravaches et leurs parties
<i>Chapitre 67:</i>	Plumes et duvet apprêtés et articles en plumes ou en duvet; fleurs artificielles; ouvrages en cheveux
<i>Chapitre 68:</i>	Ouvrages en pierres, plâtre, ciment, amiante, mica et matières analogues
<i>Chapitre 69:</i>	Produits céramiques
<i>Chapitre 70:</i>	Verre et ouvrages en verre
<i>Chapitre 71:</i>	Perles fines, pierres gemmes et similaires, métaux précieux, plaqués ou doublés de métaux précieux et ouvrages en ces matières; bijouterie de fantaisie
<i>Chapitre 73:</i>	Fonte, fer et acier
<i>Chapitre 74:</i>	Cuivre
<i>Chapitre 75:</i>	Nickel
<i>Chapitre 76:</i>	Aluminium
<i>Chapitre 77:</i>	Magnésium, beryllium (glucinium)
<i>Chapitre 78:</i>	Plomb
<i>Chapitre 79:</i>	Zinc
<i>Chapitre 80:</i>	Etain
<i>Chapitre 81:</i>	Autres métaux communs
<i>Chapitre 82:</i>	Outillage; articles de coutellerie et couverts de table, en métaux communs
<i>Chapitre 83:</i>	Ouvrages divers en métaux communs

- Chapitre 84:* Chaudières, machines, appareils et engins mécaniques
- 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

- 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

ANNEXE 2

Entités des gouvernements sous-centraux¹ qui passent des marchés conformément aux dispositions du présent accord

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

Liste des entités²

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

¹ C'est-à-dire les gouvernements cantonaux selon la terminologie suisse

² Pour 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

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	<i>Valeur de seuil:</i> 400 000 DTS
Services (spécifiés à l'Annexe 4)	<i>Valeur de seuil:</i> 400 000 DTS
Services de construction (spécifiés à l'Annexe 5)	<i>Valeur de seuil:</i> 5 000 000 DTS

Liste des entités:

Les entités adjudicatrices qui sont des pouvoirs publics¹ ou des entreprises publiques² et qui 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);

¹ Pouvoir 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.

² Entreprise 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.

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 d'eau 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".

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.
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 ¹ (sauf 7524, 7525, 7526)
Services financiers:	ex 81
a) services d'assurances	812, 814
b) services bancaires et d'investissement ²	
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 ³

¹ A l'exclusion des services de téléphonie vocale, de télex, de radiotéléphonie, de radiomessagerie et de télécommunication par satellite

² A 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

³ A l'exclusion des services d'arbitrage et de conciliation

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

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;
 - 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, des Etats-Unis d'Amérique et du Singapour;
 - électricité: aux fournisseurs de produits et de services du Canada, du Japon et du Singapour;
 - 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;
 - 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.
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

1 March 2000 (WT/Let/330)

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
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
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
	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 1

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:

Arizona

Executive branch agencies

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and construction services

California

Executive branch agencies

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware*

Administrative Services (Central Procurement Agency)
State Universities
State Colleges

Florida*

Executive branch agencies

Hawaii

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Illinois*

Department of Central Management Services

Iowa*

Department of General Services
Department of Transportation
Board of Regents' Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding construction projects

Louisiana

Executive branch agencies

Maine*

Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies
and school construction)
Maine Department of Transportation

Maryland*

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation

Massachusetts

Executive Office for Administration and Finance
Executive Office of Communities and Development
Executive Office of Consumer Affairs
Executive Office of Economic Affairs
Executive Office of Education
Executive Office of Elder Affairs
Executive Office of Environmental Affairs
Executive Office of Health and Human Service
Executive Office of Labor
Executive Office of Public Safety
Executive Office of Transportation and Construction

Michigan*

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York*

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Nebraska

Central Procurement Agency

New Hampshire*

Central Procurement Agency

Oklahoma*

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act, excluding construction services.

Oregon

Department of Administrative Services

Pennsylvania*

Executive branch agencies, including:

Governor's Office
Department of the Auditor General
Treasury Department
Department of Agriculture
Department of Banking
Pennsylvania Securities Commission
Department of Health
Department of Transportation
Insurance Department
Department of Aging
Department of Correction
Department of Labor and Industry
Department of Military Affairs
Office of Attorney General
Department of General Services
Department of Education
Public Utility Commission
Department of Revenue
Department of State
Pennsylvania State Police
Department of Public Welfare
Fish Commission
Game Commission
Department of Commerce
Board of Probation and Parole
Liquor Control Board
Milk Marketing Board
Lieutenant Governor's Office
Department of Community Affairs
Pennsylvania Historical and Museum Commission
Pennsylvania Emergency Management Agency
State Civil Service Commission

Pennsylvania Public Television Network
Department of Environmental Resources
State Tax Equalization Board
Department of Public Welfare
State Employees' Retirement System
Pennsylvania Municipal Retirement Board
Public School Employees' Retirement System
Pennsylvania Crime Commission
Executive Offices

Rhode Island

Executive branch agencies, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

General Services Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration
Department of Transportation
State Universities

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

Wisconsin

Executive branch agencies, including

Department of Administration
State Correctional Institutions
Department of Development
Educational Communications Board
Department of Employment Relations
State Historical Society
Department of Health and Social Services
Insurance Commissioner
Department of Justice
Lottery Board
Department of Natural Resources
Administration for Public Instruction
Racing Board
Department of Revenue
State Fair Park Board
Department of Transportation
State University System

Wyoming*

Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

Notes to Annex 2

In addition to the conditions specified in the General Notes, the following conditions apply:

1. For those states marked by an asterisk with pre-existing restrictions, the Agreement does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. The Agreement shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women.
3. Nothing in this annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.
4. The Agreement shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.

ANNEX 3

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

Threshold: 400,000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

List of Entities:

The following entities at the SDR equivalent of \$250,000 for supplies and services:

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- Alaska Power Administration
- St. Lawrence Seaway Development Corporation

The following entities are 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing);
- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors;
- Procurements pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of New York in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Electrification Administration Financing:

- (1) waiver of Buy American restriction on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
- (2) application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.

1 March 2000 (WT/Let/330)

Notes to Annex 3

1. With respect to these entities, the Agreement shall not apply to restrictions attached to Federal funds for airport projects.
2. The conditions specified in the General Notes apply to this Annex.

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. Except as specified otherwise in this Appendix, procurement in terms of U.S. coverage does not include non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under U.S. annexes to this agreement.
3. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.
4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.
5. For goods and services (including construction) of the following countries and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3 or the waiver described in Annex 3:

Canada

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.
9. The United States will not extend the benefits of this Agreement to Japan as regards the award of contracts by entities listed in Annex 3 that are responsible for the generation or distribution of electricity.

APPENDIX II

APPENDIX II

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION
OF NOTICES OF INTENDED PROCUREMENTS - PARAGRAPH 1
OF ARTICLE IX, AND OF POST-AWARD NOTICES -
PARAGRAPH 1 OF ARTICLE XVIII

APPENDICE II

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
DES AVIS DE MARCHES ENVISAGES - PARAGRAPHE 1 DE L'ARTICLE IX,
ET DES AVIS POSTERIEURS A L'ADJUDICATION DES
MARCHES - PARAGRAPHE 1 DE L'ARTICLE XVIII

APÉNDICE II

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LOS
ANUNCIOS DE LOS CONTRATOS PREVISTOS - PÁRRAFO 1 DEL
ARTÍCULO IX - Y LOS ANUNCIOS DE LAS ADJUDICACIONES -
PÁRRAFO 1 DEL ARTÍCULO XVIII.

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****CANADA**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

Austria	-	Official Journal of the European Communities
	-	Amtsblatt zur Wiener Zeitung
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	-	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
Finland	-	Official Journal of the European Communities
	-	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)
Sweden	-	Official Journal of the European Communities
United Kingdom	-	Official Journal of the European Communities

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	Any of the following:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
Mass Transit Railway Corporation	-	Daily Press
Airport Authority	-	Daily Press

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

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

LIECHTENSTEIN

Daily Press: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

The Aruba Gazette "Landscourant" as well as in local newspapers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

For entities listed in Annex 2 and relevant subcentral entities listed in Annex 3, publications utilized by state governments, such as the New York Contract Reporter

APPENDICE II**PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
DES AVIS DE MARCHES ENVISAGES - PARAGRAPHE 1 DE L'ARTICLE IX,
ET DES AVIS POSTERIEURS A L'ADJUDICATION DES
MARCHES - PARAGRAPHE 1 DE L'ARTICLE XVIII****CANADA**

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Autriche	-	Journal officiel des Communautés européennes
	-	Amtsblatt zur Wiener Zeitung
Belgique	-	Journal officiel des Communautés européennes
	-	Le Bulletin des Adjudications
	-	Autres publications de la presse spécialisée
Danemark	-	Journal officiel des Communautés européennes
Allemagne	-	Journal officiel des Communautés européennes
Espagne	-	Journal officiel des Communautés européennes
France	-	Journal officiel des Communautés européennes
	-	Bulletin officiel des annonces des marchés publics
Grèce	-	Journal officiel des Communautés européennes
	-	Publication dans la presse quotidienne, financière, régionale et spécialisée
Irlande	-	Journal officiel des Communautés européennes
	-	Presse quotidienne: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italie	-	Journal officiel des Communautés européennes
Luxembourg	-	Journal officiel des Communautés européennes
	-	Presse quotidienne
Pays-Bas	-	Journal officiel des Communautés européennes
Portugal	-	Journal officiel des Communautés européennes
Finlande	-	Journal officiel des Communautés européennes
	-	Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Marchés publics en Finlande et dans l'EEE, Supplément au Journal officiel de la Finlande)
Suède	-	Journal officiel des Communautés européennes
Royaume-Uni	-	Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 2

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Home Page on the Internet (http://www.kcrc.com)
Société de transports en commun par chemin de fer	-	Presse quotidienne
Direction de l'aéroport	-	Presse quotidienne

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON*Annexe 1*

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)
The Seoul Shinmun

LIECHTENSTEIN

Presse quotidienne: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

"Landscourant", Journal officiel d'Aruba, ainsi que la presse locale

NORVEGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

The Commerce Business Daily

Pour les entités énumérées à l'Annexe 2 et les entités des gouvernements sous-centraux pertinentes énumérées à l'Annexe 3, publications utilisées par les gouvernements des Etats, comme le New York Contract Reporter

APÉNDICE II

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LOS ANUNCIOS DE LOS CONTRATOS PREVISTOS - PÁRRAFO 1 DEL ARTÍCULO IX - Y LOS ANUNCIOS DE LAS ADJUDICACIONES - PÁRRAFO 1 DEL ARTÍCULO XVIII.

CANADÁ

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Austria	-	Diario Oficial de las Comunidades Europeas
	-	Amtsblatt zur Wiener Zeitung
Bélgica	-	Diario Oficial de las Comunidades Europeas
	-	Le Bulletin des Adjudications
	-	Otras publicaciones de la prensa especializada
Dinamarca	-	Diario Oficial de las Comunidades Europeas
Alemania	-	Diario Oficial de las Comunidades Europeas
España	-	Diario Oficial de las Comunidades Europeas
Francia	-	Diario Oficial de las Comunidades Europeas
	-	Bulletin officiel des annonces des marchés publics
Grecia	-	Diario Oficial de las Comunidades Europeas
	-	Publicación en la prensa diaria, financiera, regional y especializada
Irlanda	-	Diario Oficial de las Comunidades Europeas
	-	Prensa diaria: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italia	-	Diario Oficial de las Comunidades Europeas
Luxemburgo	-	Diario Oficial de las Comunidades Europeas
	-	Prensa diaria
Países Bajos	-	Diario Oficial de las Comunidades Europeas
Portugal	-	Diario Oficial de las Comunidades Europeas
Finlandia	-	Diario Oficial de las Comunidades Europeas
	-	Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Contratación pública en Finlandia y el EEE, Suplemento de la Gaceta Oficial de Finlandia)
Suecia	-	Diario Oficial de las Comunidades Europeas
Reino Unido	-	Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 2

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Home Page on the Internet (http://www.kcrc.com)
Compañía de los Trenes Colectivos	-	Prensa diaria
Administración de Aeropuertos	-	Prensa diaria

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN*Anexo 1*

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)
The Seoul Shinmun

LIECHTENSTEIN

Prensa diaria: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

El Boletín de Aruba "Landscourant" y periódicos locales

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA*Anexo 1*

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily

Con respecto a las entidades indicadas en el Anexo 2 y a las entidades pertinentes a nivel subcentral enumeradas en el Anexo 3, las publicaciones utilizadas por los gobiernos de los Estados, tales como "New York Contract Reporter"

APPENDIX III

APPENDIX III

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION ANNUALLY OF
INFORMATION ON PERMANENT LISTS OF QUALIFIED SUPPLIERS IN THE CASE OF
SELECTIVE TENDERING PROCEDURES – PARAGRAPH 9 OF ARTICLE IX

APPENDICE III

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX

APÉNDICE III

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.

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

CANADA

Government Business Opportunities (GBO)
MERX, Cebra Inc.

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

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Any of the following: - The Government of the Hong Kong Special Administrative Region Gazette - Daily Press - Home Page on the Internet (http://www.kcrc.com)
Mass Transit Railway Corporation	-	Not applicable

1 March 2000 (WT/Let/330)

Airport Authority

- Daily Press
- Home Page on the Internet
(<http://www.hkairport.com>)

ISRAEL

The Jerusalem Post
International Herald Tribune Ha'aretz

JAPAN

Annex 1

Kanpō

Annex 2

Kenpō
Shihō
or their equivalents

Annex 3

Kanpō

REPUBLIC OF KOREA

Kwanbo (The Korean Government's Official Gazette)

LIECHTENSTEIN

Official Journal of the European Communities (after the entry into force of
the EEA Agreement for Liechtenstein)

(Currently no such lists exist)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Non-applicable for Aruba: Aruba does not operate permanent lists of suppliers and service providers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

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

APPENDICE III

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX

CANADA

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Les Etats membres ne tiennent pas normalement de listes permanentes de fournisseurs de produits et de services. Dans les rares cas où de telles listes existent, elles sont publiées au Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette

Annexe 2

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	The Government of the Hong Kong Special Administrative Region Gazette
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Home Page on the Internet (http://www.kcrc.com)
Société de transports en commun par chemin de fer	-	non applicable

1 March 2000 (WT/Let/330)

Direction de l'aéroport

- Presse quotidienne
- Home Page on the Internet
(<http://www.kcrc.com>)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

LIECHTENSTEIN

Journal officiel des Communautés européennes (à compter de l'entrée en vigueur
de l'Accord sur l'EEE pour le Liechtenstein)

(Il n'existe pas actuellement de listes de cette nature)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Sans objet pour Aruba, qui n'a pas de listes permanentes de fournisseurs de services

NORVEGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

The Commerce Business Daily

Au lieu de les faire paraître dans le Commerce Business Daily, les entités énumérées aux Annexes 2 et 3 de l'Appendice I peuvent communiquer directement ces renseignements aux fournisseurs intéressés, sur demande adressée aux services chargés des contacts désignés dans les avis utilisés pour les invitations à soumissionner

APÉNDICE III**MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.****CANADÁ**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Los Estados miembros normalmente no establecen listas permanentes de proveedores de bienes y servicios. En los pocos casos en que existe tal lista, se publicará en el Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette

Anexo 2

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	The Government of the Hong Kong Special Administrative Region Gazette
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Home Page on the Internet (http://www.kcrc.com)
Compañía de los Trenes Colectivos	-	no aplicable

1 March 2000 (WT/Let/330)

Administración de Aeropuertos - Prensa diaria
- Home Page on the Internet
(<http://www.kcrc.com>)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

LIECHTENSTEIN

Diario Oficial de las Comunidades Europeas (después de la entrada
en vigor del Acuerdo de la EEE para Liechtenstein)

(Actualmente no existe tal lista)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

No se aplica a Aruba: Aruba no mantiene listas permanentes de proveedores calificados

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA*Anexo 1*

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily

Las entidades incluidas en los Anexos 2 y 3 del Apéndice I, como alternativa a la publicación en el Commerce Business Daily, pueden facilitar esa información directamente a los proveedores interesados, quienes deberán dirigirse a los centros de información que se indican en los anuncios de invitaciones a participar

APPENDIX IV

APPENDIX IV

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS,
REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL
APPLICATION AND ANY PROCEDURE REGARDING GOVERNMENT PROCUREMENT
COVERED BY THIS AGREEMENT - PARAGRAPH 1 OF ARTICLE XIX

APPENDICE IV

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION,
DANS LES MOINDRES DELAIS, DES LOIS, REGLEMENTS, DECISIONS
JUDICIAIRES, DECISIONS ADMINISTRATIVES D'APPLICATION
GENERALE ET PROCEDURES, RELATIFS AUX MARCHES PUBLICS
VISES PAR LE PRESENT ACCORD - PARAGRAPHE 1
DE L'ARTICLE XIX

APÉNDICE IV

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LEYES,
REGLAMENTOS, DECISIONES JUDICIALES Y RESOLUCIONES
ADMINISTRATIVAS DE APLICACIÓN GENERAL, ASÍ COMO
DE LOS PROCEDIMIENTOS PARA LA ADJUDICACIÓN DE
LOS CONTRATOS PÚBLICOS COMPRENDIDOS EN
EL ÁMBITO DEL PRESENTE ACUERDO
- PÁRRAFO 1 DEL ARTÍCULO XIX.

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

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
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

- | | | |
|---------|---|---|
| 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 |
| Belgium | - | <i>Laws, royal regulations, ministerial regulations, ministerial
circulars</i> - le Moniteur Belge |
| Denmark | - | <i>Jurisprudence</i> - Pasicrisie |
| | - | <i>Laws and regulations</i> - Lovtidende |
| | - | <i>Judicial decisions</i> - Ugeskrift for Retsvaesen |
| | - | <i>Administrative rulings and procedures</i> - Ministerialtidende |
| | - | <i>Rulings by the Appeal Board for Public Procurement</i> – Konkurrence
raaded Dokumentation |

1 March 2000 (WT/Let/330)

Germany	-	<i>Legislation and regulations</i> - Bundesanzeiger
	-	<i>Herausgeber</i> : der Bundesminister der Justiz
		Verlag : Bundesanzeiger
		Bundesanzeiger
		Postfach 108006
		5000 Köln
	-	<i>Judicial Decisions</i> : Entscheidungssammlungen des:
		Bundesverfassungsgerichts; Bundesgerichtshofs;
		Bundesverwaltungsgerichts Bundesfinanzhofs sowie der
		Oberlandesgerichte
Spain	-	<i>Legislation</i> - Boletín Oficial del Estado
	-	<i>Judicial rulings</i> - no official publication
France	-	<i>Legislation</i> - Journal Officiel de la République française
	-	<i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Greece	-	Government Gazette of Greece - epishmh efhmerida eurwpaikwn
		koinothtw
Ireland	-	<i>Legislation and regulations</i> - Iris Oifigiuil (Official Gazette of the
		Irish Government)
Italy	-	<i>Legislation</i> - Gazzetta Ufficiale
	-	<i>Jurisprudence</i> - no official publication
Luxembourg	-	<i>Legislation</i> - Memorial
	-	<i>Jurisprudence</i> - Pasirisie
Netherlands	-	<i>Legislation</i> - Nederlandse Staatscourant and/or Staatsblad
	-	<i>Jurisprudence</i> - no official publication
Portugal	-	<i>Legislation</i> - Diário da República Portuguesa 1a Série A e 2a série
	-	<i>Judicial Publications</i> : Boletim do Ministério da Justiça
	-	Colectânea de Acordos do Supremo Tribunal Administrativo;
		Colectânea de Jurisprudencia Das Relações
Finland	-	Suomen Sääädöskokoelma - Finlands Författningssamling
		(The Collection of the Statutes of Finland)
Sweden	-	Svensk Författningssamling (Swedish Code of Statutes)
United Kingdom	-	<i>Legislation</i> - HM Stationery Office
	-	<i>Jurisprudence</i> - Law Reports
	-	"Public Bodies" - HM Stationery Office

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette

1 March 2000 (WT/Let/330)

Annex 3

Hospital Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
Mass Transit Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

ISRAEL

The Official Gazette

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)

1 March 2000 (WT/Let/330)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(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 local publications or directly from the listed entities.)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Aruban laws and legislations are published in the Aruban Gazette "Landscourant"

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

APPENDICE IV

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION,
DANS LES MOINDRES DELAIS, DES LOIS, REGLEMENTS, DECISIONS
JUDICIAIRES, DECISIONS ADMINISTRATIVES D'APPLICATION
GENERALE ET PROCEDURES, RELATIFS AUX MARCHES PUBLICS
VISES PAR LE PRESENT ACCORD - PARAGRAPHE 1
DE L'ARTICLE XIX

CANADA*Lois et règlements*

Lois du Canada
Gazette du Canada

Décisions judiciaires

Dominion Law Reports
Recueil des arrêts de la Cour suprême
Recueil des arrêts de la Cour fédérale
National Reporter

Décisions administratives et procédures

Marchés publics (GBO)
Gazette du Canada
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

- | | | |
|----------|---|---|
| Autriche | - | 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 |
| Belgique | - | <i>Lois, arrêtés royaux, arrêtés ministériels, circulaires ministérielles</i> –
Le Moniteur belge |
| | - | <i>Jurisprudence</i> - Pasicrisie |
| Danemark | - | <i>Lois et arrêtés</i> - Lovtidende |
| | - | <i>Décisions judiciaires</i> - Ugeskrift for Retsvaesen |

- | | |
|-------------|---|
| Allemagne | <ul style="list-style-type: none"> - <i>Décisions et procédures administratives</i> - Ministerialtidende - <i>Décisions de la Commission de recours en matière de marchés publics</i> - Konkurrenz raaded Dokumentation - <i>Législation et règlements</i> - Bundesanzeiger
<i>Editeur:</i> der Bundesminister der Justiz
Verlag : Bundesanzeiger
Bundesanzeiger
Postfach 108006
5000 Cologne - <i>Décisions judiciaires:</i> Entscheidungssammlungen des: Bundesverfassungsgerichts; Bundesgerichtshofs Bundesverwaltungsgerichts; Bundesfinanzhofs sowie der Oberlandesgerichte |
| Espagne | <ul style="list-style-type: none"> - <i>Législation</i> - Boletín Oficial des Estado - <i>Décisions judiciaires</i> - pas de publication officielle |
| France | <ul style="list-style-type: none"> - <i>Législation</i> - Journal officiel de la République française - <i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat - Revue des marchés publics |
| Grèce | <ul style="list-style-type: none"> - Journal officiel de la Grèce - epishmh efhmerida eurwpaikwn koinothwn |
| Irlande | <ul style="list-style-type: none"> - <i>Législation et règlements</i> - Iris Oifigiuil (Journal officiel du gouvernement irlandais) |
| Italie | <ul style="list-style-type: none"> - <i>Législation</i> - Gazzetta Ufficiale - <i>Jurisprudence</i> - pas de publication officielle |
| Luxembourg | <ul style="list-style-type: none"> - <i>Législation</i> - Memorial - <i>Jurisprudence</i> - Pasicrisie |
| Pays-Bas | <ul style="list-style-type: none"> - <i>Législation</i> - Nederlandse Staatscourant et/ou Staatsblad - <i>Jurisprudence</i> - pas de publication officielle |
| Portugal | <ul style="list-style-type: none"> - <i>Législation</i> - Diário da República Portuguesa 1a série A e 2a série - <i>Publications judiciaires:</i> Boletim do Ministério da Justiça; Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações |
| Finlande | <ul style="list-style-type: none"> - Suomen Säädoskokoelma - Finlands Författningssamling (Recueil des lois et règlements de la Finlande)) |
| Suède | <ul style="list-style-type: none"> - Svensk Författningssamling (Bulletin national des lois suédoises) |
| Royaume-Uni | <ul style="list-style-type: none"> - <i>Législation</i> - HM Stationery Office (Office des publications de Sa Majesté) - <i>Jurisprudence</i> - Law Reports - <i>Organismes publics ("Public bodies")</i> - HM Stationery Office (Office des publications de Sa Majesté) |

HONG KONG, CHINE

Annexe 1

The Government of the Hong Kong Special Administrative Region Gazette

1 March 2000 (WT/Let/330)

Annexe 2

The Government of the Hong Kong Special Administrative Region Gazette

Annexe 3

Direction des hôpitaux	-	The Government of the Hong Kong Special Administrative Region Gazette
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Société de transports en commun par chemin de fer	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Direction de l'aéroport	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer

ISRAEL

The Official Gazette

JAPON*Annexe 1*

Kanpō et/ou Hōreizensho

Annexe 2

Kenpō, Shihō ou leurs équivalents, ou Kanpō et/ou Hōreizensho

Annexe 3

Kanpō et/ou Hōreizensho

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

1 March 2000 (WT/Let/330)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles, soit dans les publications locales y relatives, soit directement auprès desdites entités)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Les lois et dispositions législatives sont publiées au Journal officiel d'Aruba, "Landscourant"

NORVEGE

Norsk Lovtidend (Bulletin des lois de la Norvège)

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudence des autorités administratives de la Confédération et de chaque canton (26)
Recueils des lois cantonales (26)

ETATS-UNIS

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités énumérées à l'Annexe 1 de l'Appendice I sont publiées dans les règlements relatifs aux achats fédéraux (Federal Acquisition Regulations (FAR)), qui figurent au Titre 48, Chapitre premier, du Code des règlements fédéraux (United States Code of Federal Regulations (CFR))

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles soit dans les publications y relatives des Etats et des collectivités locales soit directement auprès desdites entités

APÉNDICE IV

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LEYES,
 REGLAMENTOS, DECISIONES JUDICIALES Y RESOLUCIONES
 ADMINISTRATIVAS DE APLICACIÓN GENERAL, ASÍ COMO
 DE LOS PROCEDIMIENTOS PARA LA ADJUDICACIÓN DE
 LOS CONTRATOS PÚBLICOS COMPRENDIDOS EN
 EL ÁMBITO DEL PRESENTE ACUERDO
 - PÁRRAFO 1 DEL ARTÍCULO XIX.

CANADÁ*Leyes y reglamentos*

Statutes of Canada
 Canada Gazette

Decisiones judiciales

Dominion Law Reports
 Supreme Court Reports
 Federal Court Reports
 National Reporter

Resoluciones y procedimientos administrativos

Government Business Opportunities
 Canada Gazette
 MERX, Cebra Inc.

COMUNIDADES EUROPEAS

- | | | |
|-----------|---|---|
| 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 |
| Bélgica | - | <i>Leyes, disposiciones reales, disposiciones ministeriales, circulares
 administrativas</i> - le Moniteur Belge |
| Dinamarca | - | <i>Jurisprudencia</i> - Pasicrisie |
| | - | <i>Leyes y reglamentos</i> - Lovtidende |
| | - | <i>Decisiones judiciales</i> - Ugeskrift for Retsvaesen |
| | - | <i>Resoluciones y procedimientos administrativos</i> - Ministerialtidende |
| | - | <i>Decisiones de la Junta de Apelación de la Contratación Pública</i> – |

Alemania	-	Konkurrenz raaded Dokumentation <i>Leyes y reglamentos</i> - Bundesanzeiger <i>Herausgeber</i> : der Bundesminister der Justiz Verlag : Bundesanzeiger Bundesanzeiger Postfach 108006 5000 Köln
	-	<i>Decisiones Judiciales</i> : Entscheidungsammlungen des Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts; Bundesfinanzhofs sowie der Oberlandesgerichte
España	-	<i>Legislación</i> - Boletín Oficial del Estado
	-	<i>Decisiones judiciales</i> - no existe publicación oficial
Francia	-	<i>Legislación</i> - Journal Officiel de la République française
	-	<i>Jurisprudencia</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Grecia	-	Diario Oficial de Grecia - epishmh efhmerida eurwpaikwn koinothwn
Irlanda	-	<i>Leyes y reglamentos</i> - Iris Oifigiuil (Diario Oficial del Gobierno de Irlanda)
Italia	-	<i>Legislación</i> - Gazzetta Ufficiale
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Luxemburgo	-	<i>Legislación</i> - Memorial
	-	<i>Jurisprudencia</i> - Pasicrisie
Países Bajos	-	<i>Legislación</i> - Nederlandse Staatscourant y/o Staatsblad
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Portugal	-	<i>Legislación</i> - Diário da República Portuguesa, 1a serie A y 2a serie
	-	<i>Publicaciones Judiciales</i> : Boletim do Ministério da Justiça; Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações
Finlandia	-	Suomen Säädoskokoelma - Finlands Författningssamling (Colección de leyes de Finlandia)
Suecia	-	Svensk Författningssamling (Colección Legislativa de Suecia)
Reino Unido	-	<i>Legislación</i> - HM Stationery Office
	-	<i>Jurisprudencia</i> - Law Reports
	-	"Organismos Públicos" - HM Stationery Office

HONG KONG, CHINA

Anexo 1

The Government of the Hong Kong Special Administrative Region Gazette

Anexo 2

The Government of the Hong Kong Special Administrative Region Gazette

1 March 2000 (WT/Let/330)

Anexo 3

Administración Hospitalaria	-	The Government of the Hong Kong Special Administrative Region Gazette
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	se suministra a los proveedores potenciales con las invitaciones a participar
Compañía de los Trenes Colectivos	-	se suministra a los proveedores potenciales con las invitaciones a participar
Administración de Aeropuertos	-	se suministra a los proveedores potenciales con las invitaciones a participar

ISRAEL

The Official Gazette

JAPÓN*Anexo 1*

Kanpō y/o Hōreizensho

Anexo 2

Kenpō, Shihō o sus equivalentes, o Kanpō y/o Hōreizensho

Anexo 3

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Se pueden obtener las leyes, decisiones judiciales, resoluciones administrativas y procedimientos para la adjudicación de los contratos públicos de las entidades enumeradas en los anexos 2 y 3 del apéndice I, mediante la consulta de las publicaciones locales pertinentes o solicitando directamente la información a las entidades incluidas en esos anexos.)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

La legislación de Aruba se publica en el Boletín de Aruba "Landscourant"

NORUEGA

Norsk Lovtidend (Gaceta Oficial de Noruega)

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudencia de las autoridades administrativas de la Confederación y de cada cantón (26)
Colecciones legislativas cantonales (26)

ESTADOS UNIDOS

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en el Anexo 1 del Apéndice I se publican en el Federal Acquisition Regulations (FAR), como parte del Code of Federal Regulations (CFR) de los Estados Unidos, título 48, capítulo 1

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en los Anexos 2 y 3 del Apéndice I se pueden obtener o bien consultando las publicaciones estatales y locales pertinentes o bien solicitando la información directamente a las entidades incluidas en dichos Anexos



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

29 February 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning **Hong Kong, China** which are attached hereto, have been notified to the Committee on Government Procurement on 18 January 2000 in document GPA/W/105, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 17 February 2000.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Mike Moore
Director-General

00-0821

WT/Let/332

MODIFICATIONS TO APPENDIX I

Hong Kong, China

Annex 1

Delete "Agriculture and Fisheries Department"

Add "Agriculture, Fisheries and Conservation Department"



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

11 February 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning **Hong Kong, China** which are attached hereto, have been notified to the Committee on Government Procurement on 5 January 2000 in document GPA/W/102, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 4 February 2000.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Mike Moore
Director-General

00-0618

WT/Let/328

MODIFICATIONS TO APPENDIX I

Hong Kong, China

Annex 1

Add "Food and Environmental Hygiene Department" and "Leisure and Cultural Services Department".

Annex 2

Delete "Provisional Urban Council and Urban Services Department" and "Provisional Regional Council and Regional Services Department".



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

21 January 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which are attached hereto, have been notified to the Committee on Government Procurement on 30 September 1999 in document GPA/W/94, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 30 October 1999.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Mike Moore
Director-General

00-0305

WT/Let/325

MODIFICATIONS TO APPENDIX I**Japan**Annex 3

- (1) Delete "- Employment Promotion Corporation" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Employment and Human Resources Development Organization of Japan" to "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

- (2) Delete "- Forest Development Corporation" and "- Japan Agricultural Land Development Agency" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Japan Green Resources Corporation" to "List of Entities" and "List of Entities which procure the services, specified in Annex 4".



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

21 January 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan**, which are attached hereto, have been notified to the Committee on Government Procurement on 4 October 1999 in document GPA/W/98, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 3 November 1999.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Mike Moore
Director-General

00-0382

WT/Let/326

MODIFICATIONS TO APPENDIX I

Japan

Annex 3

Delete "- Export-Import Bank of Japan" and "- The Overseas Economic Cooperation Fund" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Japan Bank for International Cooperation" to "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Delete "- People's Finance Corporation" and "- Environmental Sanitation Business Financing Corporation" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- National Life Finance Corporation" to "List of Entities" and "List of Entities which procure the Services, specified in Annex 4".

Delete "- Japan Development Bank" and "- Hokkaido-Tohoku Development Finance Public Corporation" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Development Bank of Japan" to "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Delete "- Housing and Urban Development Corporation (a)" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Urban Development Corporation (a)" to "List of Entities" and "List of Entities which procure the services, specified in Annex 4".



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

20 January 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan** which are attached hereto, have been notified to the Committee on Government Procurement on 29 September 1999 in document GPA/W/93, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 29 October 1999.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Mike Moore
Director-General

00-0304

WT/Let/324

MODIFICATIONS TO APPENDIX I

Japan

Annex 3

Delete "- Small Business Credit Insurance Corporation" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Japan Finance Corporation for Small Business"



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

31 August 1999

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning **Japan** which are attached hereto, have been notified to the Committee on Government Procurement on 9 July 1999 in document GPA/W/88, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 8 August 1999.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

D.C. Hartridge
Director-in-Charge

99-3701

WT/Let/308

./.

MODIFICATIONS TO APPENDIX I**Japan**Annex 3

Delete "- Japan Small Business Corporation" and "- Japan Finance Corporation for Small Business" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Japan Small and Medium Enterprise Corporation" to "List of Entities" and "List of Entities which procure the services, specified in Annex 4".



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

31 March 1999

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning the European Community, which are attached hereto, have been notified to the Committee on Government Procurement on 13 August 1998 in document GPA/W/51, with an explanatory note that has been circulated on 7 October 1998 in document GPA/W/51/Add.2, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. The Committee agreed to accept the modifications proposed by the European Community to its Appendix I in documents GPA/W/51 and GPA/W/51/Add.2 at its meeting of 7 October 1998 (GPA/M/10, paragraph 5) and those modifications became effective as of 8 October 1998, in accordance with the procedures of Article XXIV:6.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

Explanatory Note 1

1. General presentation of all the Appendices in three languages (English, French, Spanish) as the three official languages of WTO are also official languages of the EC.

2. No substantive change in Appendices II to IV. The publications from Austria, Finland and Sweden, however, have been integrated into the Community Appendices.

3. Appendix I, Annex I

- European Community entities: list unchanged.
- State entities: the changes made are the result of ministerial reorganization in certain member States. This does not extend or diminish the European Community's offer.

Austria: bilingual presentation. Changes due to ministerial reorganization.

Belgium: changes due to ministerial reorganization.

Denmark: changes due to ministerial reorganization.

Germany: bilingual presentation. Changes due to ministerial reorganization.

Spain: changes due to ministerial reorganization.

Finland: no changes.

France: no changes.

Greece: bilingual presentation.¹ Changes due to ministerial reorganization.

Ireland: no changes.

Italy: bilingual presentation. Changes due to ministerial reorganization.

Luxembourg: changes due to ministerial reorganization.

Netherlands: bilingual presentation. Changes due to ministerial reorganization.

Portugal: bilingual presentation. Changes due to ministerial reorganization.

Sweden: changes due to ministerial reorganization.

United Kingdom: changes due to ministerial reorganization and privatization.

The list of equipment purchased by Ministries of Defence has been adapted in order to take account of the Austrian and Swedish lists. It is presented in three languages.

4. Appendix I, Annex 2

The definition of a public law body within the meaning of Directive 93/37 of the European Community is included.

The orientation list attached to the previous version of the annexes can be found in Annex I to this Directive. A copy of the Annex to the Directive is attached. Nevertheless, the list is for guidance. What counts is the definition of a public law body.

¹ (European Community submission did not allow this.)

MODIFICATIONS TO APPENDIX I**European Community**

If the Annex to this Directive is amended or modified, the Community will notify the changes in due time.

5. Appendix I, Annex 3

Paragraph (e) of the list of entities has been amended in order to clarify coverage. This paragraph only covered urban transport (in reference to Annex VII of EC Directive 93/38), but the former wording could be misleading. The new wording proposed clarifies this point.

The relevant annexes to Directive 93/38 are attached for information. These lists are however only for guidance and the definitions that count are those in Annex 3. If the Annexes to this Directive are amended or modified, the Community will notify the changes in due time.

6. Appendix I, Annex 4

Version in three languages. The substance remains unchanged.

7. Appendix I, Annex 5

The French and Spanish versions only reflect the titles of groups in Division 51, CPC. In any event, the offer does not change.

Appendix I**Explanatory Note 2**

Concerning the updating of Appendices I to IV of the Government Procurement Agreement for the European Communities, as presented in document GPA/W/51, the EC is pleased to present herewith an explanatory note to this document.

Annex 1**2. Contracting Authorities of the State**

- Denmark (p. 10)

The "Ministry of Transport" should be included in the list.

The "Ministry of Housing" should be replaced by "Ministry of Housing and Urban Affairs".

- Sweden (p. 51)

"National Fund for Administrative Development and Training for Government Employees" (p. 44) should be replaced by: "National Fund for Administrative Development" ("Statens F6rnelsefond").

"Central Services Office for the Ministries" (p. 45) should be replaced by "Governmental Central Services Office" ("Regeringskansliets f6rvaltningsavdelning").

3. List of Supplies and equipment purchased by Ministries of Defence (...) that are covered by the Agreement (p. 55)

- The words "Not for Sweden" should be inserted after the products (p. 55):
 - ex 38.19
 - ex 39.03
 - ex 40.11

- L'expression "sauf pour la Suède" doit figurer après la mention des produits suivants (p. 61):
 - ex 38.19
 - ex 39.03
 - ex 40.11

- La expresión "salvo Suecia" debe figurar después de la mención de los productos siguientes (p. 67):
 - ex 38.19
 - ex 39.03
 - ex 40.11

MODIFICATIONS TO APPENDIX I**European Community**Annex 2

In addition to the entities listed in Annex I of Directive 93/37/EEC (pages 92-101 of document GPA/W/51), the following entities shall be regarded as bodies governed by public law within the sense of such Directive:

- Austria: "Austrian State Printing Office"
- Denmark: "Copenhagen Hospital Corporation" ("Hovedstandens Sygehusfaellesskab")
- Ireland: "Forbas"; "Forbairt"
- Luxembourg: "L'entreprise des Postes et Télécommunications (Postal business only)"
- Portugal:
- "INGA (National Agricultural Intervention and Guarantee Institute/Instituto Nacional de Intervenção e Garantia Agrícola)"
- "Institute for the Consumer / Instituto do Consumidor"
- "Institute for Meteorology / Instituto de Meteorologia"
- "Institute for Natural Conservation / Instituto da Conservação da Natureza"
- "Water Institute / Instituto da Agua"
- "ICEP / Instituto de Comércio Externo de Portugal"
- "Portuguese Blood Institute / Instituto do Sangue"
- United Kingdom: "Ordnance Survey"



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

31 March 1999

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning Singapore which are attached hereto, have been notified to the Committee on Government Procurement on 17 February 1999 in document GPA/W/82, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 19 March 1999.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

MODIFICATIONS TO APPENDIX I

Singapore

List in Annex 1

Delete "Includes Public Works Department" under footnote 1 of Annex 1

List in Annex 3

Delete "Construction Industry Development Board" under Annex 3

Replace with "Building and Construction Authority" under Annex 3



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/201

11 December 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning Japan which are attached hereto, have been notified to the Committee on Government Procurement on 14 October 1998 in document GPA/W/78, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 13 November 1998.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

MODIFICATIONS TO APPENDIX I

Japan

Annex 3: Delete "- Power Reactor and Nuclear Fuel Development Corporation (b)" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4".

Add "- Japan Nuclear Cycle Development Institute (b)" to "List of Entities" and "List of Entities which procure the services, specified in Annex 4".



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/201

11 December 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning Japan which are attached hereto, have been notified to the Committee on Government Procurement on 28 October 1998 in document GPA/W/79, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 27 November 1998.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

MODIFICATIONS TO APPENDIX I

Japan

Annex 3: Delete "- JNR Settlement Corporation (d)" from "List of Entities" and "List of Entities which procure the services, specified in Annex 4"

Add a "(d)" to "Japan Railway Construction Public Corporation (a)" of "List of Entities" and "List of Entities which procure the services, specified in Annex 4".



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/201

18 September 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendices II, III and IV of the Agreement on Government Procurement (1994) concerning Singapore, which are attached hereto, have been notified to the Committee on Government Procurement on 9 April 1998 in document GPA/W/70, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 9 May 1998.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

98-3642

WT/Let/243

MODIFICATIONS TO APPENDICES II, III AND IV

Singapore

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

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/201

27 August 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning Japan, which are attached hereto, have been notified to the Committee on Government Procurement on 15 July 1998 in document GPA/W/74, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 14 August 1998.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

MODIFICATIONS TO APPENDIX I**JAPAN****Lists in Annex 1:**

Add "- Financial Supervisory Agency".

Lists in Annex 3:

Delete "- Small Enterprise Retirement Allowance Mutual Aid Corporation" and "- Construction, the Sake Brewing Industry and Forestry Retirement Allowance Mutual Aid Association".

Add "- Organization for Workers' Retirement Allowance Mutual Aid".

Delete "- Institute of Developing Economics" from "List of Entities" regarding supplies and "List of Entities which procure the services, specified in Annex 4".



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: **WLI/201**

22 July 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994) concerning Singapore, which are attached hereto, have been notified to the Committee on Government Procurement on 15 June 1998 in document GPA/W/72, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 15 July 1998.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

MODIFICATIONS TO APPENDIX I

Singapore

Annex 1

Replace "Ministry of Labour" by **"Ministry of Manpower"**

Annex 3

Replace "Singapore Tourist
Promotion Board" by **"Singapore Tourism Board"**

WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

11 May 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendices II and III of the Agreement on Government Procurement (1994) concerning Hong Kong, China, which are attached hereto, have been notified to the Committee on Government Procurement on 25 March 1998 in document GPA/W/69, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 24 April 1998.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

WT/Let/218

ANNEXES TO APPENDIX II

Hong Kong, China

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

The Government of the Hong Kong Special Administrative Region Gazette
- Daily Press

The Government of the Hong Kong Special Administrative Region Gazette
- Daily Press

Kowloon Railway Corporation Any one of the following:
The Government of the Hong Kong Special Administrative Region Gazette

Available on the Internet (<http://www.kcrc.com>)

Kowloon Railway Corporation - Daily Press

any - Daily Press

ANNEXES TO APPENDIX III

Hong Kong, China

Annex 1

Government of the Hong Kong Special Administrative Region Gazette

Annex 2

Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Government of the Hong Kong Special Administrative Region Gazette

Government of the Hong Kong Special Administrative Region Gazette

Kowloon Railway Corporation Any one of the following:

Government of the Hong Kong Special Administrative Region Gazette

Daily Press

Government of the Internet (<http://www.kcrc.com>)

Kowloon Railway Corporation - Not applicable

Government of the Internet (<http://www.hkairport.com>) - Daily Press

Government of the Internet (<http://www.hkairport.com>)

WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

17 April 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATION

It is hereby certified that the modifications to Appendices II, III and IV of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 6 February 1998, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no proposed modifications were received within thirty days from the date of issue of the above-mentioned document, they have become effective as of 8 March 1998.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

WT/Let/214

APPENDICES II AND III

Israel

Include additional publications as follows:

"The Jerusalem Post"

"International Herald Tribune-Ha'aretz".

APPENDIX IV

Replace "The Jerusalem Post" with "The Official Gazette".

Centre William Rappard

Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Téléphone: (+41 22) 739 51 11

Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 739 57 88
Internet: <http://www.wto.org>

Reference: **WLI/201**

26 January 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 1 December 1997 in document GPA/W/63, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 31 December 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

98-0303

WT/Let/211

./.

Modifications to Appendix I

Japan

**Delete: "-Mutual Aid Association of Private School Personnel" and
"-Japan Private School Promotion Foundation"**

**from "List of Entities" and "List of Entities which procure the services, specified in Annex 4",
respectively.**

Add: "-Promotion and Mutual Aid Corporation for Private Schools of Japan"

to each of the lists mentioned above.

Centre William Rappard

Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Téléphone: (+41 22) 739 51 11

Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 731 42 06
Internet: <http://www.wto.org>

Reference: **WLI/201**

22 January 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendices II, III and IV of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 5 November 1997 in document GPA/W/61, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 5 December 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

98-0296

WT/Let/209

Modifications to Appendix II

Canada

Concerning publications used for the publication of notices of intended procurements and of post-award notices -

Delete:"Open Bidding Service, ISM Publishing"

Replace by:"MERX, Cebra Inc."

Modifications to Appendix III

Canada

Concerning publications used for the publication annually of information on permanent lists of qualified suppliers in the case of selective tendering procedures -

Delete: "Open Bidding Service, ISM Publishing"

Replace by: "MERX, Cebra Inc."

Modifications to Appendix IV

Canada

Concerning publications used for the publication of administrative rulings and procedures -

Delete: "Open Bidding Service, ISM Publishing"

Replace by: "MERX, Cebra Inc."

Centre William Rappard

Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Téléphone: (+41 22) 739 51 11

Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 731 42 06
Internet: <http://www.wto.org>

Reference: **WLI/201**

21 January 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 24 October 1997 in document GPA/W/60, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 23 November 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero

Director-General

98-0212

WT/Let/208

./.

Modifications to Appendix I

Japan

ANNEX 3

**Delete:"-Maritime Credit Corporation (e)" and
"-Rail Development Fund" from "List of Entities" and "List of Entities which procure the
services, specified in Annex 4", respectively.**

**Add:"-Corporation for Advanced Transport & Technology (e)" to each of the lists mentioned
above.**

Centre William Rappard

Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Téléphone: (+41 22) 739 51 11

Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 731 42 06
Internet: <http://www.wto.org>

Reference: **WLI/201**

19 January 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 24 October 1997 in document GPA/W/59, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 23 November 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

98-0230

WT/Let/207

Modifications to Appendix I

Korea

ANNEX 1

**Delete: "Economic Planning Board";
"Ministry of Finance"**

Add: "Ministry of Finance and Economy"

**Delete: "Ministry of Agriculture, Forestry and Fisheries";
"Fisheries Administration";
"Korea Maritime and Port Administration"**

**Add: "Ministry of Agriculture and Forestry";
"Ministry of Maritime Affairs and Fisheries"**

**Delete: "Ministry of Construction";
"Ministry of Transportation"**

Add: "Ministry of Construction and Transportation"

Delete: "Industrial Advancement Administration"

Add: "Small and Medium Business Administration"

Add: "National Maritime Police Agency (except purchases for the purpose of maintaining public order, as provided in Article XXIII of the Code)"

Delete: "Ministry of Health and Social Affairs"

Add:"Ministry of Health and Welfare"

Notes to Annex 1

Note 3:Replace the Budget and Account Law by "the Act Relating to Contracts to which the State is a Party"

Modifications to Appendix I

Korea

Korea's New List of Central Government Entities (Annex 1)

- 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 (delete)**
- Ministry of Finance and Economy (add)**
- National Unification Board
- Ministry of Government Administration
- Ministry of Science and Technology
- Ministry of Information
- Government Legislation Agency
- Patriots and Veterans Affairs Agency
- Ministry of Foreign Affairs
- Ministry of Home Affairs
- Ministry of Finance (delete)**
- Ministry of Justice
- Ministry of National Defense
- Ministry of Education
- Ministry of Culture and Sports
- Ministry of Agriculture, Forestry and Fisheries (delete)**
- Ministry of Agriculture and Forestry (add)**
- Ministry of Trade, Industry and Energy
- Ministry of Information and Communication (rename)**
- Ministry of Construction (delete)**
- Ministry of Environment (relocate)**
- Ministry of Health and Welfare (rename)**
- Ministry of Labor
- Ministry of Transportation (delete)**

- Ministry of Construction and Transportation (add)**
- Ministry of Maritime Affairs and Fisheries (add)**
- 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 Tax Administration (relocate)**
- Customs Administration (relocate)**
- 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)**

Modifications to Appendix I

Korea

- Supreme Public Prosecutors' Office**
- Military Manpower Administration**
- Rural Development Administration**
- Forestry Administration**
- Fisheries Administration (delete)**
- Industrial Advancement Administration (delete)**
- Small and Medium Business Administration (add)**
- Korea Industrial Property Office**
- Korea Maritime and Port Administration (delete)**
- 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.)**
- Small and Medium Business Administration (add)**
- National Maritime Police Agency (except purchases for the purpose of maintaining public order, as provided in Article XXIII of the Code) (add)**

Centre William Rappard
Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Reference: **WLI/201**

Téléphone: (+41 22) 739 51 11
Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 739 57 88
Internet: <http://www.wto.org>

16 January 1998

AGREEMENT ON GOVERNMENT PROCUREMENT DONE AT MARRAKESH ON 15 APRIL 1994

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 20 October 1997 in document GPA/W/58, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 19 November 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero

General

Director-

98-0159

WT/Let/205

Modifications to Appendix 1

Suisse

NOTES GENERALES ET DEROGATIONS AUX DISPOSITIONS DE L'ARTICLE III

1. - "eau" Add "Singapour"
 - "électricité" Add "Singapour"
-

Centre William Rappard

Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Téléphone: (+41 22) 739 51 11

Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 731 42 06
Internet: <http://www.wto.org>

Reference: **WLI/201**

16 January 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendices II, III and IV of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 24 October 1997 in document GPA/W/57, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 23 November 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

98-0211

WT/Let/206

Modifications to Appendix II

Hong Kong, China

APPENDIX II

HONG KONG, CHINA

Annex 1

**The Government of the Hong Kong Special Administrative Region Gazette
Daily Press**

Annex 2

**The Government of the Hong Kong Special Administrative Region Gazette
Daily Press**

Annex 3

**Hospital Authority-The Government of the Hong Kong Special Administrative Region Gazette
- Daily Press**

**Housing Authority-The Government of the Hong Kong Special Administrative Region Gazette
- Daily Press**

**Kowloon-Canton Railway Corporation - Daily Press
-Home Page on the Internet (<http://www.kcrc.com>)**

Mass Transit Railway Corporation - Daily Press

Airport Authority - Daily Press

Modifications to Appendix III

Hong Kong, China

APPENDIX III

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette

Annex 2

**The Government of the Hong Kong Special Administrative Region Gazette
Daily Press**

Annex 3

Hospital Authority-The Government of the Hong Kong Special Administrative Region Gazette
Housing Authority-The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation - Daily Press
-Home Page on the Internet (<http://www.kcrc.com>)
Mass Transit Railway Corporation - Not applicable
Airport Authority - Daily Press
-Home Page on the Internet (<http://www.hkairport.com>)

Modifications to Appendix IV

Hong Kong, China

APPENDIX IV

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority-The Government of the Hong Kong Special Administrative Region Gazette
Housing Authority-The Government of the Hong Kong Special Administrative Region Gazette
**Kowloon-Canton Railway Corporation-provided to potential suppliers upon issuance of
invitations to participate**
**Mass Transit Railway Corporation-provided to potential suppliers upon issuance of
invitations to participate**
Airport Authority-provided to potential suppliers upon issuance of invitations to participate

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 5111
Ligne directe: (41 22) 739
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

13 October 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 5 September 1997 in document GPA/W/56, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 5 October 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-4504

WT/Let/183

MODIFICATIONS TO APPENDIX 1

Hong Kong, China

ANNEX 1

<u>Existing Name of Entities in Appendix I, Annex 1</u>	<u>New Name of Entities in Appendix I, Annex 1</u>
Audit Department	Audit Commission
Legal Department	Department of Justice
Office of the Commissioner for Administrative Complaints	Office of the Ombudsman
Royal Hong Kong Police Force (including Royal Hong Kong Auxiliary Police Force)	Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
Royal Observatory	Hong Kong Observatory

MODIFICATIONS TO APPENDIX 1

Hong Kong, China

ANNEX 2

<u>Existing Name of Entities in Appendix I, Annex 2</u>	<u>New Name of Entities in Appendix I, Annex 2</u>
Urban Council and Urban Services Department	Provisional Urban Council and Urban Services Department
Regional Council and Regional Services Department	Provisional Regional Council and Regional Services Department

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 5111
Ligne directe: (41 22) 739
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

2 October 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 27 August 1997 in document GPA/W/54, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 26 September 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-4205

WT/Let/184

MODIFICATIONS TO APPENDIX 1**Israel**ANNEX 1

Amend Note to Annex 1 regarding medical dressings as follows:

Medical dressings (bandages, adhesive tapes excluding gauze bandage and gauze pads).

MODIFICATIONS TO APPENDIX 1**Israel**ANNEX 3

In Annex 3, relabel "Note (3)" as Note (2a).

Add to the List of Entities in Annex 3:

All entities operating in the field of urban transport, except those operating in the field of bus services (2b).

Add Note (2b) to Annex 3 as follows:

With regard to procurement by entities operating in the field of urban transport, except those operating in the field of bus services, this Agreement shall apply only to goods and services, including construction services, of the European Community.

Israel is willing to negotiate the opening of procurement by entities operating in the field of urban transport, except those operating in the field of bus services, to other Parties to the Agreement under the condition of reciprocity.

MODIFICATIONS TO APPENDIX 1**Israel****ANNEX 4**

Add the following services to the list of Annex 4:

6112, 6122, 633, 886 Maintenance and repair services

874, 82201-82206 Building-cleaning services and property management services

88442 Publishing and printing services on a fee or contract basis

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 5111
Ligne directe: (41 22) 739
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

2 October 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 28 August 1997 in document GPA/W/55, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 27 September 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-4206

WT/Let/185

MODIFICATIONS TO APPENDIX 1**European Communities**GENERAL NOTES

General Note 1, second indent, letter (e) to read:

"(urban transport) to the suppliers and service providers of Canada, Japan, Korea and the USA; to the suppliers and service providers of Israel, as regards bus services"

ORGANISATION MONDIALE**ORGANIZACIÓN MUNDIAL****DU COMMERCE****DEL COMERCIO****WORLD TRADE ORGANIZATION**

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENÈVE

Référence: WLI/201

20 August 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 12 June 1997 in document GPA/W/46, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 12 July 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-3449

WT/Let/163

ANNEX 1

"The following contracting authorities of the State" under "List of Entities" shall be altered to "Central government entities including:"

Changes in the entity list:

Existing name in Norwegian in Appendix I, Annex 1	Existing name in Norwegian in Appendix I, Annex 1 shall be changed to	English name
Administrasjonsdepartementet	Planleggings- og samordningsdepartementet	Ministry of National Planning and Coordination
Pristilsynet	Konkurransetilsynet	Norwegian Competition Authority
New entity, not listed in Appendix I, Annex 1	Fylkesmannsembetene	The County Governors
Statsbygg, shall be listed here, not in the end		The Directorate of Public Construction and Property
Forsvarsdepartementet		Ministry of Defence
New entity, not listed in Appendix I, Annex 1	Forsvarets bygningstjeneste	Norwegian Defence Construction Service
New entity, not listed in Appendix I, Annex 1	Forsvarets tele- og datatjeneste	Norwegian Defence Communications and Data Services Administration
Justis- og politidepartementet		Ministry of Justice (and the Police)
Statsadvokatembetene:	Statsadvokatembetene	Offices of the District Public Prosecutor
Eidsivating		

Existing name in Norwegian in Appendix I, Annex 1	Existing name in Norwegian in Appendix I, Annex 1 shall be changed to	English name
Vestfold og Telemark		
Agder		
Rogaland		
Hordaland		
Møre og Romsdal, Sogn og Fjordane		
Trondheim		
Nordland og Finnmark		
Kirke- utdannings- og forskningsdepartementet		Ministry of Education, Research and Church Affairs
Mellomkirkelig råd	None - does no longer exist	None - does no longer exist
New entity, not listed in Appendix I, Annex 1	Bispedømmerådet	Diocesan Council
New entity, not listed in Appendix I, Annex 1	Nidarosdomens restaureringsarbeider	The Restoration Workshop of Nidaros Cathedral
Kommunal- og arbeidsdepartementet		Ministry of Local Government and Labour
Arbeidstilsynet	Direktoratet for arbeidstilsynet	Norwegian Directorate of Labour Inspection
New entity, not listed in Appendix I, Annex 1	Produkt- og elektrisitetstilsynet	The Norwegian Directorate for Product and Electrical Safety

ORGAN

MODIFICATIONS TO APPENDIX 1No

Existing name in Norwegian in Appendix I, Annex 1	Existing name in Norwegian in Appendix I, Annex 1 shall be changed to	English name
Kulturdepartementet		Ministry of Cultural Affairs
Statsarkivene i:	Statsarkivene	National Archives
Oslo		
Hamar		
Kongsberg		
Kristiansand		
Stavanger		
Bergen		
Trondheim		
Tromsø		
Landbruksdepartementet		Ministry of Agriculture
Norsk institutt for skogforskning	None - is not an entity any longer	None - is not an entity any longer
Statens forskningsstasjoner for landbruket	None - is not an entity any longer	None - is not an entity any longer
Statens tilsynsinstitusjoner for landbruket	Statens landbrukstilsyn	Norwegian Agricultural Inspection Service
Statens naturskadefond	None - is not an entity	None - is not an entity
New entity, not listed in Appendix I, Annex 1	Statens dyrehelsetilsyn	Norwegian Animal Health Authority

Existing name in Norwegian in Appendix I, Annex 1	Existing name in Norwegian in Appendix I, Annex 1 shall be changed to	English name
Nærings- og energidepartementet	Nærings- og handelsdepartementet	Ministry of Trade and Industry
Direktoratet for måleteknikk	Justervesenet	Norwegian Metrology and Accreditation Service
Norges vassdrags- og energiverk	Shall be listed under Ministry of Oil and Energy	
Oljedirektoratet	Shall be listed under Ministry of Oil and Energy	
New entity, not listed in Appendix I, Annex 1	Bergvesenet	Directorate of Mining
New entity, not listed in Appendix I, Annex 1	Skipsregistrene	Norwegian International Ship Register
Sjøfartsdirektoratet	Shall be listed here, not under the Ministry of Foreign Affairs	Norwegian Maritime Directorate
Olje- og energidepartementet	New ministry, not listed in Appendix I, Annex 1	Ministry of Oil and Energy
Norges vassdrags- og energiverk		Norwegian Water Resources and Energy Administration
Oljedirektoratet		Norwegian Petroleum Directorate
Samferdselsdepartementet		Ministry of Transport and Communication
Vegdirektoratet	Statens vegvesen	Public Roads Administration

Existing name in Norwegian in Appendix I, Annex 1	Existing name in Norwegian in Appendix I, Annex 1 shall be changed to	English name
New entity, not listed in Appendix I, Annex 1	Statens teleforvaltning	Norwegian Telecommunications Authority
Sosialdepartementet		Ministry of Health and Social Affairs
Helsedirektoratet	Statens helsetilsyn	Norwegian Board of Health
New entity, not listed in Appendix I, Annex 1	Radiumhospitalet	Norwegian Radium Hospital
Utenriksdepartementet		Ministry of Foreign Affairs
Norimpod	None - does not exist anymore	None - does not exist anymore
Sjøfartsdirektoratet	Shall now be listed under the Ministry of Trade and Industry	Norwegian Maritime Directorate
Høyesterett	Domstolene	Courts of law

ORGAN

MODIFICATION
TO
APPENDIX
1

MODIFICATIONS TO APPENDIX 1

NorwayANNEX 2

Under categories a number of state banks are listed up. Due to frequent reorganizations of these banks, omit the names of the individual banks and just keep the heading: statsbanker (State Banks).

MODIFICATIONS TO APPENDIX 1

NorwayANNEX 3

The title "List of Entities" should be changed to "List of Sectors".

The asterisk (*) following the title Annex 3* and the note referring to Parliamentary approval of additional EEA-legislation is no longer valid and must be removed.

ORGANISATION MONDIALE**ORGANIZACION MUNDIAL****DU COMMERCE****DEL COMERCIO****WORLD TRADE ORGANIZATION**

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENÈVE

Référence: WLI/201

20 August 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 17 July 1997 in document GPA/W/45, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned document, the modifications have become effective as of 16 August 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-3450

WT/Let/164

MODIFICATIONS TO APPENDIX I**Switzerland****SUISSE**

(La version française fait foi)

ANNEXE 1**Entités du gouvernement fédéral qui passent des marchés
conformément aux dispositions du présent accord**

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

Liste des entités couvrant tous les Départements fédéraux suisses:

Administration centrale du Groupement de l'armement¹

Administration fédérale des contributions

Administration fédérale des douanes¹

Administration fédérale des finances

Archives fédérales

Bibliothèque centrale du Parlement et de l'administration fédérale

Caisse fédérale d'assurance

Commandement du Corps des gardes fortification¹Commandement des écoles d'état-major et de commandants¹

Commission de la concurrence

¹Pour 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 frontière et des douaniers.)

Commission fédérale des banques

Contrôle de l'armement et la sauvegarde de la paix¹

Contrôle fédéral des finances

Direction de la coopération au développement, de l'aide humanitaire et de la coopération technique avec l'Europe centrale et orientale

Direction du droit international public

Direction politique

Ecole fédérale de sport de Macolin

Ecoles polytechniques fédérales et établissements annexes

Entreprises des postes²

Etat-major de l'instruction³

Groupe des affaires sanitaires¹

Groupe de l'aide au commandement¹

Groupe de la direction de l'instruction¹

Groupe logistique¹

Groupe des opérations¹

Groupe des opérations des Forces aériennes¹

Groupe du personnel de l'armée¹

Groupe du personnel enseignant¹

Groupe planification¹

¹Pour 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 frontière et des douaniers.)

²Pour autant que l'entité ne soit pas en concurrence avec des entreprises auxquelles le présent accord n'est pas applicable.

Groupe renseignements¹

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

Institut fédéral de recherches sur la forêt, la neige et le paysage

Institut Paul Scherrer

Institut suisse de météorologie

Laboratoire fédéral d'essai des matériaux et de recherches

Ministère public de la Confédération

Monnaie

Office de l'auditeur en chef¹

Office fédéral des affaires économiques extérieures

Office fédéral de l'agriculture

Office fédéral de l'aménagement du territoire

Office fédéral pour l'approvisionnement économique du pays

Office fédéral des armes de combat⁴

Office fédéral des armes et des services d'appui¹

Office fédéral des armes et des services de la logistique¹

Office fédéral de l'assurance militaire¹

Office fédéral des assurances privées

Office fédéral des assurances sociales

Office fédéral de l'aviation civile

Office fédéral de la communication

¹Pour 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 frontière et des douaniers.)

Office des constructions fédérales

Office fédéral de la culture

Office fédéral de l'économie des eaux

Office fédéral de l'éducation et de la science

Office fédéral de l'énergie

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

Office fédéral des étrangers

Office fédéral des exploitations des Forces aériennes¹

Office des exploitations des Forces terrestres¹

Office central fédéral des imprimés et du matériel

Office fédéral de l'industrie, des arts et métiers et du travail

Office fédéral de l'informatique

Office fédéral de l'instruction des Forces aériennes¹

Office fédéral de la justice

Office fédéral du logement

Office fédéral du matériel d'armée et des constructions⁵

Office fédéral de métrologie

Office fédéral du personnel

Office fédéral de la police

Office fédéral de la protection civile¹

Office fédéral des questions conjoncturelles

¹Pour 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 frontière et des douaniers.)

Office fédéral des réfugiés

Office fédéral des routes

Office fédéral de la santé publique

Office fédéral de la statistique

Office fédéral des systèmes d'armes des Forces aériennes et des systèmes de commandement¹

Office fédéral des systèmes d'armes et des munitions¹

Office fédéral de la topographie

Office fédéral des transports

Office vétérinaire fédéral

Office central de la défense¹

Régie fédérale des alcools

Services centraux de l'état-major général¹

Services centraux des Forces aériennes¹

Services centraux des Forces terrestres¹

Services du Parlement

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.

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

3 July 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 23 May 1997 in documents GPA/W/41 and GPA/W/42, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of the above-mentioned documents, the modifications have become effective as of 22 June 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

MODIFICATIONS TO APPENDIX I

UNITED STATES**GENERAL NOTES**

In General Note 5, delete "Switzerland".

MODIFICATIONS TO APPENDIX I

SWITZERLAND**GENERAL NOTES**

Delete from Note 1: "Etats-Unis d'Amérique" with respect to entities in Annex 2 and entities in the electricity and port sectors.

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

5 November 1996

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 4 October 1996 in document GPA/W/27, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within thirty days from the date of issue of document GPA/W/27, they have become effective as of 5 November 1996.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero

Director-General

WT/Let/119

MODIFICATIONS TO APPENDIX I

JAPAN

ANNEX 3

1.Delete "- Research Development Corporation of Japan" and "- Japan Information Center of Science and Technology" from "List of Entities" regarding supplies and "List of Entities which procure the services, specified in Annex 4".

Add "- Japan Science and Technology Corporation" to each of the lists mentioned above.

2.Delete "- Livestock Industry Promotion Corporation" and "- Japan Raw Silk and Sugar Price Stabilization Agency" from "List of Entities" regarding supplies and "List of Entities which procure the services, specified in Annex 4".

Add "- Agriculture and Livestock Industries Corporation", to each of the lists mentioned above.

3.Delete "- Coal Mining Areas Restoration Agency" from "List of Entities" regarding supplies and "List of Entities which procure the services, specified in Annex 4".

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

16 August 1996

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 17 July 1996 in documents GPA/W/22 and GPA/W/23, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within the prescribed time-limit, they have become effective as of 16 August 1996.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero

Director-General

96-3286

WT/Let/105

MODIFICATIONS TO APPENDIX I

NORWAY

GENERAL NOTES

In paragraph 1 (first indent) , delete "and the USA" and insert a new indent reading:

"- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA".

In paragraph 1 (second indent, paragraphs (1) and (4)), delete "and the USA".

MODIFICATIONS TO APPENDIX I

UNITED STATES

GENERAL NOTES

In paragraph 5, delete "Norway".

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

27 February 1996

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Committee on Government Procurement on 26 January 1996 in documents GPA/W/1 and GPA/W/2, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modifications were received within the prescribed time-limit, they have become effective as of 25 February 1996.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

96-0743

WT/Let/68

MODIFICATIONS TO APPENDIX I

JAPAN

GENERAL NOTES

In paragraph 1, delete "and the United States."

MODIFICATIONS TO APPENDIX I

UNITED STATES

GENERAL NOTES

In paragraph 5, delete "Japan".

Add a new paragraph:

"The United States will not extend the benefits of this Agreement to Japan as regards the award of contracts by entities listed in Annex 3 that are responsible for the generation or distribution of electricity."

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

19 January 1996

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS

It is hereby certified that the modifications relating to the annexes to Appendix I of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Interim Committee on Government Procurement (document GPA/IC/10) pursuant to the Decision of 17 January 1994 on "Modifications of the Annexes to Appendix I to the Agreement on Government Procurement before its entry into force on 1 January 1996" (GPA/IC/3) and, in accordance with the Decision of the Interim Committee on Government Procurement on 7 December 1995 (document GPA/IC/M/6), have become effective as of the date of entry into force of the Agreement, i.e. 1 January 1996 .

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

96-0241

WT/Let/57

MODIFICATIONS TO APPENDIX I

EUROPEAN COMMUNITIESGENERAL NOTES AND DEROGATIONS FROM THE
PROVISIONS OF ARTICLE III

Replace the present text of the **General Notes** and **Derogations from the Provisions of Article III** by the following:

1.The EC will not extend the benefits of this Agreement:

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

-as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;

-as regards the award of contracts by entities listed in Annex 3 paragraph

(a)(water), to the suppliers and service providers of Canada and the USA;

(b)(electricity), to the suppliers and service providers of Canada, Hong Kong, and Japan;

(c)(airports), to the suppliers and service providers of Canada, Korea and the USA;

(d)(ports), to the suppliers and service providers of Canada;

(e)(urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA

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

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

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

-Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as the

EC accepts that they have completed coverage of sub-central entities;

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

EC (cont'd)

- Israel, Japan and Korea in contesting the award of contracts by EC entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3.Until such time as the EC has accepted that the Parties concerned provide access for EC suppliers and service providers to their own markets, the EC will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment);
- Canada, as regards procurement of FSG 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;
- Korea and Israel as regards procurement by entities listed in Annex 3 paragraph (b), as regards procurement of HS Nos. 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos. 8501, 8536 and 902830;
- the USA, as regards procurement by entities listed in Annex 3 paragraph (d), as regards procurement of dredging services and procurement related to shipbuilding;
- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

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

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;
- an international agreement relating to the stationing of troops;
- the particular procedure of an international organisation.

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

EC (cont'd)

- for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;

8.This Agreement shall not be applicable to contracts:

- for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;
- for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

9.This Agreement shall not be applicable to the award of service contracts by Spanish entities listed in Annex 3 before 1 January 1997 or to the award of contracts by Greek or Portuguese entities listed in Annex 3 before 1 January 1998.

MODIFICATIONS TO APPENDIX 1**UNITED STATES**

ANNEXES 2 AND 3 OF APPENDIX 1 AND GENERAL NOTES

ANNEX 2

Replace the present text of **Annexes 2 and 3 of Appendix 1** and **General Notes** by the following:

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

Thresholds 355,000 SDRs for supplies and services
5 million SDRs for construction

*List of Entities:**Arizona*

Executive branch agencies

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and construction services

California

Executive branch agencies

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

*Delaware**

Administrative Services (Central Procurement Agency)
State Universities
State Colleges

*Florida**

Executive branch agencies

UNITED STATES (cont'd)*Hawaii*

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

*Illinois**

Department of Central Management Services

*Iowa**

Department of General Services
Department of Transportation
Board of Regents' Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding construction projects

Louisiana

Executive branch agencies

*Maine**

Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies and school construction)
Maine Department of Transportation

*Maryland**

Office of the Treasury
Department of the Environment
Department of General Services

Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation

UNITED STATES (cont'd)*Massachusetts*

Executive Office for Administration and Finance
Executive Office of Communities and Development
Executive Office of Consumer Affairs
Executive Office of Economic Affairs
Executive Office of Education
Executive Office of Elder Affairs
Executive Office of Environmental Affairs
Executive Office of Health and Human Service
Executive Office of Labor
Executive Office of Public Safety
Executive Office of Transportation and Construction

*Michigan**

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

*New York**

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Nebraska

Central Procurement Agency

*New Hampshire**

Central Procurement Agency

UNITED STATES (cont'd)

*Oklahoma**

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act, excluding construction services

Oregon

Department of Administrative Services

*Pennsylvania**

Executive branch agencies, including:

Governor's Office

Department of the Auditor General

Treasury Department

Department of Agriculture

Department of Banking

Pennsylvania Securities Commission

Department of Health

Department of Transportation

Insurance Department

Department of Aging

Department of Correction

Department of Labor and Industry

Department of Military Affairs

Office of Attorney General

Department of General Services

Department of Education

Public Utility Commission

Department of Revenue

Department of State

Pennsylvania State Police

Department of Public Welfare

Fish Commission

Game Commission

Department of Commerce

Board of Probation and Parole

Liquor Control Board

Milk Marketing Board
Lieutenant Governor's Office
Department of Community Affairs
Pennsylvania Historical and Museum Commission
Pennsylvania Emergency Management Agency
State Civil Service Commission
Pennsylvania Public Television Network
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

UNITED STATES (cont'd)

Pennsylvania Crime Commission
Executive Offices

Rhode Island

Executive branch agencies, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

General Services Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration
Department of Transportation
State Universities

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

Wisconsin

Executive branch agencies, including:

Department of Administration
State Correctional Institutions
Department of Development
Educational Communications Board
Department of Employment Relations
State Historical Society
Department of Health and Social Services

UNITED STATES (cont'd)

Insurance Commissioner
Department of Justice
Lottery Board
Department of Natural Resources
Administration for Public Instruction
Racing Board
Department of Revenue
State Fair Park Board
Department of Transportation
State University System

*Wyoming**

Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

Notes to Annex 2

In addition to the conditions specified in the General Notes, the following conditions apply:

1. For those states marked by an asterisk with pre-existing restrictions, the Agreement does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. The Agreement shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women.
3. Nothing in this annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.
4. The Agreement shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.

UNITED STATES (cont'd)

ANNEX 3

All Other Entities which Procure in Accordance with the Provisions of this Agreement

Threshold 400,000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

List of Entities

The following entities at the SDR equivalent of \$250,000 for supplies and services:

- Tennessee Valley Authority
- Power Marketing Administrations of the Department of Energy
- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- Alaska Power Administration
- St. Lawrence Seaway Development Corporation

The following entities at 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing).
- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors.
- Procurement pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of Maryland in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Electrification Administration Financing:

- (1)waiver of Buy American restrictions on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
- (2)application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.

UNITED STATES (cont'd)*Notes to Annex 3*

1. With respect to these entities, the Agreement shall not apply to restrictions attached to Federal funds for airport projects.
2. The conditions specified in the General Notes apply to this Annex.

UNITED STATES (cont'd)

GENERAL NOTES

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of small and minority businesses.
2. Except as specified otherwise in this Appendix, procurement in terms of U.S. coverage does not include non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under U.S. annexes to this agreement.
3. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.
4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.
5. For goods and services (including construction) of the following countries and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3 or the waiver described in Annex 3:

Canada

Austria
Switzerland
Norway
Sweden
Finland
Japan

The United States is prepared to amend this note at such time as coverage with respect to these annexes can be resolved with a Party listed above.

6. For construction services of the Republic of Korea and suppliers of such services, this Agreement applies only to procurement of the entities listed in Annexes 2 and 3 above a threshold of 15 million SDRs.
7. For goods and services (including construction) of Japan and suppliers of such goods and services, this Agreement does not apply to procurement by the National Aeronautics and Space Administration.
8. A service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has included that service in its Annex 4.

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 90

1 - 90

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
02-5820 	U	WT/LET/429 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the[...] mission of Certified True Copy Preview (HTML)	23/10/2002	E <input checked="" type="checkbox"/> 13 p. 81KB	F <input type="checkbox"/> 13 p. 78KB	S <input type="checkbox"/> 13 p. 82KB
02-5246 	U	WT/LET/425/Rev.1 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certifications of Replacement Pages of the Loose-Leaf System for Appendices to th[...]rtified True Copies - Revision Preview (HTML)	01/10/2002	E <input checked="" type="checkbox"/> 9 p. 70KB	F <input type="checkbox"/> 8 p. 72KB	S <input type="checkbox"/> 9 p. 75KB
02-3897 	U	WT/LET/425 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-leaf System for Appendices to the A [...]mission of Certified True Copy Preview (HTML)	12/07/2002	E <input checked="" type="checkbox"/> 8 p. 69KB	F <input type="checkbox"/> 8 p. 70KB	S <input type="checkbox"/> 8 p. 74KB
02-2828 	U	WT/LET/419 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the[...] mission of Certified True Copy Preview (HTML)	22/05/2002	E <input checked="" type="checkbox"/> 4 p. 56KB	F <input type="checkbox"/> 4 p. 63KB	S <input type="checkbox"/> 4 p. 61KB
01-5856	U	WT/LET/407	Agreement on Government Procurement - Done at	09/11/2001	E	F	S

		Catalogue record	Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the[...] mission of Certified True Copy Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8 p. 63KB	8 p. 66KB	8 p. 62KB
01-4961	U	WT/LET/400 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the[...] mission of Certified True Copy Preview (HTML)	03/10/2001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9 p. 79KB	9 p. 80KB	9 p. 79KB
01-2920	U	WT/LET/396 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Additional and Replacement Pages to the Loose-Leaf System for Appendices to the A [...]mission of Certified True Copy Preview (HTML)	30/05/2001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	51 p. 196KB	51 p. 207KB	51 p. 184KB
01-2224	U	WT/LET/391 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Appendices to the Agreement on Government Procurement - Proces-Verbal of Rectification Preview (HTML)	18/04/2001	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 55KB	3 p. 54KB	3 p. 63KB
01-1988	U	WT/LET/388 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Iceland - Notification of Accession Preview (HTML)	06/04/2001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14 p. 72KB	14 p. 75KB	14 p. 74KB
01-1420	U	WT/LET/386 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government Procurement - Rectification Preview (HTML)	19/03/2001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 61KB	3 p. 55KB	3 p. 57KB
01-0131	U	WT/LET/370 Catalogue record	Agreement on Government Procurement done at Marrakesh on 15 April 1994 - Certification of replacement pages of the Loose-Leaf System for Appendices to the A [...]mission of Certified true copy Preview (HTML)	06/01/2001	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12 p. 84KB	12 p. 87KB	12 p. 91KB
00-5642	U	WT/LET/367 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the[...] of Certified True Copy - Japan Preview (HTML)	29/12/2000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 p. 57KB	4 p. 61KB	4 p. 61KB
00-4453	U	WT/LET/356 Catalogue record	Agreement on Government Procurement done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the A [...]tified True Copy - Switzerland Preview (HTML)	10/10/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 p. 70KB	6 p. 60KB	6 p. 64KB
00-4141	U	WT/LET/354 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-leaf System for Appendices to the[...] mission of Certified True Copy Preview (HTML)	29/09/2000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 p. 59KB	4 p. 60KB	4 p. 59KB

00-4144 	U	WT/LET/355 Catalogue record	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-leaf System for Appendices to the A [...]mission of Certified True Copy Preview (HTML)	29/09/2000	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	15 p. 96KB	15 p. 97KB	15 p. 96KB
00-0882 	U	WT/Let/330 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government Procurement - Tran[...]mission of Certified True Copy Preview (HTML)	01/03/2000	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	324 p. 1144KB	324 p. 1041KB	324 p. 1131KB
98-0297 	U	WT/Let/210 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification Preview (HTML)	23/01/1998	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	2 p. 61KB	2 p. 62KB	2 p. 20KB
97-4809 	U	WT/Let/194 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification Preview (HTML)	31/10/1997	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	2 p. 95KB	2 p. 96KB	2 p. 96KB
97-4082 	U	WT/Let/179 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Singapore - Notification of Acceptance Preview (HTML)	26/09/1997	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	10 p. 123KB	10 p. 111KB	10 p. 110KB
97-3811 	U	WT/Let/170 Catalogue record	Agreement on Government Procurement - Done at Geneva on 12 April 1979 - Notification of Withdrawal Preview (HTML)	18/09/1997	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	1 p. 40KB	1 p. 40KB	1 p. 40KB
97-3713 	U	WT/LET/166 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Liechtenstein - Notification of Acceptance Preview (HTML)	22/08/1997	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	12 p. 102KB	12 p. 101KB	12 p. 106KB
97-3447 	U	WT/Let/152 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification Preview (HTML)	20/08/1997	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	2 p. 77KB	2 p. 40KB	2 p. 49KB
97-3448 	U	WT/Let/162 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification Preview (HTML)	20/08/1997	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	2 p. 80KB	2 p. 40KB	2 p. 49KB
97-2195 	U	WT/Let/141 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Hong Kong - Notification of Acceptance Preview (HTML)	22/05/1997	E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>	12 p. 92KB	13 p. 110KB	13 p. 71KB
96-3967	U	WT/Let/111	Agreement on Government Procurement - Done at	26/09/1996	E	E	S			

		Catalogue record	Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of the Kingdom of the N [...]a - Notification of Acceptance Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 p. 67KB	4 p. 56KB	3 p. 51KB
96-0162	U	WT/Let/51 Catalogue record	AGREEMENT ON GOVERNMENT PROCUREMENT - DONE AT MARRAKESH ON 15 APRIL 1994 - NOTIFICATION OF ACCEPTANCES - ENTRY INTO FORCE Preview (HTML)	09/01/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 53KB	2 p. 56KB	2 p. 49KB
95-4131	U	WT/Let/50 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Notification of Acceptance Preview (HTML)	20/12/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 50KB	1 p. 49KB	1 p. 49KB
95-3988	U	WT/Let/44 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Notification of Acceptances Preview (HTML)	07/12/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 50KB	1 p. 47KB	1 p. 48KB
95-1287	U	WT/Let/17 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Rectifications Preview (HTML)	16/05/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 53KB	3 p. 52KB	3 p. 52KB
95-0147	U	WT/Let/2 Catalogue record	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Notification of Acceptances Preview (HTML)	27/01/1995	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 p. 51KB	1 p. 49KB	1 p. 35KB

Pages: [previous](#) [next](#)

Displaying: 1 - 90

Query= ((@meta_Symbol WT/LET/*) & (@meta_Title Agreement on Government Procurement and not modifications and not accessions))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Number of hits per page

Search results							
Submitted: 09/01/2006 9:30:09 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 20 KB	02-5820	WT/LET/429	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copy	23/10/2002	13	U	T/WT/LET/429.doc
2 19 KB	02-5246	WT/LET/425/Rev.1	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certifications of Replacement Pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copies - Revision	01/10/2002	9	U	T/WT/LET/425R1.doc
3 18 KB	02-3897	WT/LET/425	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-leaf System for Appendices to the Agreement - Transmission of Certified True Copy	12/07/2002	8	U	T/WT/LET/425.doc
4 12 KB	02-2828	WT/LET/419	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copy	22/05/2002	4	U	T/WT/LET/419.doc
5 11 KB	01-5856	WT/LET/407	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copy	09/11/2001	8	U	T/WT/LET/407.doc
6 24 KB	01-4961	WT/LET/400	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copy	03/10/2001	9	U	T/WT/LET/400.doc
7 74 KB	01-2920	WT/LET/396	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Additional and Replacement Pages to the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copy	30/05/2001	51	U	T/WT/LET/396.doc
8 10 KB	01-2224	WT/LET/391	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Appendices to the Agreement on Government Procurement - Proces-Verbal of Rectification	18/04/2001	3	U	T/WT/LET/391.doc

9 22 KB	01-1988	WT/LET/388	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Iceland - Notification of Accession	06/04/2001	14	U	T/WT/LET/388.doc
10 10 KB	01-1420	WT/LET/386	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government Procurement - Rectification	19/03/2001	3	U	T/WT/LET/386.doc
11 20 KB	01-0131	WT/LET/370	Agreement on Government Procurement done at Marrakesh on 15 April 1994 - Certification of replacement pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified true copy	06/01/2001	12	U	T/WT/LET/370.doc
12 11 KB	00-5642	WT/LET/367	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copy - Japan	29/12/2000	4	U	T/WT/LET/367.doc
13 13 KB	00-4453	WT/LET/356	Agreement on Government Procurement done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-Leaf System for Appendices to the Agreement - Transmission of Certified True Copy - Switzerland	10/10/2000	6	U	T/WT/LET/356.doc
14 11 KB	00-4141	WT/LET/354	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-leaf System for Appendices to the Agreement - Transmission of Certified True Copy	29/09/2000	4	U	T/WT/LET/354.doc
15 26 KB	00-4144	WT/LET/355	Agreement on Government Procurement Done at Marrakesh on 15 April 1994 - Certification of Replacement Pages of the Loose-leaf System for Appendices to the Agreement - Transmission of Certified True Copy	29/09/2000	15	U	T/WT/LET/355.doc
16 273 KB	00-0882	WT/Let/330	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of the Appendices to the Agreement on Government Procurement - Transmission of Certified True Copy	01/03/2000	324	U	T/WT/LET/330.DOC
17 4 KB	98-0297	WT/Let/210	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification	23/01/1998	2	U	T/WT/LET/210.WPF
18 4 KB	97-4809	WT/Let/194	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification	31/10/1997	2	U	T/WT/LET/194.WPF
19	97-4082	WT/Let/179	Agreement on Government Procurement -	26/09/1997	10	U	T/WT/LET/179.WPF

16 KB			Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Singapore - Notification of Acceptance				
20 3 KB	97-3811	WT/Let/170	Agreement on Government Procurement - Done at Geneva on 12 April 1979 - Notification of Withdrawal	18/09/1997	1	U	T/WT/LET/170.WPF
21 22 KB	97-3713	WT/LET/166	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Liechtenstein - Notification of Acceptance	22/08/1997	12	U	T/WT/LET/166.WPF
22 4 KB	97-3447	WT/Let/152	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification	20/08/1997	2	U	T/WT/LET/152.WPF
23 4 KB	97-3448	WT/Let/162	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Modification	20/08/1997	2	U	T/WT/LET/162.WPF
24 18 KB	97-2195	WT/Let/141	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of Hong Kong - Notification of Acceptance	22/05/1997	12	U	T/WT/LET/141.WPF
25 9 KB	96-3967	WT/Let/111	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Transmission of Certified True Copy of Terms of Accession of the Kingdom of the Netherlands with Respect to Aruba - Notification of Acceptance	26/09/1996	4	U	T/WT/LET/111.WPF
26 5 KB	96-0162	WT/Let/51	AGREEMENT ON GOVERNMENT PROCUREMENT - DONE AT MARRAKESH ON 15 APRIL 1994 - NOTIFICATION OF ACCEPTANCES - ENTRY INTO FORCE	09/01/1996	2	U	T/WT/LET/51.WPF
27 3 KB	95-4131	WT/Let/50	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Notification of Acceptance	20/12/1995	1	U	T/WT/LET/50.WPF
28 4 KB	95-3988	WT/Let/44	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Notification of Acceptances	07/12/1995	1	U	T/WT/LET/44.WPF
29 4 KB	95-1287	WT/Let/17	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Certification of Rectifications	16/05/1995	3	U	T/WT/LET/17.WPF
30 4 KB	95-0147	WT/Let/2	Agreement on Government Procurement - Done at Marrakesh on 15 April 1994 - Notification of Acceptances	27/01/1995	1	U	T/WT/LET/2.WPF
((@meta_Symbol WT/LET/*) & (@meta_Title Agreement on Government Procurement and not modifications and not accessions)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num							
Result of the search: 90 (for 30 distinct downloaded document(s))							

In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

23 October 2002

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith certified true copies of the Certifications of replacement page 1/3 of Annex 1 and page 1/1 of Annex 3 to Appendix I, as well as Appendices II, III and IV (English, French and Spanish). The modifications concern **Singapore** and are effective as of 11 August 2002.

Supachai Panitchpakdi
Director-General

02-5820

WT/Let/429

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Annexes 1 and 3 of Appendix I, and Appendices II, III and IV of the Agreement on Government Procurement (1994) concerning **Singapore** which were notified to the Committee on Government Procurement (GPA/W/200) pursuant to the procedures of Article XXIV:6 became effective as of 11 August 2002 as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace page 1/3 of Annex 1 and page 1/1 of Annex 3 to Appendix I; page 4/4 (English, French and Spanish) of Appendix II; page 3/4 (English, French and Spanish) of Appendix III; and page 4/5 (English, French and Spanish) of Appendix IV in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of October, two thousand and two.

Supachai Panitchpakdi

Certified true copy:

Director-General

SINGAPORE

ANNEX 1

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

Goods	<i>Threshold:</i>	SDR 130,000
Services (specified in Annex 4)	<i>Threshold:</i>	SDR 130,000
Construction (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Auditor-General's Office
Attorney-General's Office
Cabinet Office
Istana
Judicature
Ministry of Transport
Ministry of Community Development and Sports
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Health
Ministry of Home Affairs
Ministry of Information, Communication and the Arts
Ministry of Manpower
Ministry of Law
Ministry of National Development
Ministry of Trade and Industry
Parliament
Presidential Councils
Prime Minister's Office
Public Service Commission
Ministry of Defence

This Agreement will generally apply to purchases by the Singapore Ministry of Defence of the following FSC categories (others being excluded) subject to the Government of Singapore's determinations under the provision of Article XXIII, paragraph 1.

ANNEX 3

*All other Entities which Procure in Accordance
with the Provisions of this Agreement*

Goods	<i>Threshold:</i>	SDR 400,000
Services (specified in Annex 4)	<i>Threshold:</i>	SDR 400,000
Construction (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Agency for Science, Technology and Research
Board of Architects
Civil Aviation Authority of Singapore
Building and Construction Authority
Economic Development Board
Housing and Development Board
Info – communications Development Authority of Singapore
Inland Revenue Authority of Singapore
International Enterprise Singapore
Land Transport Authority of Singapore
Jurong Town Corporation
Maritime and Port Authority of Singapore
Monetary Authority of Singapore
Nanyang Technological University
National Parks Board
National University of Singapore
Preservation of Monuments Board
Professional Engineers Board
Public Transport Council
Sentosa Development Corporation
Singapore Broadcasting Authority
Singapore Tourism Board
Standards, Productivity and Innovation Board
Urban Redevelopment Authority

Note to Annex 3:

1. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Electronic Business (GeBIZ)

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

Federal Business Opportunities (<http://www.fedbizopps.gov>)

For entities listed in Annex 2 and relevant subcentral entities listed in Annex 3, publications utilized by state governments, such as the New York Contract Reporter

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Electronic Business (GeBIZ)

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Pour les entités énumérées à l'Annexe 2 et les entités des gouvernements sous-centraux
pertinentes énumérées à l'Annexe 3, publications utilisées par les gouvernements
des Etats, comme le New York Contract Reporter

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Electronic Business (GeBIZ)

SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Con respecto a las entidades indicadas en el Anexo 2 y a las entidades pertinentes a nivel subcentral enumeradas en el Anexo 3, las publicaciones utilizadas por los gobiernos de los Estados, tales como "New York Contract Reporter"

LIECHTENSTEIN

Official Journal of the European Communities (after the entry into force of the EEA Agreement for Liechtenstein)

(Currently no such lists exist)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Non-applicable for Aruba: Aruba does not operate permanent lists of suppliers and service providers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Electronic Business (GeBIZ)

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)

LIECHTENSTEIN

Journal officiel des Communautés européennes (à compter de l'entrée en vigueur de l'Accord sur l'EEE pour le Liechtenstein)

(Il n'existe pas actuellement de listes de cette nature)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Sans objet pour Aruba, qui n'a pas de listes permanentes de fournisseurs de services

NORVEGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Electronic Business (GeBIZ)

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

LIECHTENSTEIN

Diario Oficial de las Comunidades Europeas (después de la entrada en vigor del Acuerdo de la EEE para Liechtenstein)

(Actualmente no existe tal lista)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

No se aplica a Aruba: Aruba no mantiene listas permanentes de proveedores calificados

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Electronic Business (GeBIZ)

SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

Annex 3

Kanpō
and/or
Hōreizensho

REPUBLIC OF KOREA

Kwanbo (The Korean Government's Official Gazette)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(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 local publications or directly from the listed entities.)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Aruban laws and legislations are published in the Aruban Gazette "Landscourant"

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Electronic Business (GeBIZ)

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)

11 August 2002 (WT/Let/429)

Annexe 3

Kanpō et/ou Hōreizensho

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles, soit dans les publications locales y relatives, soit directement auprès desdites entités)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Les lois et dispositions législatives sont publiées au Journal officiel d'Aruba, "Landscourant"

NORVEGE

Norsk Lovtidend (Bulletin des lois de la Norvège)

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Electronic Business (GeBIZ)

Anexo 3

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Se pueden obtener las leyes, decisiones judiciales, resoluciones administrativas y procedimientos para la adjudicación de los contratos públicos de las entidades enumeradas en los anexos 2 y 3 del apéndice I, mediante la consulta de las publicaciones locales pertinentes o solicitando directamente la información a las entidades incluidas en esos anexos.)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

La legislación de Aruba se publica en el Boletín de Aruba "Landscourant"

NORUEGA

Norsk Lovtidend (Gaceta Oficial de Noruega)

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Electronic Business (GeBIZ)

11 August 2002 (WT/Let/429)



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

1 October 2002

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATIONS OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPIES

Revision

I have the honour to furnish herewith certified true copies of the certifications of replacement pages 3/5 and 5/5 of Appendix I, Annex 3, **Japan**, effective as of **27 June 2002**, and page 2/4 of Appendix II (English, French and Spanish), effective as of **6 July 2002**.

The certifications and attached replacement pages transmitted under cover of document WT/Let/425, 12 July 2002, should be replaced by those contained in the present document.

The purpose of this document is to correct the effective date on the first certification mentioned above concerning replacement pages 3/5 and 5/5 of Appendix I, Annex 3, **Japan**. The effective date should read **27 June 2002** instead of **29 June 2002**.

Supachai Panitchpakdi
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 3 of the Agreement on Government Procurement (1994) concerning **Japan** which were notified to the Committee on Government Procurement (GPA/W/196) pursuant to the procedures of Article XXIV:6 became effective as of **27 June 2002** as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 3/5 and 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this first day of October, two thousand and two.

Supachai Panitchpakdi
Director-General

Certified true copy:

Director-General

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection

Services**Threshold:****Construction services:**

15,000 thousand SDR for entities in Group A
4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation

- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection

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 in Group A 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.
- (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.

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix II of the Agreement on Government Procurement (1994) which were notified to the Committee on Government Procurement (GPA/W/198) by **Hong Kong, China** pursuant to the procedures of Article XXIV:6 became effective as of **6 July 2002** as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 2/4 of Appendix II in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this first day of October, two thousand and two.

Supachai Panitchpakdi
Director-General

Certified true copy:

Director-General

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	Any of the following: The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
MTR Corporation Limited	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.mtr.com.hk)
Airport Authority	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.hkairport.com)

ICELANDIcelandic newspapers:

Morgunbladid

Dagbladid

Dagur

Other:

Official Journal of the European Communities

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.mtr.com.hk)
Direction de l'aéroport	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.hkairport.com)

ISLANDEJournaux islandais:

Morgunbladid

Dagbladid

Dagur

Autre:

Journal officiel des Communautés européennes

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	Cualquiera de los documentos siguientes: Prensa diaria
	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Página web en Internet (http://www.kcrc.com)
MTR S.A.	-	Cualquiera de los documentos siguientes: Prensa diaria
	-	Página web en Internet (http://www.mtr.com.hk)
Administración de Aeropuertos	-	Cualquiera de los documentos siguientes: Prensa diaria
	-	Página web en Internet (http://www.hkairport.com)

ISLANDIAPeriódicos islandeses:

Morgunbladid
Dagbladid
Dagur

Otras publicaciones:

Diario Oficial de las Comunidades Europeas



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

12 July 2002

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith certified true copies of the Certifications of replacement pages 3/5 and 5/5 to Appendix I, Annex 3, **Japan**, effective as of **27 June 2002** and page 2/4 of Appendix II (English, French and Spanish) effective as of **6 July 2002**.

Mike Moore
Director-General

02-3897

WT/Let/425

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 3 of the Agreement on Government Procurement (1994) concerning **Japan** which were notified to the Committee on Government Procurement (GPA/W/196) pursuant to the procedures of Article XXIV:6 became effective as of **29 June 2002** as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 3/5 and 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of July, two thousand and two.

Mike Moore

Certified true copy:

Director-General

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection

Services**Threshold:****Construction services:**

15,000 thousand SDR for entities in Group A
4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation

- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection

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 in Group A 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.
- (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.

10 July 2002 (WT/Let/425)

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix II of the Agreement on Government Procurement (1994) which were notified to the Committee on Government Procurement (GPA/W/198) by **Hong Kong, China** pursuant to the procedures of Article XXIV:6 became effective as of **6 July 2002** as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 2/4 of Appendix II in the Loose-Leaf System of Appendices in conformity with the aforementioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of July, two thousand and two.

Mike Moore

Certified true copy:

Director-General

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	Any of the following: The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
MTR Corporation Limited	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.mtr.com.hk)
Airport Authority	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.hkairport.com)

ICELANDIcelandic newspapers:

Morgunbladid

Dagbladid

Dagur

Other:

Official Journal of the European Communities

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.mtr.com.hk)
Direction de l'aéroport	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.hkairport.com)

ISLANDEJournaux islandais:

Morgunbladid

Dagbladid

Dagur

Autre:

Journal officiel des Communautés européennes

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	Cualquiera de los documentos siguientes: Prensa diaria
	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Página web en Internet (http://www.kcrc.com)
MTR S.A.	-	Cualquiera de los documentos siguientes: Prensa diaria
	-	Página web en Internet (http://www.mtr.com.hk)
Administración de Aeropuertos	-	Cualquiera de los documentos siguientes: Prensa diaria
	-	Página web en Internet (http://www.hkairport.com)

ISLANDIAPeriódicos islandeses:

Morgunbladid
Dagbladid
Dagur

Otras publicaciones:

Diario Oficial de las Comunidades Europeas



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

22 May 2002

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages 3/5 and 5/5 to Appendix I, Annex 3, **Japan**, effective as of **14 April 2002**.

Mike Moore
Director-General

02-2828

WT/Let/419

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 3 of the Agreement on Government Procurement (1994) concerning **Japan** which were notified to the Committee on Government Procurement (GPA/W/186) pursuant to the procedures of Article XXIV:6 became effective as of **14 April 2002** as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 3/5 and 5/5 of Annex 3 to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of May, two thousand and two.

Mike Moore

Certified true copy:

Director-General

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees

Services**Threshold:****Construction services:**

15,000 thousand SDR for entities in Group A

4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation

- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees

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 in Group A 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.
- (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.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

9 November 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages to Appendices II and III concerning the **United States**, effective 25 October 2001.

Mike Moore
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendices II and III of the Agreement on Government Procurement (1994) concerning the United States which were notified to the Committee on Government Procurement (GPA/W/154) pursuant to the procedures of Article XXIV:6 became effective as of 25 October 2001 as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace page 4/4 (English, French and Spanish) of Appendix II; and page 4/4 (English, French and Spanish) of Appendix III in the Loose-Leaf System of Appendices, in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ninth day of November, two thousand and one.

Mike Moore

Certified true copy:

Director-General

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

Federal Business Opportunities (<http://www.fedbizopps.gov>)

For entities listed in Annex 2 and relevant subcentral entities listed in Annex 3, publications utilized by state governments, such as the New York Contract Reporter

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Pour les entités énumérées à l'Annexe 2 et les entités des gouvernements sous-centraux
pertinentes énumérées à l'Annexe 3, publications utilisées par les gouvernements
des Etats, comme le New York Contract Reporter

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Con respecto a las entidades indicadas en el Anexo 2 y a las entidades pertinentes a nivel subcentral enumeradas en el Anexo 3, las publicaciones utilizadas por los gobiernos de los Estados, tales como "New York Contract Reporter"

UNITED STATES

Federal Business Opportunities (<http://www.fedbizopps.gov>)

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

ETATS-UNIS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Au lieu de les faire paraître dans le Commerce Business Daily, les entités énumérées aux Annexes 2 et 3 de l'Appendice I peuvent communiquer directement ces renseignements aux fournisseurs intéressés, sur demande adressée aux services chargés des contacts désignés dans les avis utilisés pour les invitations à soumissionner

ESTADOS UNIDOS

Federal Business Opportunities (<http://www.fedbizopps.gov>)

Las entidades incluidas en los Anexos 2 y 3 del Apéndice I, como alternativa a la publicación en el Commerce Business Daily, pueden facilitar esa información directamente a los proveedores interesados, quienes deberán dirigirse a los centros de información que se indican en los anuncios de invitaciones a participar



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

3 October 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages 1/5 to 5/5 of Annex 3; page 1/1 of Annex 5; and page 1/1 of General Notes of Appendix I of **Japan**, effective as of **5 September 2001**.

Mike Moore
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 3, Annex 5 and General Notes of the Agreement on Government Procurement (1994) concerning **Japan** which were notified to the Committee on Government Procurement (GPA/W/129) pursuant to the procedures of Article XXIV:6 became effective as of **5 September 2001**.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/5 to 5/5 of Annex 3; page 1/1 of Annex 5; and page 1/1 of General Notes to Appendix I of **Japan** in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this third day of October, two thousand and one.

Mike Moore

Certified true copy:

Director-General

JAPAN

(Authentic in the English language only)

ANNEX 3

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

Supplies

Threshold:

130 thousand SDR

List of Entities:

1. Group A

- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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
- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation

5 September 2001 (WT/Let/400)

Supplies (cont'd)

- Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute
 - Fisheries Research Agency
 - Research Institute of Economy, Trade and Industry
 - National Center for Industrial Property Information
 - Nippon Export and Investment Insurance
 - National Institute of Advanced Industrial Science and Technology
 - National Institute of Technology and Evaluation
 - Public Works Research Institute
 - Building Research Institute

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies

Services*Threshold:***Construction services:**

15,000 thousand SDR for entities in Group A
4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation

- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center

Services (cont'd)

- Japan Atomic Energy Research Institute (b)
 - RIKEN (The 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
 - Japan Arts Council
 - Japan Society for the Promotion of Science
 - University of the Air Foundation
 - National Stadium and School Health Center of Japan
 - Social Insurance Medical Fee Payment Fund
 - 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
 - Japan Motorcycle Racing Organization
 - New Energy and Industrial Technology Development Organization
 - Japan National Tourist Organization
 - Japan Institute of Labour
 - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
 - Corporation for Advanced Transport and Technology (e)
 - The Promotion and Mutual Aid Corporation for Private Schools of Japan
 - Organization for Workers' Retirement Allowance Mutual Aid
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing
 - National Center for University Entrance Examinations
 - National Institute of Special Education
 - National Olympics Memorial Youth Center
 - National Women's Education Center
 - National Youth Houses
 - National Children's Centers
 - The National Institute for Japanese Language
 - National Science Museum
 - National Institute for Materials Science
 - National Research Institute for Earth Science and Disaster Prevention
 - National Aerospace Laboratory of Japan
 - National Institute of Radiological Sciences
 - National Museum of Art
 - National Museum
 - National Research Institute for Cultural Properties
 - National Center for Teachers' Development
 - National Institute of Health and Nutrition
 - National Institute of Industrial Safety
 - National Institute of Industrial Health
 - Center for Food Quality, Labeling and Consumer Services
 - National Center for Seeds and Seedlings
 - National Livestock Breeding Center
 - Fertilizer and Feed Inspection Station
 - Agricultural Chemicals Inspection Station
 - National Farmers Academy
 - Forest Tree Breeding Center
 - National Salmon Resources Center
 - National Fisheries University
 - National Agricultural Research Organization
 - National Institute of Agrobiological Sciences
 - National Institute for Agro-Environmental Sciences
 - National Institute for Rural Engineering
 - National Food Research Institute
 - Japan International Research Center for Agricultural Sciences
 - Forestry and Forest Products Research Institute

Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies

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 in Group A 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.
- (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 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 Group A in ANNEX 3; and
4,500 thousand SDR for those in Group B in ANNEX 3.

GENERAL NOTES

1. 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 (except for those listed in Group B set out in Annex 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.
-



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

30 May 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

ADDITIONAL AND REPLACEMENT PAGES TO THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

In accordance with the Decision of the Committee on Government Procurement on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2), pursuant to the transmission to Members of a certified true copy of the terms of accession of Iceland to the above-mentioned Agreement and the notification of the accession of Iceland to the Agreement on 28 April 2001 (WT/Let/388), I have the honour to furnish herewith a certified true copy of the additional and replacement pages to the loose-leaf system for Appendices to the Agreement, as a result of the accession of **Iceland**:

- The additional pages relating to Iceland's Appendix I, Annex 1, page 1/1; Annex 2, page 1/1; Annex 3, pages 1/2 and 2/2; Annex 4, pages 1/2 and 2/2; Annex 5, page 1/1; General Notes, pages 1/3, 2/3 and 3/3, dated 28 April 2001. These pages should be inserted after Appendix I of Hong Kong, China and before Appendix I of Japan.
- The replacement pages to Appendix II, pages 1/4-4/4 (English, French and Spanish); Appendix III, pages 1/4-4/4 (English, French and Spanish); and Appendix IV, pages 1/5-5/5 (English, French and Spanish).

Mike Moore
Director General

01-2920

WT/Let/396

ICELAND

(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 central government entities including:

Central purchasing entities not having an industrial or commercial character governed by Act no. 63/1970 on the arrangement of public works contracts, and Act no. 52/1987, on government procurement, as amended.

The entities in charge of government procurement are the following bodies:

Ríkiskaup (State Trading Center)

Framkvæmdasýslan (Government Construction Contracts)

Vegagerð ríkisins (Public Road Administration)

Siglingastofnun (Icelandic Maritime Administration)

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 local public authorities, including all municipalities.
2. Public bodies at the local level not having an industrial or commercial character.

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 Sectors:*1. *The electricity sector:*

Landvirkjun (The National Power Company), *lög nr. 42/1983.*

Rafmagnsveitur ríkisins (The State Electric Power Works), *orkulög nr. 58/1967*

Orkuveita Reykjavíkur (Reykjavík Energy).

Orkubú Vestfjarða (Vestfjord Power Company), *lög nr. 66/1976.*

Other entities producing, transporting or distributing electricity pursuant to *orkulög nr. 58/1967.*

2. *Urban transport:*

Strætisvagnar Reykjavíkur (The Reykjavík Municipal Bus Service).

Almenningsvagnar bs.

Other Municipal bus services.

3. *Airports:*

Flugmálastjórn (Directorate of Civil Aviation)

4. *Ports:*

Siglingastofnun, (Icelandic Maritime Administration).

Other entities operating pursuant to *Hafnalög nr. 23/1994.*

5. *Water supply:***

Public entities producing or distributing drinking water pursuant to *lög nr 81/1991, um vatnsveitur sveitarfélaga.*

Notes to Annex 3

* 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 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 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

<i>Subject</i>	<i>CPC Reference N</i>
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 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. Iceland will not extend the benefits of this Agreement:
 - as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (2) (urban transport), to the suppliers and service providers of Canada, 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;
 - (5) (water), to the suppliers and service providers of Canada and the USA;

until such time as Iceland has accepted that the Parties concerned give comparable and effective access for Icelandic 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:
 - Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Iceland accepts that they have completed coverage of sub-central entities;
 - Japan and Korea 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 Iceland, until such time as Iceland 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 Icelandic entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as Iceland has accepted that the Parties concerned provide access for Icelandic suppliers and service providers to their own markets, Iceland will not extend the benefits of this Agreement to suppliers and service providers of:
 - 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: "Lög um opinber innkaup (52/1997) and Regulation (302/1996) 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.

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****CANADA**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

Austria	-	Official Journal of the European Communities
	-	Amtsblatt zur Wiener Zeitung
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	-	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
Finland	-	Official Journal of the European Communities
	-	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)
Sweden	-	Official Journal of the European Communities
United Kingdom	-	Official Journal of the European Communities

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	Daily Press
	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Daily Press
	-	Any of the following:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
MTR Corporation Limited	-	Home Page on the Internet (http://www.kcrc.com)
	-	Any of the following:
	-	Daily Press
Airport Authority	-	Home Page on the Internet (http://www.mtr.com.hk)
	-	Any of the following:
	-	Daily Press
	-	Home Page on the Internet (http://www.hkairport.com)

ICELANDIcelandic newspapers:

Morgunbladid
Dagbladid
Dagur

Other:

Official Journal of the European Communities

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

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

LIECHTENSTEIN

Daily Press: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

The Aruba Gazette "Landscourant" as well as in local newspapers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

For entities listed in Annex 2 and relevant subcentral entities listed in Annex 3, publications utilized by state governments, such as the New York Contract Reporter

APPENDICE II**PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
DES AVIS DE MARCHES ENVISAGES - PARAGRAPHE 1 DE L'ARTICLE IX,
ET DES AVIS POSTERIEURS A L'ADJUDICATION DES
MARCHES - PARAGRAPHE 1 DE L'ARTICLE XVIII****CANADA**

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Autriche	-	Journal officiel des Communautés européennes
	-	Amtsblatt zur Wiener Zeitung
Belgique	-	Journal officiel des Communautés européennes
	-	Le Bulletin des Adjudications
	-	Autres publications de la presse spécialisée
Danemark	-	Journal officiel des Communautés européennes
Allemagne	-	Journal officiel des Communautés européennes
Espagne	-	Journal officiel des Communautés européennes
France	-	Journal officiel des Communautés européennes
	-	Bulletin officiel des annonces des marchés publics
Grèce	-	Journal officiel des Communautés européennes
	-	Publication dans la presse quotidienne, financière, régionale et spécialisée
Irlande	-	Journal officiel des Communautés européennes
	-	Presse quotidienne: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italie	-	Journal officiel des Communautés européennes
Luxembourg	-	Journal officiel des Communautés européennes
	-	Presse quotidienne
Pays-Bas	-	Journal officiel des Communautés européennes
Portugal	-	Journal officiel des Communautés européennes
Finlande	-	Journal officiel des Communautés européennes
	-	Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Marchés publics en Finlande et dans l'EEE, Supplément au Journal officiel de la Finlande)
Suède	-	Journal officiel des Communautés européennes
Royaume-Uni	-	Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.mtr.com.hk)
Direction de l'aéroport	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.hkairport.com)

ISLANDEJournaux islandais:

Morgunbladid

Dagbladid

Dagur

Autre:

Journal officiel des Communautés européennes

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)
The Seoul Shinmun

LIECHTENSTEIN

Presse quotidienne: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

"Landscourant", Journal officiel d'Aruba, ainsi que la presse locale

NORVEGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

The Commerce Business Daily

Pour les entités énumérées à l'Annexe 2 et les entités des gouvernements sous-centraux
pertinentes énumérées à l'Annexe 3, publications utilisées par les gouvernements
des Etats, comme le New York Contract Reporter

APÉNDICE II

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LOS ANUNCIOS DE LOS CONTRATOS PREVISTOS - PÁRRAFO 1 DEL ARTÍCULO IX - Y LOS ANUNCIOS DE LAS ADJUDICACIONES - PÁRRAFO 1 DEL ARTÍCULO XVIII.

CANADÁ

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Austria	-	Diario Oficial de las Comunidades Europeas
	-	Amtsblatt zur Wiener Zeitung
Bélgica	-	Diario Oficial de las Comunidades Europeas
	-	Le Bulletin des Adjudications
	-	Otras publicaciones de la prensa especializada
Dinamarca	-	Diario Oficial de las Comunidades Europeas
Alemania	-	Diario Oficial de las Comunidades Europeas
España	-	Diario Oficial de las Comunidades Europeas
Francia	-	Diario Oficial de las Comunidades Europeas
	-	Bulletin officiel des annonces des marchés publics
Grecia	-	Diario Oficial de las Comunidades Europeas
	-	Publicación en la prensa diaria, financiera, regional y especializada
Irlanda	-	Diario Oficial de las Comunidades Europeas
	-	Prensa diaria: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italia	-	Diario Oficial de las Comunidades Europeas
Luxemburgo	-	Diario Oficial de las Comunidades Europeas
	-	Prensa diaria
Países Bajos	-	Diario Oficial de las Comunidades Europeas
Portugal	-	Diario Oficial de las Comunidades Europeas
Finlandia	-	Diario Oficial de las Comunidades Europeas
	-	Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Contratación pública en Finlandia y el EEE, Suplemento de la Gaceta Oficial de Finlandia)
Suecia	-	Diario Oficial de las Comunidades Europeas
Reino Unido	-	Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Cualquiera de los documentos siguientes:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Página web en Internet (http://www.kcrc.com)
MTR S.A.	-	Cualquiera de los documentos siguientes:
	-	Prensa diaria
	-	Página web en Internet (http://www.mtr.com.hk)
Administración de Aeropuertos	-	Cualquiera de los documentos siguientes:
	-	Prensa diaria
	-	Página web en Internet (http://www.hkairport.com)

ISLANDIAPeriódicos islandeses:

Morgunbladid
Dagbladid
Dagur

Otras publicaciones:

Diario Oficial de las Comunidades Europeas

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)
The Seoul Shinmun

LIECHTENSTEIN

Prensa diaria: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

El Boletín de Aruba "Landscourant" y periódicos locales

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily

Con respecto a las entidades indicadas en el Anexo 2 y a las entidades pertinentes a nivel subcentral enumeradas en el Anexo 3, las publicaciones utilizadas por los gobiernos de los Estados, tales como "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****CANADA**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

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

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Any of the following: - The Government of the Hong Kong Special Administrative Region Gazette - Daily Press - Home Page on the Internet (http://www.kcrc.com)
MTR Corporation Limited	-	Not applicable

Airport Authority

- Daily Press
- Home Page on the Internet
(<http://www.hkairport.com>)

ICELAND

Official Journal of the European Communities:
(Currently no such list exists)

ISRAEL

The Jerusalem Post
International Herald Tribune Ha'aretz

JAPAN

Annex 1

Kanpō

Annex 2

Kenpō
Shihō
or their equivalents

Annex 3

Kanpō

REPUBLIC OF KOREA

Kwanbo (The Korean Government's Official Gazette)

LIECHTENSTEIN

Official Journal of the European Communities (after the entry into force of the EEA Agreement for Liechtenstein)

(Currently no such lists exist)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Non-applicable for Aruba: Aruba does not operate permanent lists of suppliers and service providers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

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

APPENDICE III**PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX****CANADA**

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Les Etats membres ne tiennent pas normalement de listes permanentes de fournisseurs de produits et de services. Dans les rares cas où de telles listes existent, elles sont publiées au Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	non applicable

Direction de l'aéroport

- Presse quotidienne
- Home Page on the Internet
(<http://www.kcrc.com>)

ISLANDE

Journal officiel des Communautés européennes:
(Il n'y a pas de liste pour le moment)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

LIECHTENSTEIN

Journal officiel des Communautés européennes (à compter de l'entrée en vigueur de l'Accord sur l'EEE pour le Liechtenstein)

(Il n'existe pas actuellement de listes de cette nature)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Sans objet pour Aruba, qui n'a pas de listes permanentes de fournisseurs de services

NORVEGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

The Commerce Business Daily

Au lieu de les faire paraître dans le Commerce Business Daily, les entités énumérées aux Annexes 2 et 3 de l'Appendice I peuvent communiquer directement ces renseignements aux fournisseurs intéressés, sur demande adressée aux services chargés des contacts désignés dans les avis utilisés pour les invitations à soumissionner

APÉNDICE III**MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.****CANADÁ**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Los Estados miembros normalmente no establecen listas permanentes de proveedores de bienes y servicios. En los pocos casos en que existe tal lista, se publicará en el Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton		Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Página web en Internet (http://www.kcrc.com)
MTR S.A.	-	no aplicable

- Administración de Aeropuertos
- Prensa diaria
 - Home Page on the Internet
(<http://www.kcrc.com>)

ISLANDIA

Diario Oficial de las Comunidades Europeas
(Actualmente no existe esa lista)

ISRAEL

The Jerusalem Post
International herald Tribune - Ha'aretz

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

LIECHTENSTEIN

Diario Oficial de las Comunidades Europeas (después de la entrada en vigor del Acuerdo de la EEE para Liechtenstein)

(Actualmente no existe tal lista)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

No se aplica a Aruba: Aruba no mantiene listas permanentes de proveedores calificados

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA

Anexo 1

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily

Las entidades incluidas en los Anexos 2 y 3 del Apéndice I, como alternativa a la publicación en el Commerce Business Daily, pueden facilitar esa información directamente a los proveedores interesados, quienes deberán dirigirse a los centros de información que se indican en los anuncios de invitaciones a participar

APPENDIX IV

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS, REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL APPLICATION AND ANY PROCEDURE REGARDING GOVERNMENT PROCUREMENT COVERED BY THIS AGREEMENT - PARAGRAPH 1 OF ARTICLE XIX

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
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

- | | | |
|---------|---|---|
| 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 |
| Belgium | - | <i>Laws, royal regulations, ministerial regulations, ministerial
circulars</i> - le Moniteur Belge |
| Denmark | - | <i>Jurisprudence</i> - Pasiricisie |
| | - | <i>Laws and regulations</i> - Lovtidende |
| | - | <i>Judicial decisions</i> - Ugeskrift for Retsvaesen |
| | - | <i>Administrative rulings and procedures</i> - Ministerialtidende |
| | - | <i>Rulings by the Appeal Board for Public Procurement</i> – Konkurrence
raaded Dokumentation |
| Germany | - | <i>Legislation and regulations</i> - Bundesanzeiger |

	-	<i>Herausgeber</i> : der Bundesminister der Justiz Verlag : Bundesanzeiger Bundesanzeiger Postfach 108006 5000 Köln
	-	<i>Judicial Decisions</i> : Entscheidungsammlungen des: Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts Bundesfinanzhofs sowie der Oberlandesgerichte
Spain	-	<i>Legislation</i> - Boletín Oficial del Estado
	-	<i>Judicial rulings</i> - no official publication
France	-	<i>Legislation</i> - Journal Officiel de la République française
	-	<i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Greece	-	Government Gazette of Greece - epishmh efhmerida eurwpaikwn koinothtw
Ireland	-	<i>Legislation and regulations</i> - Iris Oifigiuil (Official Gazette of the Irish Government)
Italy	-	<i>Legislation</i> - Gazzetta Ufficiale
	-	<i>Jurisprudence</i> - no official publication
Luxembourg	-	<i>Legislation</i> - Memorial
	-	<i>Jurisprudence</i> - Pasirisie
Netherlands	-	<i>Legislation</i> - Nederlandse Staatscourant and/or Staatsblad
	-	<i>Jurisprudence</i> - no official publication
Portugal	-	<i>Legislation</i> - Diário da República Portuguesa 1a Série A e 2a série
	-	<i>Judicial Publications</i> : Boletim do Ministério da Justiça
	-	Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações
Finland	-	Suomen Säädoskokoelma - Finlands Författningssamling (The Collection of the Statutes of Finland)
Sweden	-	Svensk Författningssamling (Swedish Code of Statutes)
United Kingdom	-	<i>Legislation</i> - HM Stationery Office
	-	<i>Jurisprudence</i> - Law Reports
	-	"Public Bodies" - HM Stationery Office

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
MTR Corporation Limited	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

ICELAND

Laws, regulations and rules:	Stjórnartíðindi (The Government Gazette)
Judicial decisions and administrative rulings:	Hæstaréttardómar (Supreme Court Report)

(District courts do not issue a Court Report, but any interested party can obtain a transcript of a particular case. Administrative rulings are not reported but can be obtained from the relevant authority.)

ISRAEL

The Official Gazette

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)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(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 local publications or directly from the listed entities.)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Aruban laws and legislations are published in the Aruban Gazette "Landscourant"

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

APPENDICE IV

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION,
DANS LES MOINDRES DELAIS, DES LOIS, REGLEMENTS, DECISIONS
JUDICIAIRES, DECISIONS ADMINISTRATIVES D'APPLICATION
GENERALE ET PROCEDURES, RELATIFS AUX MARCHES PUBLICS
VISES PAR LE PRESENT ACCORD - PARAGRAPHE 1
DE L'ARTICLE XIX

CANADA*Lois et règlements*

Lois du Canada
Gazette du Canada

Décisions judiciaires

Dominion Law Reports
Recueil des arrêts de la Cour suprême
Recueil des arrêts de la Cour fédérale
National Reporter

Décisions administratives et procédures

Marchés publics (GBO)
Gazette du Canada
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

- | | | |
|----------|---|---|
| Autriche | - | 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 |
| Belgique | - | <i>Lois, arrêtés royaux, arrêtés ministériels, circulaires ministérielles</i> –
Le Moniteur belge |
| Danemark | - | <i>Jurisprudence</i> - Pasicrisie |
| | - | <i>Lois et arrêtés</i> - Lovtidende |
| | - | <i>Décisions judiciaires</i> - Ugeskrift for Retsvaesen |
| | - | <i>Décisions et procédures administratives</i> - Ministerialtidende |

28 April 2001 (WT/Let/396)

- | | | |
|-------------|---|--|
| | - | <i>Décisions de la Commission de recours en matière de marchés publics</i> - Konkurrenz raaded Dokumentation |
| Allemagne | - | <i>Législation et règlements</i> - Bundesanzeiger
<i>Editeur:</i> der Bundesminister der Justiz
Verlag : Bundesanzeiger
Bundesanzeiger
Postfach 108006
5000 Cologne |
| | - | <i>Décisions judiciaires:</i> Entscheidungssammlungen des: Bundesverfassungsgerichts; Bundesgerichtshofs Bundesverwaltungsgerichts; Bundesfinanzhofs sowie der Oberlandesgerichte |
| Espagne | - | <i>Législation</i> - Boletín Oficial des Estado |
| | - | <i>Décisions judiciaires</i> - pas de publication officielle |
| France | - | <i>Législation</i> - Journal officiel de la République française |
| | - | <i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat |
| | - | Revue des marchés publics |
| Grèce | - | Journal officiel de la Grèce - epishmh efhmerida eurwpaikwn koinothwn |
| Irlande | - | <i>Législation et règlements</i> - Iris Oifigiuil (Journal officiel du gouvernement irlandais) |
| Italie | - | <i>Législation</i> - Gazzetta Ufficiale |
| | - | <i>Jurisprudence</i> - pas de publication officielle |
| Luxembourg | - | <i>Législation</i> - Memorial |
| | - | <i>Jurisprudence</i> - Pasicrisie |
| Pays-Bas | - | <i>Législation</i> - Nederlandse Staatscourant et/ou Staatsblad |
| | - | <i>Jurisprudence</i> - pas de publication officielle |
| Portugal | - | <i>Législation</i> - Diário da República Portuguesa 1a série A e 2a série |
| | - | <i>Publications judiciaires:</i> Boletim do Ministério da Justiça; Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações |
| Finlande | - | Suomen Säädoskokoelma - Finlands Författningssamling (Recueil des lois et règlements de la Finlande)) |
| Suède | - | Svensk Författningssamling (Bulletin national des lois suédoises) |
| Royaume-Uni | - | <i>Législation</i> - HM Stationery Office (Office des publications de Sa Majesté) |
| | - | <i>Jurisprudence</i> - Law Reports |
| | - | <i>Organismes publics ("Public bodies")</i> - HM Stationery Office (Office des publications de Sa Majesté) |

HONG KONG, CHINE

Annexe 1

The Government of the Hong Kong Special Administrative Region Gazette

28 April 2001 (WT/Let/396)

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
MTR S.A.	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Direction de l'aéroport	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer

ISLANDE

Lois, règlements et règles:	Stjórnartíðindi (Journal officiel)
Décisions judiciaires et administratives:	Hæstaréttardómar (Rapport de la Court suprême)

(Les tribunaux de district ne publient pas de rapport, mais toute partie intéressée peut obtenir le compte rendu officiel d'une affaire donnée. Les décisions administratives ne font pas l'objet de rapports mais peuvent être obtenues auprès de l'autorité compétente.)

ISRAEL

The Official Gazette

JAPON*Annexe 1*

Kanpō et/ou Hōreizensho

Annexe 2

Kenpō, Shihō ou leurs équivalents, ou Kanpō
et/ou Hōreizensho

Annexe 3

Kanpō et/ou Hōreizensho

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles, soit dans les publications locales y relatives, soit directement auprès desdites entités)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Les lois et dispositions législatives sont publiées au Journal officiel d'Aruba, "Landscourant"

NORVEGE

Norsk Lovtidend (Bulletin des lois de la Norvège)

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudence des autorités administratives de la Confédération et de chaque canton (26)
Recueils des lois cantonales (26)

ETATS-UNIS

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités énumérées à l'Annexe 1 de l'Appendice I sont publiées dans les règlements relatifs aux achats fédéraux (Federal Acquisition Regulations (FAR)), qui figurent au Titre 48, Chapitre premier, du Code des règlements fédéraux (United States Code of Federal Regulations (CFR))

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles soit dans les publications y relatives des Etats et des collectivités locales soit directement auprès desdites entités

APÉNDICE IV

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LEYES,
REGLAMENTOS, DECISIONES JUDICIALES Y RESOLUCIONES
ADMINISTRATIVAS DE APLICACIÓN GENERAL, ASÍ COMO
DE LOS PROCEDIMIENTOS PARA LA ADJUDICACIÓN DE
LOS CONTRATOS PÚBLICOS COMPRENDIDOS EN
EL ÁMBITO DEL PRESENTE ACUERDO
- PÁRRAFO 1 DEL ARTÍCULO XIX.

CANADÁ*Leyes y reglamentos*

Statutes of Canada
Canada Gazette

Decisiones judiciales

Dominion Law Reports
Supreme Court Reports
Federal Court Reports
National Reporter

Resoluciones y procedimientos administrativos

Government Business Opportunities
Canada Gazette
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

- | | | |
|-----------|---|---|
| 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 |
| Bélgica | - | <i>Leyes, disposiciones reales, disposiciones ministeriales, circulares
administrativas</i> - le Moniteur Belge |
| | - | <i>Jurisprudencia</i> - Pasicrisie |
| Dinamarca | - | <i>Leyes y reglamentos</i> - Lovtidende |
| | - | <i>Decisiones judiciales</i> - Ugeskrift for Retsvaesen |
| | - | <i>Resoluciones y procedimientos administrativos</i> - Ministerialtidende |

	-	<i>Decisiones de la Junta de Apelación de la Contratación Pública –</i> Konkurrenz raaded Dokumentation
Alemania	-	<i>Leyes y reglamentos</i> - Bundesanzeiger
	-	<i>Herausgeber</i> : der Bundesminister der Justiz Verlag : Bundesanzeiger Bundesanzeiger Postfach 108006 5000 Köln
	-	<i>Decisiones Judiciales</i> : Entscheidungssammlungen des Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts; Bundesfinanzhofs sowie der Oberlandesgerichte
España	-	<i>Legislación</i> - Boletín Oficial del Estado
	-	<i>Decisiones judiciales</i> - no existe publicación oficial
Francia	-	<i>Legislación</i> - Journal Officiel de la République française
	-	<i>Jurisprudencia</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Grecia	-	Diario Oficial de Grecia - epishmh efhmerida eurwpaikwn koinothwn
Irlanda	-	<i>Leyes y reglamentos</i> - Iris Oifigiuil (Diario Oficial del Gobierno de Irlanda)
Italia	-	<i>Legislación</i> - Gazzetta Ufficiale
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Luxemburgo	-	<i>Legislación</i> - Memorial
	-	<i>Jurisprudencia</i> - Pasicrisie
Países Bajos	-	<i>Legislación</i> - Nederlandse Staatscourant y/o Staatsblad
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Portugal	-	<i>Legislación</i> - Diário da República Portuguesa, 1a serie A y 2a serie
	-	<i>Publicaciones Judiciales</i> : Boletim do Ministério da Justiça; Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações
Finlandia	-	Suomen Säädoskokoelma - Finlands Författningssamling (Colección de leyes de Finlandia)
Suecia	-	Svensk Författningssamling (Colección Legislativa de Suecia)
Reino Unido	-	<i>Legislación</i> - HM Stationery Office
	-	<i>Jurisprudencia</i> - Law Reports
	-	"Organismos Públicos" - HM Stationery Office

HONG KONG, CHINA

Anexo 1

The Government of the Hong Kong Special Administrative Region Gazette

28 April 2001 (WT/Let/396)

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	se suministra a los proveedores potenciales con las invitaciones a participar
MTR S.A.	-	se suministra a los proveedores potenciales con las invitaciones a participar
Administración de Aeropuertos	-	se suministra a los proveedores potenciales con las invitaciones a participar

ISLANDIA

Leyes, reglamentos y normas:	Stjórnartíðindi (Gaceta Oficial)
Decisiones judiciales y resoluciones administrativas:	Hæstaréttardómar (Informe del Tribunal Supremo)

(Los tribunales de distrito no publican informes, pero toda parte interesada puede obtener una copia del documento original relativo a un determinado caso. Las resoluciones administrativas no se publican, pero pueden obtenerse dirigiéndose a la autoridad competente.)

ISRAEL

The Official Gazette

JAPÓN*Anexo 1*

Kanpō y/o Hōreizensho

Anexo 2

Kenpō, Shihō o sus equivalentes, o Kanpō
y/o Hōreizensho

Anexo 3

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Se pueden obtener las leyes, decisiones judiciales, resoluciones administrativas y procedimientos para la adjudicación de los contratos públicos de las entidades enumeradas en los anexos 2 y 3 del apéndice I, mediante la consulta de las publicaciones locales pertinentes o solicitando directamente la información a las entidades incluidas en esos anexos.)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

La legislación de Aruba se publica en el Boletín de Aruba "Landscourant"

NORUEGA

Norsk Lovtidend (Gaceta Oficial de Noruega)

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudencia de las autoridades administrativas de la Confederación y de cada cantón (26)
Colecciones legislativas cantonales (26)

ESTADOS UNIDOS

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en el Anexo 1 del Apéndice I se publican en el Federal Acquisition Regulations (FAR), como parte del Code of Federal Regulations (CFR) de los Estados Unidos, título 48, capítulo 1

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en los Anexos 2 y 3 del Apéndice I se pueden obtener o bien consultando las publicaciones estatales y locales pertinentes o bien solicitando la información directamente a las entidades incluidas en dichos Anexos

I hereby certify that, pursuant to the accession to the Agreement on Government Procurement 1994 by the Government of Iceland on 28 April 2001, the foregoing text constitutes a true copy of the additional and replacement pages to the loose-leaf system of Appendices to the Agreement on Government Procurement as a result of the accession of Iceland.

Director-General
Mike Moore



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

18 April 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**APPENDICES TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT**

PROCES-VERBAL OF RECTIFICATION

I, the undersigned, *Mike Moore*, Director-General of the World Trade Organization, having examined the authentic text of the Appendices to the Agreement on Government Procurement done at Marrakesh on 15 April 1994 as subsequently rectified or modified in the form of a loose-leaf system, a certified true copy of which was transmitted on 1 March 2000, have found technical errors that should be rectified.

The errors which require rectification are the following:

Japan, Appendix I, Annex 3, Page 1/4, under List of entities, delete Nippon Telegraph and Telephone Co. East (f) and Nippon Telegraph and Telephone Co. West (f) and insert Nippon Telegraph and Telephone Co. (f).

Japan, Appendix I, Annex 3, page 2/4, under List of entities which procure the services, specified in Annex 4, delete Nippon Telegraph and Telephone East Co. (f)(g) and Nippon Telegraph and Telephone West Co. (f)(g).

Pages 1/4 and 2/4 of Appendix I, Annex 3 of Japan in the loose-leaf system for Appendices should be replaced by the attached pages.

Acting as depositary of the Agreement, having notified the Members of my intention and having received no objection thereto, I have caused the corrections to be made and have initialled these corrections in the margin of the authentic text of the Appendices.

IN WITNESS WHEREOF I have signed the present Procès-Verbal of Rectification, drawn up in the English, French and Spanish languages, on 18 April 2001.

Mike Moore
Director-General

01-2224

WT/Let/391

ANNEX 3

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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
- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation

Supplies (cont'd)

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- 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
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology (e)
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

*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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

6 April 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

TRANSMISSION OF CERTIFIED TRUE COPY OF
TERMS OF ACCESSION OF ICELAND

NOTIFICATION OF ACCESSION

I have the honour to furnish herewith a certified true of the Terms of Accession of Iceland to the above-mentioned Agreement.

I also have the honour to inform you that on 29 March 2001, I received from the Government of Iceland an instrument of accession to the above-mentioned Agreement.

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for Iceland on 28 April 2001.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Mike Moore
Director-General

01-1988

WT/Let/388

**TERMS OF ACCESSION OF ICELAND TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT (1994)**

APPENDIX I

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 central government entities including:

Central purchasing entities not having an industrial or commercial character governed by Act no. 63/1970 on the arrangement of public works contracts, and Act no. 52/1987, on government procurement, as amended.

The entities in charge of government procurement are the following bodies:

Ríkiskaup (State Trading Center)

Frankvæmdasýslan (Government Construction Contracts)

Vegagerð ríkisins (Public Road Administration)

Siglingastofnun (Icelandic Maritime Administration)

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 local public authorities, including all municipalities.
2. Public bodies at the local level not having an industrial or commercial character.

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 Sectors:

1. *The electricity sector:*

Landvirkjun (The National Power Company), *lög nr. 42/1983.*

Rafmagnsveitur ríkisins (The State Electric Power Works), *orkulög nr. 58/1967*

Orkuveita Reykjavíkur (Reykjavík Energy).

Orkubú Vestfjarða (Vestfjord Power Company), *lög nr. 66/1976.*

Other entities producing, transporting or distributing electricity pursuant to *orkulög nr. 58/1967.*

2. *Urban transport:*

Strætisvagnar Reykjavíkur (The Reykjavík Municipal Bus Service).

Almenningsvagnar bs.

Other Municipal bus services.

3. *Airports:*

Flugmálastjórn (Directorate of Civil Aviation)

4. *Ports:*

Siglingastofnun, (Icelandic Maritime Administration).

Other entities operating pursuant to *Hafnalög nr. 23/1994.*

5. *Water supply:***

Public entities producing or distributing drinking water pursuant to *lög nr 81/1991, um vatnsveitur sveitarfélaga.*

Notes to Annex 3

* 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 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 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

<i>Subject</i>	<i>CPC Reference N</i>
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 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. Iceland will not extend the benefits of this Agreement:

- as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada;
- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
- as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (2) (urban transport), to the suppliers and service providers of Canada, 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;
 - (5) (water), to the suppliers and service providers of Canada and the USA;

until such time as Iceland has accepted that the Parties concerned give comparable and effective access for Icelandic 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:

- Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Iceland accepts that they have completed coverage of sub-central entities;
- Japan and Korea 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 Iceland, until such time as Iceland 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 Icelandic entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as Iceland has accepted that the Parties concerned provide access for Icelandic suppliers and service providers to their own markets, Iceland will not extend the benefits of this Agreement to suppliers and service providers of:
 - 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: "Lög um opinber innkaup (52/1997) and Regulation (302/1996) 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.

APPENDIX II

Publications utilised 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).

Icelandic newspapers:

Morgunbladid

Dagbladid

Dagur

Other:

Official Journal of the European Communities.

APPENDIX III

Publications utilised 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).

Official Journal of the European Communities:
(Currently no such list exists)

APPENDIX IV

Publications utilised by Parties for the publication of laws, regulations, judicial decisions, administrative rulings of general application and any procedure regarding government procurement governed by this Agreement (paragraph 1 of Article XIX).

Laws, regulations and rules: Stjórnartíðindi (The Government Gazette)

Judicial decisions and administrative rulings: Hæstaréttardómar (Supreme Court Report)

(District courts do not issue a Court Report, but any interested party can obtain a transcript of a particular case. Administrative rulings are not reported but can be obtained from the relevant authority.)

Certified true copy:

Director-General



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

19 March 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**CERTIFICATION OF THE APPENDICES TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT**

RECTIFICATION

I have the honour to draw your attention to technical errors which appear in the authentic text of the above-mentioned Appendices to the Agreement on Government Procurement done at Marrakesh on 15 April 1994 as subsequently rectified or modified in accordance with the procedures of Article XXIV:6 of the Agreement, in the form of a loose-leaf system established pursuant to the decision of the Committee on Government Procurement of 4 June 1996 (GPA/M/2), a certified true copy of which was transmitted on 1 March 2000.

The errors which require rectification are the following:

Japan, Appendix I, Annex 3, Page 1/4, under List of entities, delete Nippon Telegraph and Telephone Co. East (f) and Nippon Telegraph and Telephone Co. West (f) and insert Nippon Telegraph and Telephone Co. (f).

Japan, Appendix I, Annex 3, page 2/4, under List of entities which procure the services, specified in Annex 4, delete Nippon Telegraph and Telephone East Co. (f)(g) and Nippon Telegraph and Telephone West Co. (f)(g).

Pages 1/4 and 2/4 of Appendix I, Annex 3 of Japan in the loose-leaf system for Appendices should be replaced by the attached pages.

As depositary of the Agreement on Government Procurement, I shall cause the corrections to be made to the certified true copy of the Appendices, unless any government notifies me of an objection thereto within thirty days from the date of this document. In due course, the corrections will be certified by a Procès-Verbal of Rectification.

Mike Moore
Director-General

01-1420

WT/Let/386

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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The 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

Supplies (cont'd)

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- 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
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology (e)
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

*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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

6 January 2001

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages to Appendix I, Annex 3, **Hong Kong, China** and Appendices II, III and IV, dated 6 January 2001.

Mike Moore
Director-General

01-0131

WT/Let/370

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 3 and Appendices II, III and IV of the Agreement on Government Procurement (1994) concerning Hong Kong, China which were notified to the Committee on Government Procurement (GPA/W/122/Rev.1) pursuant to the procedures of Article XXIV:6 became effective as of 6 January 2001 as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace page 1/1 of Annex 3 to Appendix I of Hong Kong, China; page 2/4 (English, French and Spanish) of Appendix II; page 1/3 (English, French and Spanish) of Appendix III; page 3/4 of Appendix IV (English); page 3/5 of Appendix IV (French and Spanish) in the Loose-Leaf System of Appendices, in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this sixth day of January, two thousand and one.

Mike Moore

Certified true copy:

Director-General

HONG KONG, CHINA

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. Airport Authority
4. MTR Corporation Limited
5. Kowloon-Canton Railway Corporation

**Formatted****6 January 2001 (WT/Let/370)**

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	Daily Press
	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Daily Press
	-	Any of the following: The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
MTR Corporation Limited	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.mtr.com.hk)
Airport Authority	-	Any of the following: Daily Press
	-	Home Page on the Internet (http://www.hkairport.com)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPAN*Annex 1*

Kanpō

Formatted

6 January 2001 (WT/Let/370)

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette
 Presse quotidienne

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
	-	Presse quotidienne
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.mtr.com.hk)
Direction de l'aéroport	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.hkairport.com)

ISRAEL

The Jerusalem Post
 International Herald Tribune - Ha'aretz

JAPON*Annexe 1*

Kanpō

Formatted

6 January 2001 (WT/Let/370)

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

- | | | |
|--|---|---|
| Administración Hospitalaria | - | Página web en Internet
(http://www.ha.org.hk) |
| Servicio de la Vivienda | - | Prensa diaria
The Government of the Hong Kong Special
Administrative Region Gazette |
| Sociedad del Ferrocarril
Kowloon-Canton | - | Prensa diaria
Cualquiera de los documentos siguientes:
The Government of the Hong Kong Special
Administrative Region Gazette |
| | - | Prensa diaria |
| | - | Página web en Internet
(http://www.kcrc.com) |
| MTR S.A. | - | Cualquiera de los documentos siguientes:
Prensa diaria |
| | - | Página web en Internet
(http://www.mtr.com.hk) |
| Administración de Aeropuertos | - | Cualquiera de los documentos siguientes:
Prensa diaria |
| | - | Página web en Internet
(http://www.hkairport.com) |

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN*Anexo 1*

Kanpō

Formatted

6 January 2001 (WT/Let/370)

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

CANADA

Government Business Opportunities (GBO)
MERX, Cebra Inc.

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

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Any of the following: The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
MTR Corporation Limited	-	Not applicable

Formatted

6 January 2001 (WT/Let/370)

APPENDICE III**PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX****CANADA**

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Les Etats membres ne tiennent pas normalement de listes permanentes de fournisseurs de produits et de services. Dans les rares cas où de telles listes existent, elles sont publiées au Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
MTR S.A.	-	non applicable

Formatted

6 January 2001 (WT/Let/370)

APÉNDICE III**MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.****CANADÁ**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Los Estados miembros normalmente no establecen listas permanentes de proveedores de bienes y servicios. En los pocos casos en que existe tal lista, se publicará en el Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Página web en Internet (http://www.kcrc.com)
MTR S.A.	-	no aplicable

Formatted

6 January 2001 (WT/Let/370)

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
MTR Corporation Limited	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

ISRAEL

The Official Gazette

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)

Formatted

6 January 2001 (WT/Let/370)

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
MTR S.A.	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Direction de l'aéroport	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer

ISRAEL

The Official Gazette

JAPON*Annexe 1*

Kanpō et/ou Hōreizensho

*Annexe 2*Kenpō, Shihō ou leurs équivalents, ou Kanpō
et/ou Hōreizensho*Annexe 3*

Kanpō et/ou Hōreizensho

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

Formatted

6 January 2001 (WT/Let/370)

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	se suministra a los proveedores potenciales con las invitaciones a participar
MTR S.A.	-	se suministra a los proveedores potenciales con las invitaciones a participar
Administración de Aeropuertos	-	se suministra a los proveedores potenciales con las invitaciones a participar

ISRAEL

The Official Gazette

JAPÓN*Anexo 1*

Kanpō y/o Hōreizensho

*Anexo 2*Kenpō, Shihō o sus equivalentes, o Kanpō
y/o Hōreizensho*Anexo 3*

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

Formatted

6 January 2001 (WT/Let/370)



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

29 December 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages 1/3 and 2/3 to Appendix I, Annex 1, **Japan**, dated 29 December 2000.

Mike Moore
Director-General

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 1 of the Agreement on Government Procurement (1994) concerning **Japan** which were notified to the Committee on Government Procurement (GPA/W/123) pursuant to the procedures of Article XXIV:6 became effective as of 29 December 2000 as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/3 and 2/3 of Annex 1 to Appendix I of Japan in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-ninth day of December, two thousand.

Mike Moore

Certified true copy:

Director-General

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
- Cabinet Office
- Imperial Household Agency
- National Public Safety Commission (National Police Agency)
- Defense Agency
- Financial Services Agency
- Ministry of Public Management, Home Affairs, Posts and Telecommunications
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Finance
- Ministry of Education, Culture, Sports, Science and Technology
- Ministry of Health, Labour and Welfare

- Ministry of Agriculture, Forestry and Fisheries
- Ministry of Economy, Trade and Industry
- Ministry of Land, Infrastructure and Transport
- Ministry of Environment

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
- Cabinet Office
- Imperial Household Agency
- National Public Safety Commission (National Police Agency)

Services (cont'd)

	<i>FSC</i>	<i>Description</i>
- Defense Agency		
- Financial Services Agency		
- Ministry of Public Management, Home Affairs, Posts and Telecommunications	22	Railway Equipment
- Ministry of Justice	24	Tractors
- Ministry of Foreign Affairs	32	Woodworking Machinery and Equipment
- Ministry of Finance	34	Metalworking Machinery
- Ministry of Education, Culture, Sports, Science and Technology	35	Service and Trade Equipment
- Ministry of Health, Labour and Welfare	36	Special Industry Machinery
- Ministry of Agriculture, Forestry and Fisheries	37	Agricultural Machinery and Equipment
- Ministry of Economy, Trade and Industry	38	Construction, Mining, Excavating, and Highway Maintenance Equipment
- Ministry of Land, Infrastructure and Transport	39	Materials Handling Equipment
- Ministry of Environment	40	Rope, Cable, Chain, and Fittings
	41	Refrigeration, Air Conditioning, and Air Circulating Equipment
	43	Pumps and Compressors
	45	Plumbing, Heating and Sanitation Equipment

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 and the Law establishing the Cabinet Office. | 46 | Water Purification and Sewage Treatment Equipment |
| 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. | 47 | Pipe, Tubing, Hose, and Fittings |
| 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. | 48 | Valves |
| 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: | 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 |



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

10 October 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages 1/9, 2/9, 3/9 and 4/9 to Appendix I, Annex 1, **Switzerland**, dated 29 September 2000.

Mike Moore
Director-General

00-4453

WT/Let/356

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 1 of the Agreement on Government Procurement (1994) concerning **Switzerland** which were notified to the Committee on Government Procurement (GPA/W/106 and Corr.1) pursuant to the procedures of Article XXIV:6 became effective as of 29 September 2000 as agreed by the Committee at its meeting of the same date.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/9, 2/9, 3/9 and 4/9 of Annex 1 to Appendix I of Switzerland in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-ninth day of September, two thousand.

Mike Moore

Certified true copy:

Director-General

SUISSE

(La version française fait foi)

ANNEXE 1

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

Fournitures	<i>Valeur de seuil:</i>	130 000 DTS
Services (spécifiés à l'annexe 4)	<i>Valeur de seuil:</i>	130 000 DTS
Services de construction (spécifiés à l'annexe 5)	<i>Valeur de seuil:</i>	5 000 000 DTS

Liste des entités couvrant tous les Départements fédéraux suisses:

1. Chancellerie fédérale (CF):

Chancellerie fédérale
Bibliothèque centrale du Parlement et de l'Administration fédérale
Préposé fédéral à la protection des données

2. Département fédéral des affaires étrangères (DFAE):

Secrétariat général du Département fédéral des affaires étrangères
Direction du développement et de la coopération
Direction du droit international public
Direction politique
Secrétariat d'État du Département fédéral des affaires étrangères

3. Département fédéral de l'intérieur (DFI):

Secrétariat général du Département fédéral de l'intérieur
Archives fédérales
Bureau fédéral de l'égalité entre femmes et hommes
Conseil des écoles polytechniques fédérales
Écoles polytechniques fédérales et établissements annexes
Groupement de la science et de la recherche
Institut fédéral de recherches sur la forêt, la neige et le paysage
Institut fédéral pour l'aménagement, l'épuration et la protection des eaux
Institut Paul Scherrer
Institut suisse de météorologie
Laboratoire fédéral d'essai des matériaux et de recherches

Office fédéral de l'assurance militaire¹
Office fédéral de l'éducation et de la science
Office fédéral de la culture
Office fédéral de la santé publique
Office fédéral de la statistique
Office fédéral des assurances sociales

4. Département fédéral de la justice et police (DFJP):

Secrétariat général du Département fédéral de la justice et police
Institut suisse de droit comparé
Institut suisse de la propriété intellectuelle
Ministère public de la Confédération
Office fédéral de la justice
Office fédéral de la police
Office fédéral de l'aménagement du territoire
Office fédéral de métrologie
Office fédéral des assurances privées
Office fédéral des étrangers
Office fédéral des réfugiés

5. Département fédéral de la défense, de la protection de la population et des sports (DDPS):

Secrétariat général du Département fédéral de la défense, de la protection de la population et des sports¹
Administration centrale du groupement de l'armement¹
Commandement des écoles d'état-major et de commandants¹
Commandement du Corps des gardes fortification¹
État-Major de l'instruction opérative¹
État-Major général¹
Groupe de l'état-major général¹
Groupe de la logistique de l'état-major général¹
Groupe de la promotion de la paix et de la coopération en matière de sécurité¹
Groupe de la Direction de l'instruction des forces terrestres¹
Groupe de la planification de l'état-major général¹
Groupe de l'aide au commandement de l'état-major général¹
Groupe des affaires sanitaires de l'état-major général¹
Groupe des opérations de l'état-major général¹
Groupe des opérations des forces aériennes¹
Groupe du personnel de l'armée de l'état-major général¹
Groupe du personnel enseignant des forces terrestres¹
Groupe des renseignements de l'état-major général¹
Office de l'auditeur en chef¹
Office des exploitations des forces terrestres¹
Office fédéral de la protection civile¹
Office fédéral de la topographie
Office fédéral de l'instruction des forces aériennes¹

¹ Pour 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 frontière et des douaniers.)

Office fédéral des armes de combat¹
Office fédéral des armes et des services d'appui¹
Office fédéral des armes et des services de la logistique¹
Office fédéral des exploitations des forces aériennes¹
Office fédéral des systèmes d'armes des forces aériennes et des systèmes de commandement¹
Office fédéral des systèmes d'armes et des munitions¹
Office fédéral du matériel d'armée et des constructions¹
Office fédéral du sport
Services centraux de l'état-major général¹
Services centraux des forces aériennes¹
Services centraux des forces terrestres¹

6. Département fédéral des finances (DFF):

Secrétariat général du Département fédéral des finances
Administration fédérale des contributions
Administration fédérale des douanes¹
Administration fédérale des finances
Caisse fédérale d'assurance
Commission fédérale des banques
Contrôle fédéral des finances
Monnaie officielle de la Confédération suisse
Office fédéral de l'informatique
Office fédéral des constructions et de la logistique
Office fédéral du personnel
Régie fédérale des alcools

7. Département fédéral de l'économie (DFE):

Secrétariat général du Département fédéral de l'économie
Commission de la concurrence
Office fédéral de l'agriculture
Office fédéral de la formation professionnelle et de la technologie
Office fédéral du logement
Office fédéral pour l'approvisionnement économique du pays
Office vétérinaire fédéral
Secrétariat d'État à l'économie
Surveillance des prix

¹ Pour 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 frontière et des douaniers.)

8. Département fédéral de l'environnement, des transports, de l'énergie et de la communication (DETEC):

Secrétariat général du Département fédéral de l'environnement, des transports, de l'énergie et de la communication

Commission fédérale de la communication

La Poste²

Office fédéral de la communication

Office fédéral de l'aviation civile

Office fédéral de l'économie des eaux

Office fédéral de l'énergie

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

Office fédéral des routes

Office fédéral des transports

² Pour autant que l'entité ne soit pas en concurrence avec des entreprises auxquelles le présent accord n'est pas applicable.



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

29 September 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages 1/3 and 2/3 to Appendix I, Annex 1, **Japan**, dated 22 August 2000.

Mike Moore
Director-General

00-4141

WT/Let/354

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 1 of the Agreement on Government Procurement (1994) concerning **Japan** which were notified to the Committee on Government Procurement (GPA/W/115) pursuant to the procedures of Article XXIV:6 became effective as of 22 August 2000 as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/3 and 2/3 of Annex 1 to Appendix I of Japan in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-second day of August, two thousand.

Mike Moore

Certified true copy:

Director-General

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
- Financial Services Agency
- 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)

Services (cont'd)

- 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
- Financial Services Agency
- 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



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

29 September 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF REPLACEMENT PAGES OF THE LOOSE-LEAF SYSTEM
FOR APPENDICES TO THE AGREEMENT

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Certification of replacement pages to Appendix I, Annex 1, **Hong Kong, China** and Appendices II, III and IV, dated 26 August 2000.

Mike Moore
Director-General

00-4144

WT/Let/355

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATIONS TO THE AGREEMENT

It is hereby certified that the modifications to Appendix I, Annex 1 and Appendices II, III and IV of the Agreement on Government Procurement (1994) concerning Hong Kong, China which were notified to the Committee on Government Procurement (GPA/W/116) pursuant to the procedures of Article XXIV:6 became effective as of 26 August 2000 as no objections to the proposed modifications were received within 30 days from the date of issue of the above-mentioned document.

Pursuant to the Decision of the Committee on Government Procurement adopted on 4 June 1996 regarding the establishment of a loose-leaf system with legal effect to periodically update the Appendices to the Agreement on Government Procurement (GPA/M/2) and procedures with respect to the modifications to the loose-leaf system (GPA/M/5), these modifications are contained in the attached replacement pages to the loose-leaf system. Accordingly, the attached pages replace pages 1/2 and 2/2 of Annex 1 to Appendix I of Hong Kong, China; page 2/4 (English, French and Spanish) of Appendix II; page 1/3 (English, French and Spanish) of Appendix III; pages 2/4 and 3/4 of Appendix IV (English); page 2/4 of Appendix IV (French); and pages 2/5 and 3/5 of Appendix IV (Spanish) in the Loose-Leaf System of Appendices in conformity with the afore-mentioned Decisions.

This Certification is deposited with the Director-General of the World Trade Organization, who shall promptly furnish a certified true copy to each party to the Agreement on Government Procurement, in accordance with paragraph 14 of Article XXIV of the Agreement. It shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-sixth day of August, two thousand.

Mike Moore

Certified true copy:

Director-General

HONG KONG, CHINA

ANNEX 1

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

Threshold: 130,000 SDR for goods and services other than construction services
5,000,000 SDR for construction services

List of Entities:

1. Agriculture, Fisheries and Conservation Department
2. Architectural Services Department
3. Audit Commission
4. Auxiliary Medical Services
5. Buildings Department
6. Census and Statistics Department
7. Civil Aid Services
8. Civil Aviation Department
9. Civil Engineering Department
10. Civil Service Training and Development Institute
11. Companies Registry
12. Correctional Services Department
13. Customs and Excise Department
14. Department of Health
15. Department of Justice
16. Drainage Services Department
17. Education Department
18. Electrical and Mechanical Services Department
19. Environmental Protection Department
20. Fire Services Department
21. Food and Environmental Hygiene Department
22. Government Flying Service
23. Government Laboratory
24. Government Land Transport Agency
25. Government Property Agency
26. Government Secretariat
27. Government Supplies Department
28. Highways Department
29. Home Affairs Department
30. Hong Kong Monetary Authority

31. Hong Kong Observatory
32. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
33. Hospital Services Department
34. Immigration Department
35. Independent Commission Against Corruption
36. Information Services Department
37. Information Technology Services Department
38. Inland Revenue Department
39. Intellectual Property Department
40. Invest Hong Kong
41. Judiciary
42. Labour Department
43. Land Registry
44. Lands Department
45. Legal Aid Department
46. Leisure and Cultural Services Department
47. Management Services Agency
48. Marine Department
49. Office of the Ombudsman
50. Office of the Telecommunications Authority
51. Official Languages Agency
52. Official Receiver's Office
53. Planning Department
54. Post Office
55. Printing Department
56. Public Service Commission
57. Radio Television Hong Kong
58. Rating and Valuation Department
59. Registration and Electoral Office
60. Secretariat, Independent Police Complaints Council
61. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
62. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
63. Secretariat, University Grants Committee
64. Social Welfare Department
65. Student Financial Assistance Agency
66. Technical Education and Industrial Training Department
67. Television and Entertainment Licensing Authority
68. Territory Development Department
69. Trade and Industry Department
70. Transport Department
71. Treasury
72. Water Supplies Department

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
	-	Daily Press
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	Any of the following:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
Mass Transit Railway Corporation	-	Daily Press
Airport Authority	-	Any of the following:
	-	Daily Press
	-	Home Page on the Internet (http://www.hkairport.com)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPAN*Annex 1*

Kanpō

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
	-	Presse quotidienne
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
Société de transports en commun par chemin de fer	-	Presse quotidienne
Direction de l'aéroport	-	L'un ou l'autre des documents suivants: Presse quotidienne
	-	Page d'accueil sur Internet (http://www.hkairport.com)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON*Annexe 1*

Kanpō

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Cualquiera de los documentos siguientes:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
Compañía de los Trenes Colectivos	-	Página web en Internet (http://www.kcrc.com)
Administración de Aeropuertos	-	Prensa diaria
	-	Cualquiera de los documentos siguientes:
	-	Prensa diaria
	-	Página web en Internet (http://www.hkairport.com)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN*Anexo 1*

Kanpō

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****CANADA**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

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

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Any of the following: - The Government of the Hong Kong Special Administrative Region Gazette - Daily Press - Home Page on the Internet (http://www.kcrc.com)
Mass Transit Railway Corporation	-	Not applicable

APPENDICE III**PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX****CANADA**

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Les Etats membres ne tiennent pas normalement de listes permanentes de fournisseurs de produits et de services. Dans les rares cas où de telles listes existent, elles sont publiées au Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Page d'accueil sur Internet (http://www.kcrc.com)
Société de transports en commun par chemin de fer	-	non applicable

APÉNDICE III**MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.****CANADÁ**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Los Estados miembros normalmente no establecen listas permanentes de proveedores de bienes y servicios. En los pocos casos en que existe tal lista, se publicará en el Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Página web en Internet (http://www.kcrc.com)
Compañía de los Trenes Colectivos	-	no aplicable

Germany	- <i>Legislation and regulations</i> - Bundesanzeiger - <i>Herausgeber</i> : der Bundesminister der Justiz Verlag : Bundesanzeiger Bundesanzeiger Postfach 108006 5000 Köln - <i>Judicial Decisions</i> : Entscheidungssammlungen des: Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts Bundesfinanzhofs sowie der Oberlandesgerichte
Spain	- <i>Legislation</i> - Boletín Oficial del Estado - <i>Judicial rulings</i> - no official publication
France	- <i>Legislation</i> - Journal Officiel de la République française - <i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat - Revue des marchés publics
Greece	- Government Gazette of Greece - epishmh efhmerida eurwpaikwn koinothtw
Ireland	- <i>Legislation and regulations</i> - Iris Oifigiuil (Official Gazette of the Irish Government)
Italy	- <i>Legislation</i> - Gazzetta Ufficiale - <i>Jurisprudence</i> - no official publication
Luxembourg	- <i>Legislation</i> - Memorial - <i>Jurisprudence</i> - Pasirisie
Netherlands	- <i>Legislation</i> - Nederlandse Staatscourant and/or Staatsblad - <i>Jurisprudence</i> - no official publication
Portugal	- <i>Legislation</i> - Diário da República Portuguesa 1a Série A e 2a série - <i>Judicial Publications</i> : Boletim do Ministério da Justiça - Colectânea de Acordos do Supremo Tribunal Administrativo; - Colectânea de Jurisprudencia Das Relações
Finland	- Suomen Säädoskokoelma - Finlands Författningssamling (The Collection of the Statutes of Finland)
Sweden	- Svensk Författningssamling (Swedish Code of Statutes)
United Kingdom	- <i>Legislation</i> - HM Stationery Office - <i>Jurisprudence</i> - Law Reports - " <i>Public Bodies</i> " - HM Stationery Office

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette

Annex 3

Hospital Authority	-	Home Page on the Internet (http://www.ha.org.hk)
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
Mass Transit Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

ISRAEL

The Official Gazette

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)

Annexe 3

Direction des hôpitaux	-	Page d'accueil sur Internet (http://www.ha.org.hk)
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Société de transports en commun par chemin de fer	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Direction de l'aéroport	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer

ISRAEL

The Official Gazette

JAPON*Annexe 1*

Kanpō et/ou Hōreizensho

Annexe 2

Kenpō, Shihō ou leurs équivalents, ou Kanpō
et/ou Hōreizensho

Annexe 3

Kanpō et/ou Hōreizensho

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

Alemania	-	<i>Decisiones de la Junta de Apelación de la Contratación Pública –</i> Konkurrenz raaded Dokumentation
	-	<i>Leyes y reglamentos</i> - Bundesanzeiger
	-	<i>Herausgeber</i> : der Bundesminister der Justiz Verlag : Bundesanzeiger Bundesanzeiger Postfach 108006 5000 Köln
	-	<i>Decisiones Judiciales</i> : Entscheidungsammlungen des Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts; Bundesfinanzhofs sowie der Oberlandesgerichte
España	-	<i>Legislación</i> - Boletín Oficial del Estado
	-	<i>Decisiones judiciales</i> - no existe publicación oficial
Francia	-	<i>Legislación</i> - Journal Officiel de la République française
	-	<i>Jurisprudencia</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Grecia	-	Diario Oficial de Grecia - epishmh efhmerida eurwpaikwn koinothwn
Irlanda	-	<i>Leyes y reglamentos</i> - Iris Oifigiuil (Diario Oficial del Gobierno de Irlanda)
Italia	-	<i>Legislación</i> - Gazzetta Ufficiale
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Luxemburgo	-	<i>Legislación</i> - Memorial
	-	<i>Jurisprudencia</i> - Pasicrisie
Países Bajos	-	<i>Legislación</i> - Nederlandse Staatscourant y/o Staatsblad
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Portugal	-	<i>Legislación</i> - Diário da República Portuguesa, 1a serie A y 2a serie
	-	<i>Publicaciones Judiciales</i> : Boletim do Ministério da Justiça; Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações
Finlandia	-	Suomen Säädoskokoelma - Finlands Författningssamling (Colección de leyes de Finlandia)
Suecia	-	Svensk Författningssamling (Colección Legislativa de Suecia)
Reino Unido	-	<i>Legislación</i> - HM Stationery Office
	-	<i>Jurisprudencia</i> - Law Reports
	-	"Organismos Públicos" - HM Stationery Office

HONG KONG, CHINA

Anexo 1

The Government of the Hong Kong Special Administrative Region Gazette

Anexo 3

Administración Hospitalaria	-	Página web en Internet (http://www.ha.org.hk)
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	se suministra a los proveedores potenciales con las invitaciones a participar
Compañía de los Trenes Colectivos	-	se suministra a los proveedores potenciales con las invitaciones a participar
Administración de Aeropuertos	-	se suministra a los proveedores potenciales con las invitaciones a participar

ISRAEL

The Official Gazette

JAPÓN*Anexo 1*

Kanpō y/o Hōreizensho

*Anexo 2*Kenpō, Shihō o sus equivalentes, o Kanpō
y/o Hōreizensho*Anexo 3*

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

1 March 2000

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**CERTIFICATION OF THE APPENDICES TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT**

TRANSMISSION OF CERTIFIED TRUE COPY

I have the honour to furnish herewith a certified true copy of the Appendices to the Agreement on Government Procurement done at Marrakesh on 15 April 1994 as subsequently rectified or modified in accordance with the procedures of Article XXIV:6 of the Agreement, in the form of a loose-leaf system established pursuant to the decision of the Committee on Government Procurement of 4 June 1996 (GPA/M/2).

Mike Moore
Director-General

00-0882

WT/Let/330

**CERTIFICATION OF THE APPENDICES TO
THE AGREEMENT ON GOVERNMENT
PROCUREMENT**

**CERTIFICATION DES APPENDICES DE
L'ACCORD SUR LES MARCHÉS PUBLICS**

**CERTIFICACIÓN DE LOS APÉNDICES DEL
ACUERDO SOBRE CONTRATACIÓN PÚBLICA**

**LOOSE-LEAF APPENDICES TO THE AGREEMENT ON
GOVERNMENT PROCUREMENT**

Table of Contents

Appendix I	Annexes 1 through 5 setting out the scope of this Agreement	<i>Page</i>
	Canada - (Authentic English version)	Annex 1 1-4 Annex 2 1 Annex 3 1 Annex 4 1-3 Annex 5 1 General Notes 1-2
	Canada - (Authentic French version)	Annex 1 1-4 Annex 2 1 Annex 3 1 Annex 4 1-4 Annex 5 1 General Notes 1-2
	European Communities -	Annex 1 1-70 Annex 2 1-3 Annex 3 1-4 Annex 4 1-6 Annex 5 1-7 Attachment to Annexes 2 and 3 1-33 General Notes (English) 1-3 General Notes (French) 1-3 General Notes (Spanish) 1-3
	Hong Kong, China -	Annex 1 1-2 Annex 2 1 Annex 3 1 Annex 4 1-2 Annex 5 1 General Notes 1-3
	Israel -	Annex 1 1-2 Annex 2 1 Annex 3 1 Annex 4 1 Annex 5 1 General Notes 1 Note 1

			<i>Page</i>
Japan	-	Annex 1	1-3
		Annex 2	1-2
		Annex 3	1-4
		Annex 4	1-2
		Annex 5	1
		General Notes	1
Korea	-	Annex 1	1-4
		Annex 2	1-2
		Annex 3	1-2
		Annex 4	1-3
		Annex 5	1
		General Notes	1
Liechtenstein	-	Annex 1	1
		Annex 2	1
		Annex 3	1-3
		Annex 4	1-2
		Annex 5	1
		General Notes	1-2
Netherlands (with respect to Aruba)	-	Annex 1	1
		Annex 2	1
		Annex 3	1
		Annex 4	1
		Annex 5	1
Norway	-	Annex 1	1-5
		Annex 2	1-2
		Annex 3	1-2
		Annex 4	1-2
		Annex 5	1
		General Notes	1-6
Singapore	-	Annex 1	1-3
		Annex 2	1
		Annex 3	1
		Annex 4	1-2
		Annex 5	1
		General Notes	1
Switzerland	-	Annex 1	1-9
		Annex 2	1-2
		Annex 3	1-4
		Annex 4	1-2
		Annex 5	1
		General Notes	1-2

		<i>Page</i>
United States	- Annex 1	1-5
	Annex 2	1-6
	Annex 3	1-2
	Annex 4	1
	Annex 5	1
	General Notes	1
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	
	- <i>English</i>	1-4
	- <i>French</i>	1-4
	- <i>Spanish</i>	1-4
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	
	- <i>English</i>	1-3
	- <i>French</i>	1-3
	- <i>Spanish</i>	1-3
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	
	- <i>English</i>	1-4
	- <i>French</i>	1-5
	- <i>Spanish</i>	1-5

APPENDIX I

APPENDIX I

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

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

APPENDICE I

Annexes 1 à 5 définissant la portée du présent accord:

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

APÉNDICE I

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

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

CANADA

(Authentic in the English and French languages)

ANNEX 1

Federal Government Entities

<i>Thresholds:</i>	130,000 SDRs	-	Goods
	130,000 SDRs	-	Services covered in Annex 4
	5,000,000 SDRs	-	Construction covered in Annex 5

List of Entities:

1. Department of Agriculture
2. Department of Communications (not including procurements respecting FSCs 36, 70 and 74)
3. Department of Consumer and Corporate Affairs
4. Department of Employment and Immigration
5. Immigration and Refugee Board
6. Employment and Immigration Commission
7. Department of Energy, Mines and Resources
8. Atomic Energy Control Board
9. National Energy Board (on its own account)
10. Department of the Environment
11. Department of External Affairs
12. Canadian International Development Agency (on its own account)
13. Department of Finance
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

1 March 2000 (WT/Let/330)

33. Department of Public Works
34. Department of Secretary of State of Canada
35. Social Science and Humanities Research Council
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

1 March 2000 (WT/Let/330)

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

1 March 2000 (WT/Let/330)

46. Water purification and sewage treatment equipment
47. Pipe, tubing, hose and fittings
48. Valves
49. Maintenance and repair shop equipment
52. Measuring tools
53. Hardware and abrasives
54. Prefabricated structures and scaffolding
55. Lumber, millwork, plywood and veneer
56. Construction and building materials
61. Electric wire and power and distribution equipment
62. Lighting fixtures and lamps
63. Alarm and signal systems
65. Medical, dental and veterinary equipment and supplies
66. Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components 6665: Hazard-detecting instruments and apparatus)
67. Photographic equipment
68. Chemicals and chemical products
69. Training aids and devices
70. General purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations)
71. Furniture
72. Household and commercial furnishings and appliances
73. Food preparation and serving equipment
74. Office machines, visible record equipment and automatic data processing equipment
75. Office supplies and devices
76. Books, maps and other publications - (except 7650 drawings and specifications)
77. Musical instruments, phonographs and home-type radios
78. Recreational and athletic equipment
79. Cleaning equipment and supplies
80. Brushes, paints, sealers and adhesives
81. Containers, packaging and packing supplies
85. Toiletries
87. Agricultural supplies
88. Live animals
91. Fuels, lubricants, oils and waxes
93. Non-metallic fabricated materials
94. Non-metallic crude materials
96. Ores, minerals and their primary products
99. Miscellaneous

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

Federal Enterprises

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

1 March 2000 (WT/Let/330)

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)
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.

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^os 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^os 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
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
48. Robinets-vannes
49. Matériel d'ateliers d'entretien et de réparation
52. Instruments de mesure
53. Articles de quincaillerie et abrasifs
54. Eléments 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 visé e.
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
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
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;
- * 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 jusqu'à 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.

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
COMMUNAUTÉS EUROPEENNES
COMUNIDADES EUROPEAS**

ANNEX 1- ANNEXE 1 - ANEXO 1

*Entities which Procure in Accordance with the Provisions of this Agreement
Entités qui passent des marchés conformément aux dispositions du présent accord
Entidades que se rigen en sus contratos por las disposiciones del presente acuerdo*

SUPPLIES / FOURNITURES / SUMINISTROS

Thresholds: SDR 130,000
Valeurs de seuil: DTS 130 000
Valores de umbral: DEG 130.000

SERVICES / SERVICES / SERVICIOS

specified in Annex 4 / spécifiés dans l'Annexe 4 / detallados en el Anexo 4

Thresholds: SDR 130,000
Valeurs de seuil: DTS 130 000
Valores de umbral: DEG 130.000

WORKS / TRAVAUX / OBRAS

specified in Annex 5 / spécifiés dans l'Annexe 5 / detalladas en el Anexo 5

Thresholds: SDR 5,000,000
Valeurs de seuil: DTS 5 000 000
Valores de umbral: DEG 5.000.000

LIST OF ENTITIES / LISTE DES ENTITÉS / LISTA DE LAS ENTIDADES:

1. EUROPEAN COMMUNITIES ENTITIES ENTITÉS DE LA COMMUNAUTÉ EUROPÉENNE ENTIDADES DE LA COMUNIDAD EUROPEA:
--

1. THE COUNCIL OF THE EUROPEAN UNION / LE CONSEIL DE L'UNION EUROPÉENNE / EL CONSEJO DE LA UNIÓN EUROPEA.
2. THE EUROPEAN COMMISSION / LA COMMISSION EUROPÉENNE / LA COMISIÓN EUROPEA.

2. THE FOLLOWING CONTRACTING AUTHORITIES OF THE STATE LES POUVOIRS ADJUDICATEURS DE L'ÉTAT QUI SUIVENT LOS SIGUIENTES PODERES ADJUDICADORES DEL ESTADO:
--

AUSTRIA - AUTRICHE - AUSTRIA

(Authentic in the English language only)

(A) Present coverage of entities:

1.	Federal Chancellery	Bundeskanzleramt
2.	Federal Ministry for Foreign Affairs	Bundesministerium für auswärtige Angelegenheiten
3.	Federal Ministry of Labour, health and social affairs	Bundesministerium für arbeit, Gesundheit und soziales
4.	Federal Ministry of Finance	Bundesministerium für Finanzen
	(a) Procurement Office	Amtswirtschaftsstelle
	(b) Division III/1 (procurement of technical appliances, equipments and goods for the customs guard)	Abteilung III/1 (Beschaffung von technischen Geräten, Einrichtungen und Sachgütern für die Zollwache)
	(c) Federal EDP-Office (procurement of the Federal Ministry of Finance and of the Federal Office of Accounts)	Bundesrechenamt (EDV-Bereich des Bundesministeriums für Finanzen und des Bundesrechenamtes)
5.	Federal Ministry for Environment, Youth and Family – Procurement Office	Bundesministerium für Umwelt, Jugend und Familie, Amtswirtschaftsstelle
6.	Federal Ministry for Economic Affairs	Bundesministerium für wirtschaftliche Angelegenheiten, Amtswirtschaftsstelle
7.	Federal Ministry of Internal Affairs	Bundesministerium für Inneres
	(a) Division I/5 (Procurement Office)	Abteilung I/5 (Amtswirtschaftsstelle)
	(b) Division I/6 [procurement of goods (other than those procured by Division II/3) for the Federal Police]	Abteilung I/6 (Beschaffung aller Sachgüter für die Bundespolizei soweit sie nicht von der Abteilung II/3 beschafft werden)
	(c) EDP-Centre (procurement of electronical data processing machines (hardware))	EDV-Zentrale (Beschaffung von EDV- "Hardware")
	(d) Division II/3 (procurement of technical appliances and equipments for the Federal Police)	Abteilung II/3 (Beschaffung von technischen Geräten und Einrichtungen für die Bundespolizei)
	(e) Division II/5 (procurement of technical appliances and equipment for the Federal Provincial Police)	Abteilung II/5 (Beschaffung von technischenGeräten und Einrichtungen für die Bundesgendarmerie)

1 March 2000 (WT/Let/330)

	(f) Division II/19 (procurement of equipment for supervision of road traffic)	Abteilung II/19 (Beschaffung von Einrichtungen zur Überwachung des Straßenverkehrs)
	(g) Division II/21 (procurement of aircraft)	Abteilung II/21 (Beschaffung von Flugzeugen)
8.	Federal Ministry for Justice – Procurement Office	Bundesministerium für Justiz, Amtswirtschaftsstelle
9.	Federal Ministry of Defence ¹	Bundesministerium für Landesverteidigung (Nichtkriegsmaterial wie in Annex I, Teil 3 angeführt)
10.	Federal Ministry of Agriculture and Forestry	Bundesministerium für Land- und Forstwirtschaft
11.	Federal Ministry of Education and Cultural Affairs	Bundesministerium für Unterricht und kulturelle Angelegenheiten
12.	Federal Ministry for Science and Transport	Bundesministerium für Wissenschaft und Verkehr
13.	Austrian Central Statistical Office	Österreichisches Statistisches Zentralamt
14.	Austrian Federal Academy of Public Administration	Verwaltungsakademie des Bundes
15.	Federal Office of Metrology and Surveying	Bundesamt für Eich- und Vermessungswesen
16.	Federal Institute for Testing and Research, Arsenal (BVFA)	Bundesforschungs- und Prüfzentrum Arsenal
17.	Austro control GES. M.B.H. - Austrian office for civil aviation	Austro Control GES. M.B.H. - Österreichische Gesellschaft für Zivilluftfahrt
18.	Federal Institute for Testing of Motor Vehicles	Bundesprüfanstalt für Kraftfahrzeuge
19.	Post and Telecom Austria	Post und Telecom Austria Aktiengesellschaft

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

¹ Non-warlike materials contained in Part (3) of this Annex

APPENDIX 1	EUROPEAN COMMUNITY BELGIUM	ANNEX 1	Page 4/324
------------	---	---------	------------

BELGIUM - BELGIQUE - BÉLGICA

(La version française fait foi)

(A) L'État fédéral:

1. Services du Premier Ministre
2. Ministère des Affaires économiques
3. Ministère des Affaires étrangères, du Commerce extérieur et de la Coopération au développement
4. Ministère des Affaires sociales, de la Santé publique et de l'Environnement
5. Ministère des Classes moyennes et de l'Agriculture
6. Ministère des Communications et de l'Infrastructure
7. Ministère de la Défense nationale²
8. Ministère de l'Emploi et du Travail
9. Ministère des Finances
10. Ministère de la Fonction publique
11. Ministère de l'Intérieur
12. Ministère de la Justice

(B) Autres:

1. la Poste³
2. la Régie des Bâtiments
3. L'Office national de Sécurité Sociale
4. L'Institut national d'Assurances sociales pour Travailleurs indépendants
5. L'Institut national d'Assurance Maladie-Invalidité
6. L'Office national des Pensions
7. La Caisse auxiliaire d'Assurance Maladie-Invalidité
8. Le Fonds des Maladies professionnelles
9. L'Office national de l'Emploi

² Matériel non militaire figurant dans la partie (3) de la présente annexe

³ Activités postales visées par la loi du 24 décembre 1993

DENMARK - DANEMARK - DINAMARCA

(Authentic in the English language only)

- | | | | |
|-----|---|---|--|
| 1. | (Parliament) - (Auditor General of Denmark) | | Folketinget - Rigsrevisionen |
| 2. | Prime Minister's Office | | |
| 3. | Ministry of Foreign Affairs | - | 2 departments |
| 4. | Ministry of Labour | - | 5 agencies and institutions |
| 5. | Ministry of Housing and Urban Affairs | - | 7 agencies and institutions |
| 6. | Ministry of Industry and Trade | - | 7 agencies and institutions |
| 7. | Ministry of Finance | - | 3 agencies and institutions |
| 8. | Ministry of Research | - | 1 agency |
| 9. | Ministry of Defence ⁴ (1) | - | Several institutions |
| 10. | Ministry of the Interior | - | 2 agencies |
| 11. | Ministry of Justice | - | 2 directorates and several police offices and courts |
| 12. | Ministry of Ecclesiastical Affairs | - | 10 diocesan authorities |
| 13. | Ministry of Cultural Affairs | - | 3 institutions and several state-owned museums and higher education institutions |
| 14. | Ministry of Agriculture and Fisheries | - | 23 directorates and institutions |
| 15. | Ministry of Environment and Energy | - | 6 agencies and research establishment "Risø" |
| 16. | Ministry of Taxes and Duties | - | 1 agency |
| 17. | Ministry of Social Affairs | - | 4 agencies and institutions |
| 18. | Ministry of Health | - | Several institutions including the State Serum Institute |
| 19. | Ministry of Education | - | 6 directorates and 12 universities and other higher education institutions |
| 20. | Ministry of Economic Affairs | - | Statistical bureau (Statistics Denmark) |
| 21. | Ministry of Transport | | |

⁴ Non-warlike materials contained in Part (3) of this Annex

GERMANY - ALLEMAGNE - ALEMANIA

(Authentic in the English language only)

1.	Federal Foreign Office	Auswärtiges Amt
2.	Federal Chancellery	Bundeskanzleramt
3.	Federal Ministry of Labour and Social Affairs	Bundesministerium für Arbeit und Sozialordnung
4.	Federal Ministry of Education, Science, Research and Technology	Bundesministerium für Bildung, Wissenschaft, Forschung und Technologie
5.	Federal Ministry for Food, Agriculture and Forestry	Bundesministerium für Ernährung, Landwirtschaft und Forsten
6.	Federal Ministry of Finance	Bundesministerium der Finanzen
7.	Federal Ministry of the Interior (civil goods only)	Bundesministerium des Innern
8.	Federal Ministry of Health	Bundesministerium für Gesundheit
9.	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth	Bundesministerium für Familie, Senioren, Frauen und Jugend
10.	Federal Ministry of Justice	Bundesministerium der Justiz
11.	Federal Ministry for Regional Planning, Building and Urban Development	Bundesministerium für Raumordnung, Bauwesen und Städtebau
12.	Federal Ministry of Post and Telecommunications ⁵	Bundesministerium für Post- und Telekommunikation
13.	Federal Ministry of Transport	Bundesministerium für Verkehr
14.	Federal Ministry of Economic Affairs	Bundesministerium für Wirtschaft
15.	Federal Ministry for Economic Co-operation	Bundesministerium für wirtschaftliche Zusammenarbeit
16.	Federal Ministry of Defence ⁶	Bundesministerium der Verteidigung
17.	Federal Ministry of Environment, Nature Conservation and Reactor Safety	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit

⁵ Except telecommunication equipment

⁶ Non-warlike materials contained in Part (3) of this Annex

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.

APPENDIX 1	EUROPEAN COMMUNITY SPAIN	ANNEX 1	Page 8/324
------------	---	---------	------------

SPAIN - ESPAGNE - ESPAÑA

(Esta lista es auténtica en la versión española)

1. Ministerio de Asuntos Exteriores
2. Ministerio de Justicia
3. Ministerio de Defensa⁷
4. Ministerio de Economía y Hacienda
5. Ministerio del Interior
6. Ministerio de Fomento
7. Ministerio de Educación y Cultura
8. Ministerio de Trabajo y Asuntos Sociales
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 Sanidad y Consumo
14. Ministerio de Medio Ambiente

⁷ Material no militar incluido en la parte (3) de este Anexo

FINLAND - FINLANDE - FINLANDIA

(Authentic in the English language only)

- | | | |
|----|---|--------------------------------|
| 1. | OFFICE OF THE CHANCELLOR OF JUSTICE | OIKEUSKANSLERINVIRASTO |
| 2. | MINISTRY OF TRADE AND INDUSTRY | KAUPPA-JA TEOLLISUUSMINISTERIÖ |
| | National Consumer Administration | Kuluttajavirasto |
| | National Food Administration | Elintarvikevirasto |
| | Office of Free Competition | Kilpailuvirasto |
| | Council of Free Competition | Kilpailuneuvosto |
| | Office of the Consumer Ombudsman | Kuluttaja-asiamiehen toimisto |
| | Consumer Complaint Board | Kuluttajavalituslautakunta |
| | National Board of Patents and Registration | Patentti- ja rekisterihallitus |
| 3. | MINISTRY OF TRANSPORT AND COMMUNICATIONS | LIIKENNEMINISTERIÖ |
| | Telecommunications Administration Centre | Telehallintokeskus |
| 4. | MINISTRY OF AGRICULTURE AND FORESTRY | MAA- JA METSÄTALOUSMINISTERIÖ |
| | National Land Survey of Finland | Maanmittauslaitos |
| 5. | MINISTRY OF JUSTICE | OIKEUSMINISTERIÖ |
| | The Office of the Data Protection Ombudsman | Tietosuojavaltuutetun toimisto |
| | Courts of Law | Tuomioistuinlaitos |
| | | – Korkein oikeus |
| | | – Korkein hallinto-oikeus |
| | | – Hovioikeudet |
| | | – Käräjäoikeudet |
| | | – Läänioikeudet |
| | | – Markkinatuomioistuin |
| | | – Työtuomioistuin |
| | | – Vakuutus oikeus |
| | | – Vesioikeudet |
| | Prison Administration | Vankeinhoitolaitos |
| 6. | MINISTRY OF EDUCATION | OPETUSMINISTERIÖ |
| | National Board of Education | Opetushallitus |
| | National Office of Film Censorship | Valtion elokuvatarkastamo |

7.	MINISTRY OF DEFENCE ⁸ Defence Forces	PUOLUSTUSMINISTERIÖ Puolustusvoimat
8.	MINISTRY OF THE INTERIOR Population Register Centre Central Criminal Police Mobile Police Frontier Guard	SISÄASIAINMINISTERIÖ Väestörekisterikeskus Keskusrikospoliisi Liikkuva poliisi Rajavartiolaitos
9.	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	SOSIAALI- JA TERVEYSMINISTERIÖ Työttömyysturvalautakunta Tarkastuslautakunta Lääkelaitos Terveystieteiden tutkimuskeskus Tapaturmavirasto Säteilyturvakeskus Valtion turvapaikan hakijoiden vastaanotto-keskukset
10.	MINISTRY OF LABOUR National Conciliators' Office Labour Council	TYÖMINISTERIÖ Valtakunnansovittelijain toimisto Työneuvosto
11.	MINISTRY FOR FOREIGN AFFAIRS	ULKOASIAINMINISTERIÖ
12.	MINISTRY OF FINANCE State Economy Controller's Office State Treasury Office	VALTIOVARAINMINISTERIÖ Valtiontalouden tarkastusvirasto Valtiokonttori Valtion työmarkkinalaitos Verohallinto Tullihallinto Valtion vakuusrahasto
13.	MINISTRY OF ENVIRONMENT National Board of Waters and Environment	YMPÄRISTÖMINISTERIÖ Vesi- ja ympäristöhallitus

⁸ Non-warlike materials contained in Part (3) of this Annex

FRANCE - FRANCE - FRANCIA

(La version française fait foi)

- (A) Principales entités acheteuses
- (a) *Budget général*
1. Services du Premier Ministre
 2. Ministère des Affaires Sociales, de la Santé et de la Ville
 3. Ministère de l'Intérieur et de l'Aménagement du Territoire
 4. Ministère de la Justice
 5. Ministère de la Défense
 6. Ministère des Affaires Etrangères
 7. Ministère de l'Education Nationale
 8. Ministère de l'Economie
 9. Ministère de l'Industrie, des Postes et Télécommunications et du Commerce Extérieur
 10. Ministère de l'Équipement, des Transports et du Tourisme
 11. Ministère des Entreprises et du Développement Economique, chargé des Petites et Moyennes Entreprises et du Commerce et de l'Artisanat
 12. Ministère du Travail, de l'Emploi et de la Formation Professionnelle
 13. Ministère de la Culture et de la Francophonie
 14. Ministère du Budget
 15. Ministère de l'Agriculture et de la Pêche
 16. Ministère de l'Enseignement Supérieur et de la Recherche
 17. Ministère de l'Environnement
 18. Ministère de la Fonction Publique
 19. Ministère du Logement
 20. Ministère de la Coopération
 21. Ministère des Départements et Territoires d'Outre-Mer
 22. Ministère de la Jeunesse et des Sports
 23. Ministère de la Communication
 24. Ministère des anciens Combattants et Victimes de Guerre

(b) *Budget annexe*

On peut notamment signaler:

1. Imprimerie Nationale

(c) *Comptes spéciaux du Trésor*

On peut notamment signaler:

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

(B) Etablissements publics nationaux à caractère administratif

1. Académie de France à Rome;
2. Académie de Marine;
3. Académie des Sciences d'Outre-Mer;
4. Agence Centrale des Organismes de Sécurité Sociale (A.C.O.S.S.);
5. Agences Financières de Bassins;
6. Agence Nationale pour l'Amélioration des Conditions de Travail (A.N.A.C.T.);
7. Agence Nationale pour l'Amélioration de l'Habitat (A.N.A.H.);
8. Agence Nationale pour l'Emploi (A.N.P.E.);
9. Agence Nationale pour l'Indemnisation des Français d'Outre-Mer (A.N.I.F.O.M.);
10. Assemblée Permanente des Chambres d'Agriculture (A.P.C.A.);
11. Bibliothèque Nationale;
12. Bibliothèque Nationale et Universitaire de Strasbourg;
13. Bureau d'Etudes des Postes et Télécommunications d'Outre-Mer (B.E.P.T.O.M.);
14. Caisse des Dépôts et Consignations;
15. Caisse Nationale des Allocations Familiales (C.N.A.F.);
16. Caisse Nationale d'Assurance Maladie des Travailleurs Salariés (C.N.A.M.);
17. Caisse Nationale d'Assurance-Vieillesse des Travailleurs Salariés (C.N.A.V.T.S.);
18. Caisse Nationale des Autoroutes (C.N.A.);
19. Caisse Nationale Militaire de Sécurité Sociale (C.N.M.S.S.);

20. Caisse Nationale des Monuments Historiques et des Sites;
21. Caisse Nationale des Télécommunications⁹;
22. Caisse de Garantie du Logement Social;
23. Casa de Velasquez;
24. Centre d'Enseignement Zootechnique de Rambouillet;
25. Centre d'Etudes du Milieu et de Pédagogie Appliquée du Ministère de l'Agriculture;
26. Centre d'Etudes Supérieures de Sécurité Sociale;
27. Centres de Formation Professionnelle Agricole;
28. Centre National d'Art et de Culture Georges Pompidou;
29. Centre National de la Cinématographie Française;
30. Centre National d'Etudes et de Formation pour l'Enfance Inadaptée;
31. Centre National d'Etudes et d'Expérimentation du Machinisme Agricole, du Génie Rural, des Eaux et des Forêts;
32. Centre National de Formation pour l'Adaptation Scolaire et l'Education Spécialisée (C.N.E.F.A.S.E.S.);
33. Centre National de Formation et de Perfectionnement des Professeurs d'Enseignement Ménager Agricole;
34. Centre National des Lettres;
35. Centre National de Documentation Pédagogique;
36. Centre National des Oeuvres Universitaires et Scolaires (C.N.O.U.S.);
37. Centre National d'Ophthalmologie des Quinze-Vingts;
38. Centre National de Préparation au Professorat de Travaux Manuels Éducatifs et d'Enseignement Ménager;
39. Centre National de Promotion Rurale de Marmilhat;
40. Centre National de la Recherche Scientifique (C.N.R.S.);
41. Centre Régional d'Education Populaire d'Ile de France;
42. Centres d'Education Populaire et de Sport (C.R.E.P.S.);
43. Centres Régionaux des Oeuvres Universitaires (C.R.O.U.S.);
44. Centres Régionaux de la Propriété Forestière;
45. Centre de Sécurité Sociale des Travailleurs Migrants;
46. Chancelleries des Universités;
47. Collège de France

⁹ Postes seulement

48. Commission des Opérations de Bourse;
49. Conseil Supérieur de la Pêche;
50. Conservatoire de l'Espace Littoral et des Rivages Lacustres;
51. Conservatoire National des Arts et Métiers;
52. Conservatoire National Supérieur de Musique;
53. Conservatoire National Supérieur d'Art Dramatique;
54. Domaine de Pompadour;
55. Ecole Centrale - Lyon;
56. Ecole Centrale des Arts et Manufactures;
57. Ecole Française d'Archéologie d'Athènes;
58. Ecole Française d'Extrême-Orient;
59. Ecole Française de Rome;
60. Ecole des Hautes Études en Sciences Sociales;
61. Ecole Nationale d'Administration;
62. Ecole Nationale de l'Aviation Civile (E.N.A.C.);
63. Ecole Nationale des Chartes;
64. Ecole Nationale d'Equitation;
65. Ecole Nationale du Génie Rural des Eaux et des Forêts (E.N.G.R.E.F.);
66. Ecoles Nationales d'Ingénieurs;
67. Ecole Nationale d'Ingénieurs des Industries des Techniques Agricoles et Alimentaires;
68. Ecoles Nationales d'Ingénieurs des Travaux Agricoles;
69. Ecole Nationale des Ingénieurs des Travaux Ruraux et des Techniques Sanitaires;
70. Ecole Nationale des Ingénieurs des Travaux des Eaux et Forêts (E.N.I.T.E.F.);
71. Ecole Nationale de la Magistrature;
72. Ecoles Nationales de la Marine Marchande;
73. Ecole Nationale de la Santé Publique (E.N.S.P.);
74. Ecole Nationale de Ski et d'Alpinisme;
75. Ecole Nationale Supérieure Agronomique - Montpellier;
76. Ecole Nationale Supérieure Agronomique - Rennes;
77. Ecole Nationale Supérieure des Arts Décoratifs;
78. Ecole Nationale Supérieure des Arts et Industries - Strasbourg;
79. Ecole Nationale Supérieure des Arts et Industries Textiles - Roubaix;

80. Ecoles Nationales Supérieures d'Arts et Métiers;
81. Ecole Nationale Supérieure des Beaux-Arts;
82. Ecole Nationale Supérieure des Bibliothécaires;
83. Ecole Nationale Supérieure de Céramique Industrielle;
84. Ecole Nationale Supérieure de l'Electronique et de ses Applications (E.N.S.E.A.);
85. Ecole Nationale Supérieure d'Horticulture;
86. Ecole Nationale Supérieure des Industries Agricoles Alimentaires;
87. Ecole Nationale Supérieure du Paysage (Rattachée à l'Ecole Nationale Supérieure d'Horticulture);
88. Ecole Nationale Supérieure des Sciences Agronomiques Appliquées (E.N.S.S.A.);
89. Ecoles Nationales Vétérinaires;
90. Ecole Nationale de Voile;
91. Ecoles Normales d'Instituteurs et d'Institutrices;
92. Ecoles Normales Nationales d'Apprentissage;
93. Ecoles Normales Supérieures;
94. Ecole Polytechnique;
95. Ecole Technique Professionnelle Agricole et Forestière de Meymac (Corrèze)
96. Ecole de Sylviculture - Croigny (Aube);
97. Ecole de Viticulture et d'Oenologie de la Tour Blanche (Gironde);
98. Ecole de Viticulture - Avize (Marne);
99. Etablissement National de Convalescents de Saint-Maurice;
100. Etablissement National des Invalides de la Marine (E.N.I.M.);
101. Etablissement National de Bienfaisance Koenigs-Wazter;
102. Fondation Carnegie;
103. Fondation Singer-Polignac;
104. Fonds d'Action Sociale pour les Travailleurs Immigrés et leurs Familles;
105. Hôpital-Hospice National Dufresne-Sommeiller;
106. Institut de l'Elevage et de Médecine Vétérinaire des Pays Tropicaux (I.E.M.V.P.T.)
107. Institut Français d'Archéologie Orientale du Caire;
108. Institut Géographique National;
109. Institut Industriel du Nord;
110. Institut International d'Administration Publique (I.I.A.P.);

111. Institut National Agronomique de Paris-Grignon;
112. Institut National des Appellations d'Origine des Vins et Eux-de-Vie (I.N.A.O.V.E.V.);
113. Institut National d'Astronomie et de Géophysique (I.N.A.G.);
114. Institut National de la Consommation (I.N.C.);
115. Institut National d'Education Populaire (I.N.E.P.);
116. Institut National d'Etudes Démographiques (I.N.E.D.);
117. Institut National des Jeunes Aveugles - Paris;
118. Institut National des Jeunes Sourdes - Bordeaux;
119. Institut National des Jeunes Sourds - Chambéry;
120. Institut National des Jeunes Sourds - Metz;
121. Institut National des Jeunes Sourds - Paris;
122. Institut National de Physique Nucléaire et de Physique des Particules (I.N.P.N.P.P.);
123. Institut National de Promotion Supérieure Agricole;
124. Institut National de la Propriété Industrielle;
125. Institut National de la Recherche Agronomique (I.N.R.A.);
126. Institut National de Recherche Pédagogique (I.N.R.P.);
127. Institut National de la Santé et de la Recherche Médicale (I.N.S.E.R.M.);
128. Institut National des Sports;
129. Instituts Nationaux Polytechniques;
130. Instituts Nationaux des Sciences Appliquées;
131. Instituts National Supérieur de Chimie Industrielle de Rouen;
132. Institut National de Recherche en Informatique et en Automatique (I.N.R.I.A.);
133. Institut National de Recherche sur les Transports et leur Sécurité (I.N.R.T.S.);
134. Instituts Régionaux d'Administration;
135. Institut Supérieur des Matériaux et de la Construction Mécanique de Saint-Ouen
136. Musée de l'Armée;
137. Musée Gustave Moreau;
138. Musée de la Marine;
139. Musée National J.J. Henner;
140. Musée National de la Légion d'Honneur;
141. Musée de la Poste;
142. Muséum National d'Histoire Naturelle;

143. Musée Augustre Rodin;
 144. Observatoire de Paris;
 145. Office de Coopération et d'Accueil Universitaire;
 146. Office Français de Protection des Réfugiés et Apatrides;
 147. Office National des Anciens Combattants;
 148. Office National de la Chasse;
 149. Office National d'Information sur les Enseignements et les Professions (O.N.I.E.P.);
 150. Office National d'Immigration (O.N.I.);
 151. O.R.S.T.O.M. – Institut Français de Recherche Scientifique pour le Développement en Coopération;
 152. Office Universitaire et Culturel Français pour l'Algérie;
 153. Palais de la Découverte;
 154. Parcs Nationaux;
 155. Réunion des Musées Nationaux;
 156. Syndicat des Transports Parisiens;
 157. Thermes Nationaux - Aix-les-Bains;
 158. Universités.
- (C) Autre organisme public national
1. Union des Groupements d'Achats Publics (U.G.A.P.).

GREECE - GRÈCE - GRECIA

(Authentic in the English language only)

List of entities

1. Ministry of the Interior, Public Administration and Decentralization
2. Ministry of Foreign Affairs
3. Ministry of National Economy
4. Ministry of Finance
5. Ministry of Development
6. Ministry of Environment, Planning and Public Works
7. Ministry of Education and Religion
8. Ministry of Agriculture
9. Ministry of Labour and Social security
10. Ministry of Health and Social Selfare
11. Ministry of Justice
12. Ministry of Culture
13. Ministry of Merchant Marine
14. Ministry of Macedonia and Thrace
15. Ministry of the Aegean
16. Ministry of Transport and Communications
17. Ministry for Press and Media
18. Ministry to the Prime Minister
19. Army General Staff
20. Navy General Staff
21. Airforce General Staff
22. General Secretariat for Equality
23. General Secretariat for Greeks Living Abroad
24. General Secretariat for Commerce
25. General Secretariat for Research and Technology
26. General Secretariat for Industry

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

IRELAND - IRLANDE - IRLANDA

(Authentic in the English language only)

- (A) Main purchasing entities
1. Office of Public Works
- (B) Other Departments
1. President's Establishment;
 2. Houses of the Oireachtas (Parliament);
 3. Department of the Taoiseach (Prime Minister);
 4. Office of the Tánaiste (Deputy Prime Minister);
 5. Central Statistics Office;
 6. Department of Arts, Culture and the Gaeltacht;
 7. National Gallery of Ireland;
 8. Department of Finance;
 9. State Laboratory;
 10. Office of the Comptroller and Auditor General;
 11. Office of the Attorney General;
 12. Office of the Director of Public Prosecutions;
 13. Valuation Office;
 14. Civil Service Commission;
 15. Office of the Ombudsman;
 16. Office of the Revenue Commissioners;
 17. Department of Justice;

1 March 2000 (WT/Let/330)

18. Commissioners of Charitable Donations and Bequests for Ireland;
19. Department of the Environment;
20. Department of Education;
21. Department of the Marine;
22. Department of Agriculture, Food and Forestry;
23. Department of Enterprise and Employment
24. Department of Tourism and Trade
25. Department of Defence¹⁰;
26. Department of Foreign Affairs;
27. Department of Social Welfare;
28. Department of Health;
29. Department of Transport, Energy and Communications

¹⁰ Non-warlike materials contained in Part (3) of this Annex

APPENDIX 1	EUROPEAN COMMUNITY ITALY	ANNEX 1	Page 22/324
------------	---	---------	-------------

ITALY - ITALIE – ITALIA

(Authentic in the English language only)

Purchasing Entities

1.	Presidency of the Council of Ministers with Ministry of Cultural Affairs	Presidenza del Consiglio dei Ministri con il Ministero del Beni Culturali
2.	Ministry of Foreign Affairs	Ministero degli affari esteri
3.	Ministry of the Interior	Ministero dell'Interno
4.	Ministry of Justice	Ministero di Grazia e Giustizia
5.	Ministry of the Treasury ¹¹	Ministero del Tesoro
6.	Ministry of Finance ¹²	Ministero delle Finanze
7.	Ministry of Defence ¹³	Ministero della Difesa
8.	Ministry of Industry, Trade, Handicraft and Tourism	Ministero dell'Industria, del Commercio e Dell'artigianato
9.	Ministry of Public Works	Ministero del Lavori Pubblici
10.	Ministry of Transports	Ministero del Trasporti
11.	Ministry of Posts and Telecommunications ¹⁴	Ministero delle Poste e Telecomunicazioni
12.	Ministry of Health	Ministero della Sanità
13.	Ministry of Education, University, Scientifical and Technological Research	Ministero della Pubblica Istruzione, dell'Università e della ricerca scientifica e tecnologica
14.	Ministry of Employment and Social Security	Ministero del Lavoro e della Previdenza Sociale
15.	Ministry of Environment	Ministero dell'Ambiente
16.	Ministry of Foreign Trade	Ministero del Commercio con l'Estero
17.	Ministry of Agriculture resources	Ministero delle Risorce Agricole, Alimentari e Forestali

¹¹ Acting as the central purchasing entity for most of the other Ministries or entities

¹² Not including purchases made by the tobacco and salt monopolies

¹³ Non-warlike materials contained in Part (3) of this Annex

¹⁴ Postal business only

LUXEMBOURG - LUXEMBOURG - LUXEMBURGO

(La version française fait foi)

1. Ministère du Budget: Service Central des Imprimés et des Fournitures de l'Etat;
2. Ministère de l'Agriculture: Administration des Services Techniques de l'Agriculture;
3. Ministère de l'Education 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: Armée¹⁵ - 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: Administration de l'Environnement.

¹⁵ Matériel non-militaire figurant dans la partie (3) de la présente annexe

NETHERLANDS - PAYS BAS - PAÍSES BAJOS

(Authentic in the English Language only)

*List of Entities**Ministries and Central Governmental Bodies*

- | | | |
|----|--|--|
| 1. | MINISTRY OF GENERAL AFFAIRS
Advisory Council on Government Policy

National Information Office | MINISTERIE VAN ALGEMENE ZAKEN
Bureau van de Wetenschappelijke Raad voor het Regeringsbeleid

Rijksvoorlichtingsdienst (Directie voorlichting, RVD-DV; Directie toepassing communicatietechniek, RVD-DTC) |
| 2. | MINISTRY OF THE INTERIOR

Government Personnel Information System Service
Public Servants Medical Expenses Agency
Central Archives

Netherlands Institute for Firemen and Combatting Calamities

Netherlands Bureau for Exams of Firemen

National Institute for Selection and Education of Policemen

25 Individual Police Regions

National Police Forces | MINISTERIE VAN BINNENLANDSE ZAKEN

Dienst Informatievoorziening Overheidspersoneel

Dienst Ziektelkostenvoorziening Overheidspersoneel
Centrale Archiefselectiedienst
Binnenlandse Veiligheidsdienst (BVD)

Nederlands Instituut voor Brandweer en Rampenbestrijding (NIBRA)

Nederlands Bureau Brandweer Examens (NBBE)

Landelijk Selectie en Opleidingsinstituut Politie (LSOP)

25 Afzonderlijke politieregio's

Korps Landelijke Politiediensten |
| 3. | MINISTRY OF FOREIGN AFFAIRS

SNV Organisation for Development Cooperation and Awareness
CBI, Centre for promotion of import from developing countries | MINISTERIE VAN BUITENLANDSE ZAKEN

SNV, Organisatie voor Ontwikkelingssamenwerking en Bewustwording
CBI, Centrum tot Bevordering van de Import uit Ontwikkelingslanden |

- | | | |
|----|--|--|
| 4. | <p>MINISTRY OF DEFENCE¹⁶</p> <p>Central Organisation, Ministry of Defense</p> <p>Staff, Defense Interservice Command</p> <p>Defense telematics Agency (establishment of this new service is expected to take place on 1 September 1997)</p> <p>Duyverman Computer Centre (This service will be part of DTO and will consequently loose, as from 1 January 1998, its status as independent procurement service)</p> <p>Central Directorate, Defense Infrastructure Agency</p> <p>The individual regional directorates of the Defence Infrastructure Agency</p> <p>Directorate of material Royal Netherlands Navy</p> <p>Directorate of material Royal Netherlands Army</p> <p>Information Technology Support Centre, Royal Netherlands Army</p> <p>Directorate of material Royal Netherlands Airforce</p> <p>Defense Pipeline Organisation</p> | <p>MINISTERIE VAN DEFENSIE</p> <p>Centrale organisatie van het ministerie van Defensie</p> <p>Staf Defensie Interservice Commando (DICO)</p> <p>Defensie telematica Organisatie (DTO)</p> <p>Duyverman Computer Centrum (DCC)</p> <p>Centrale directie van de Dienst Gebouwen, Werken en Terreinen</p> <p>De afzonderlijke regionale directies van de Dienst Gebouwen, Werken en Terreinen</p> <p>Directie materieel Koninklijke Marine</p> <p>Directie materieel Koninklijke Landmacht</p> <p>Dienstcentrum Automatisering Koninklijke Landmacht</p> <p>Directie materieel Koninklijke Luchtmacht</p> <p>Defensie Pijpleiding Organisatie</p> |
| 5. | <p>MINISTRY OF ECONOMIC AFFAIRS</p> <p>Economic Investigation Agency</p> <p>Central Plan Bureau</p> <p>Netherlands Central Bureau of Statistics Senter</p> <p>Industrial Property Office</p> <p>Central Licensing Office for Import and Export</p> <p>State Supervision of Mines</p> | <p>MINISTERIE VAN ECONOMISCHE ZAKEN</p> <p>Economische Controledienst</p> <p>Centraal Planbureau</p> <p>Centraal Bureau voor de Statistiek Senter</p> <p>Bureau voor de Industriële Eigendom</p> <p>Centrale Dienst voor de In- en Uitvoer</p> <p>Staatstoezicht op de Mijnen</p> |
| 6. | <p>MINISTRY OF FINANCE</p> <p>Directorates of the State Tax Department</p> | <p>MINISTERIE VAN FINANCIËN</p> <p>Directies der Rijksbelastingen</p> |

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

	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
	Service for judicial institutions	Dienst justitiële inrichtingen
	Service prevention, Youth protection and rehabilitation	Dienst preventie, Jeugd bescherming en reclassering
	Service Administration of justice	Dienst rechtspleging
	Central Debt Collection Agency of the Ministry of Justice	Centraal Justitie Incassobureau
	National Police Services Force	Korps Landelijke Politiediensten
	Immigration and Naturalisation Service	Immigratie- en Naturalisatiedienst
	Public Prosecutor	Openbaar Ministerie
8.	MINISTRY OF AGRICULTURE, NATURE MANAGEMENT AND FISHERIES	MINISTERIE VAN LANDBOUW, NATUURBEHEER EN VISSERIJ
		Dienst Landelijke Service bij Regelingen (LASER)
	Game Fund	Jachtfonds
	National Inspection Service for Animals and Animal Protection	Rijksdienst voor de Keuring van Vee en Vlees (RVV)
	Plant Protection Service	Plantenziektenkundige Dienst (PD)
	National Forest Service	Staatsbosbeheer (SBB)
	General Inspection Service	Algemene Inspectiedienst (AID)
		Dienst Landinrichting Beheer Landbouwgronden (LBL)
	Agricultural Research Service	Dienst Landbouwkundig Onderzoek (DLO)
	National Fisheries Research Institute	Rijksinstituut voor Visserijonderzoek (RIVO-DLO)
	Government Institute for Quality Control of Agricultural Products	Rijkskwaliteit Instituut voor Land- en Tuinbouwprodukten (RILJIT-DLO)
	National Institute for Nature Management	Instituut voor Bos- en Natuuronderzoek
		De afzonderlijke Regionale Beleidsdirecties
9.	MINISTRY OF EDUCATION, CULTURE AND SCIENCE	MINISTERIE VAN ONDERWIJS, CULTUUR EN WETENSCHAPPEN
	Netherlands State Institute for War Documentation	Rijksinstituut voor Oorlogsdocumentatie

	Public Record Office	Rijksarchiefdienst
	Council for Education	Onderwijsraad
	Advisory Council for Science and Technology Policy	Adviesraad voor het Wetenschap en Technologiebeleid
	Central Financial Entities	Centrale Financiën Instellingen
	Inspection of Education	Onderwijsinspectie
	National Institute for Ancient Monuments	Rijksdienst voor de Monumentenzorg
	National Institute for Archeological Soil Exploration	Rijksdienst Oudheidkundig Bodemonderzoek
	Council for Cultural Heritage	Raad voor Cultuur
10.	MINISTRY OF SOCIAL AFFAIRS AND EMPLOYMENT	MINISTERIE VAN SOCIALE ZAKEN EN WERKGELEGENHEID
11.	MINISTRY OF TRANSPORT, PUBLIC WORKS AND WATER MANAGEMENT	MINISTERIE VAN VERKEER EN WATERSTAAT
	Directorate-General for Civil Aviation	Directoraat-Generaal Rijksluchtvaartdienst
	Directorate-General for Navigation and Maritime Affairs	Directoraat-Generaal Scheepvaart en Maritieme Zaken
	Directorate-General for Transport	Directoraat-Generaal Vervoer
	Directorate-General for Public Works and Water Management	Directoraat-Generaal Rijkswaterstaat
	Telecommunications and Post Department	Hoofddirectie Telecommunicatie en Post
	Royal Netherlands Meteorological Institute	Koninklijk Nederlands Meteorologisch Instituut
	Central Services	Centrale Diensten
	The individual regional directories of Water Management	De afzonderlijke regionale directies van Rijkswaterstaat
	The individual specialised services of Water Management	De afzonderlijke specialistische diensten van Rijkswaterstaat
	Service for Construction	Bouwdienst
	Geometric Service	Meetkundige dienst
	Advisory Council for Traffic and Transport	Adviesdienst Verkeer en Vervoer
	National Institute for Coastal and Marine Management	Rijksinstituut voor Kust en Zee
	National Institute for Sweet Water Management and Waste Water Treatment	Rijksinstituut voor Integraal Zoetwaterbeheer en Afvalwaterbehandeling

12.	MINISTRY OF HOUSING, PHYSICAL PLANNING AND ENVIRONMENT Directorate-General for Environment Management Directorate-General for Public Housing Government Buildings Agency National Physical Planning Agency	MINISTERIE VAN VOLKSHUISVESTING, RUIMTELIJKE ORDENING EN MILIEUBEHEER Directoraat-Generaal Milieubeheer Directoraat-Generaal van de Volkshuisvesting Rijksgebouwendienst Rijksplanologische Dienst
13.	MINISTRY OF WELFARE, HEALTH AND CULTURAL AFFAIRS Inspection Health Protection Inspection Public Health Veterinary Inspection Inspectorate for Child and Youth Care and Protection Services National Institute of Public Health and Environmental Protection Social and Cultural Planning Office Agency to the College for Assessment of Pharmaceuticals	MINISTERIE VAN VOLKSGEZONDHEID, WELZIJN EN SPORT Inspectie Gezondheidsbescherming Inspectie Gezondheidszorg Veterinaire Inspectie Inspectie Jeugdhulpverlening en Jeugdbescherming Rijksinstituut voor de Volksgezondheid en Milieuhygiëne (RIVM) Sociaal en Cultureel Planbureau Agentschap t.b.v. het College ter Beoordeling van Geneesmiddelen
14.	SECOND CHAMBER OF THE STATES GENERAL	TWEEDE KAMER DER STATEN-GENERAAL
15.	FIRST CHAMBER OF THE STATES GENERAL	EERSTE KAMER DER STATEN-GENERAAL
16.	CABINET FOR NETHERLANDS ANTILLEAN AND ARUBAN AFFAIRS	KABINET VOOR NEDERLANDS-ANTILLIAANSE EN ARUBAANSE ZAKEN
17.	COUNCIL OF STATE	RAAD VAN STATE
18.	NETHERLANDS COURT OF AUDIT	ALGEMENE REKENKAMER
19.	NATIONAL OMBUDSMAN	NATIONALE OMBUDSMAN
20.	CHANCELLERY OF THE NETHERLANDS ORDER	KANSELARIJ DER NEDERLANDSE ORDEN
21.	THE QUEEN'S CABINET	KABINET DER KONINGIN

PORTUGAL - PORTUGAL - PORTUGAL

(Authentic in the English language only)

- | | | |
|----|---|--|
| 1. | <p>PRIME MINISTER'S OFFICE</p> <p>Secretariat-General, Prime Minister's Office</p> <p>High Commissioner for Immigration and Ethnic Minorities</p> <p>High Commissioner for the Questions on Equality Promotion and Family</p> <p>Legal Centre</p> <p>Government Computer Network Management Centre</p> <p>Commission for Equality and Women's Rights</p> <p>Economic and Social Council</p> <p>High Council on Administration and Civil Service</p> <p>Ministerial Department on Planning, Studies and Support</p> <p>Ministerial Department with Special Responsibility for Macao</p> <p>Ministerial Department responsible for Community Service by Conscientious Objectors</p> <p>Ministerial Department for European Affairs</p> <p>Secretariat for Administrative Modernization</p> <p>High Council on Sports</p> | <p>PRESIDÊNCIA DO CONSELHO DE MINISTROS</p> <p>Secretaria-Geral da Presidência do Conselho de Ministros</p> <p>Alto Comissário para a Imigração e Minorias Étnicas</p> <p>Alto Comissário para as Questões da Promoção da Igualdade e da Família</p> <p>Centro Juridico-CEJUR</p> <p>Centro de Gestão da Rede Informática do Governo</p> <p>Comissão para a Igualdade e para os Direitos das Mulheres</p> <p>Conselho Económico e Social</p> <p>Conselho Superior da Administração e da Função Pública</p> <p>Gabinete de Apoio, Estudos e Planeamento</p> <p>Gabinete de Macau</p> <p>Gabinete do Serviço Cívico e dos Objectores de Consciência</p> <p>Gabinete dos Assuntos Europeus</p> <p>Secretariado para a Modernização Administrativa</p> <p>Conselho Superior do Desporto</p> |
| 2. | <p>MINISTRY OF HOME AFFAIRS</p> <p>Secretariat-General</p> <p>Legal Service</p> <p>Directorate-General for Roads</p> <p>Ministerial Department responsible for Studies and Planning</p> | <p>MINISTÉRIO DA ADMINISTRAÇÃO INTERNA</p> <p>Secretaria-Geral</p> <p>Auditoria Jurídica</p> <p>Direcção-Geral de Viação</p> <p>Gabinete de Estudos e Planeamento de Instalações</p> |

1 March 2000 (WT/Let/330)

	Ministerial Department for European Affairs	Gabinete dos Assuntos Europeus
	National Fire Service	Gabinete Nacional Sirene
	Republican National Guard	Guarda Nacional Republicana
	Civilian Administrations	Governos Civis
	Police	Polícia de Segurança Pública
	General Inspectorate on Internal Administration	Inspecção-Geral da Administração Interna
	Technical Secretariat for Electoral Matters	Secretariado técnico dos Assuntos para e Processo Eleitoral
	Customs and Immigration Department	Serviço de Estrangeiros e Fronteiras
	Intelligence and Security Department	Serviço de Informações de Segurança
3.	MINISTRY OF AGRICULTURE, OF RURAL DEVELOPMENT AND FISHERIES	MINISTÉRIO DA AGRICULTURA, DO DESENVOLVIMENTO RURAL E DAS PESCAS
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica
	Environment Audit Office	Auditor do Ambiente
	National Council of Agriculture, Rural Development and Fisheries	Conselho Nacional da Agricultura, do Desenvolvimento Rural et das Pescas
	Directorate-General for Forests	Direcção-Geral das Florestas
	Directorate-General for Fisheries and Agriculture	Direcção-Geral das Pescas e Agricultura
	Directorate-General for Rural Development	Direcção-Geral do Desenvolvimento Rural
	Directorate-General for Control of Food Quality	Direcção-Geral de Fiscalização e Controlo da Qualidade Alimentar
	Institute for Hydraulic questions, Rural Engineering and Environment	Instituto de Hidráulica, Engenharia Rural e Ambiente
	Directorate-General for Culture Protection	Direcção-Geral de Protecção das Culturas
	Directorate-General of Veterinary	Direcção-Geral de Veterinária
	Regional Directorates for Agriculture (7)	Direcções Regionais de Agricultura (7)
	Ministerial Department for Planning and Agri-food Policy	Gabinete de Planeamento e Política Agroalimentar
	General Inspectorate and Audit Office (Management Audits)	Inspecção-Geral e Auditoria de Gestão
	General Inspectorate for fisheries	Inspecção-Geral das Pescas
	Equestrian National Service	Serviço Nacional Coudêlico

	National Laboratory for Veterinary Research	Laboratório Nacional de Investigação Veterinária
4.	MINISTRY OF THE ENVIRONMENT Secretariat-General Directorate-General for Environment Regional Directorates for Environment (5)	MINISTÉRIO DO AMBIENTE Secretaria-Geral Direcção-Geral do Ambiente Direcções Regionais do Ambiente (5)
5.	MINISTRY OF SCIENCE AND TECHNOLOGY Secretariat-General Legal Service High Council for Science and Technology Ministerial Department for Scientific Policy and Technology	MINISTÉRIO DA CIÊNCIA E DA TECNOLOGIA Secretaria-Geral Auditoria Jurídica Conselho Superior da Ciência e Tecnologia Gabinete coordenador da Política Científica e Tecnologia
6.	MINISTRY OF CULTURE Secretariat-General Regional Directorates for Culture (6) Ministerial Department for International Relations Ministerial Department for Copyright General Inspectorate for Cultural Activities	MINISTÉRIO DA CULTURA Secretaria-Geral Delegações Regionais da Cultura (6) Gabinete das Relações Internacionais Gabinete do Direito de Autor Inspeção-Geral das Actividades Culturais
7.	MINISTRY OF DEFENCE Secretariat-General of the Ministry of Defence Legal Service Directorate-General for the Navy Directorate-General for Armaments and Defence Equipments Directorate-General for Infrastructure Directorate-General for Personnel Directorate-General for National Defence Policy National Security Authority General-Inspectorate of Armed Forces National Defence Institute	MINISTÉRIO DA DEFESA NACIONAL Secretaria-Geral do Ministério da Defesa Nacional Auditoria Jurídica Direcção-Geral da Marinha Direcção-Geral de Armamento e Equipamento de Defesa Direcção-Geral de Infra-Estruturas Direcção-Geral de Pessoal Direcção-Geral de Política de Defesa Nacional Autoridade Nacional de Segurança Inspeção-Geral das Forças Armadas Instituto da Defesa Nacional

Council of Defence Science and Technology	Conselho de Ciência et Tecnologia da Defesa
Council of Chiefs of Staff	Conselho da Chefes de Estado Maior
Military Police	Polícia Judiciária Militar
Maritime Authority System	Sistema de Autoridade Marítima
Hydrographic Institute	Instituto Hidrográfico
Alfeite Arsenal	Arsenal do Alfeite
Chief of Staff of the Armed Forces	Estado Maior General das Forças Armadas
Chief of Staff of the Army	Estado Maior do Exército
Chief of Staff of the Navy	Estado Maior da Armada
Chief of Staff of the Air Force	Estado Maior da Força Aéria
Commission on International Law of the Sea	Comissão do Direito Marítimo Internacional
Defence and Military Information Service	Serviço de Informações de Defesa e Militares
Portuguese Commission of Military History	Comissão Portuguesa da História Militar
8. MINISTRY OF ECONOMY	MINISTÉRIO DA ECONOMIA
Secretariat-General	Secretaria-Geral
Commission for the Imposition of Sanctions in Advertising Matters	Comissão de Aplicação de Coimas em Matéria de Publicidade
Commission for Emergency Energy Planning	Comissão de Planeamento Energético de Emergência
Commission for Emergency Industrial Planning	Comissão de Planeamento Industrial de Emergência
Council of Competition	Conselho da Concorrência
Council of Financial Securities	Conselho de Garantias Financeiras
Sectoral Councils for Industry, Construction, Energy, Trade and Tourism	Conselhos Sectoriais da Indústria, da Construção, da Energia, do Comércio e do Turismo
National Council of Quality	Conselho Nacional da Qualidade
Directorate-General for Trade and Competition	Direcção-Geral do Comércio e da Concorrência
Directorate-General for Energy	Direcção-Geral da Energia
Directorate-General for Industry	Direcção-Geral da Indústria
Directorate-General for Tourism	Direcção-Geral do Turismo
Regional Delegations	Delegações Regionais
Ministerial Department for Studies and Economic Prospective	Gabinete de Estudos e Prospectiva Económica
Directorate-General for International Economic Relations	Direcção-Geral das Relações Económicas Internacionais

	General Inspectorate for Economic Activities	Inspecção-Geral das Actividades Económicas
	General Inspectorate for Gambling	Inspecção-Geral de Jogos
	Council for the Economic Development	Conselho para o Desenvolvimento Económico
9.	MINISTRY OF EDUCATION	MINISTÉRIO DA EDUCAÇÃO
	Secretariat-General	Secretaria-Geral
	Social Security Fund	Caixa da Previdência
	Education National Council	Conselho Nacional de Educação
	Council of Directors-General	Conselho de Directores Gerais
	Department for Primary Education	Departamento de Educação Básica
	Department for Educational Resources Management	Departamento de Gestão dos Recursos Educativos
	Department for Secondary Education	Departamento do Ensino Secundário
	Department for Higher Education	Departamento do Ensino Superior
	Regional Directorates for Education (5)	Direcções Regionais de Educação (5)
	University Stadium of Lisbon	Estádio Universitário de Lisboa
	Nursery, Primary and Secondary Education Establishments	Estabelecimentos de Educação Pré-Escolar e dos Ensinos Básico e Secundário
	Ministerial Department of Scholar Sport	Gabinete Coordenador do Desporto Escolar
	Ministerial Department of European Affairs and International Relations	Gabinete dos Assuntos Europeus e Relações Internacionais
	General Inspectorate of Education	Inspecção-Geral da Educação
	Ministerial Department for Financial Management	Gabinete de Gestão Financeira
	Ministerial Department for Prospective and Planning	Departamento de Avaliação, Prospectiva e Planeamento
10.	MINISTRY OF EQUIPMENT, PLANNING, AND TERRITORIAL ADMINISTRATION	MINISTÉRIO DO EQUIPAMENTO, DO PLANEAMENTO E DA ADMINISTRAÇÃO DO TERRITÓRIO
	Secretariat-General	Secretaria-Geral
	Legal Service	Auditoria Jurídica
	Environment Service	Auditoria Ambiental
	Commission for Support to Rehabilitation of the Territorial Administration	Comissão de Apoio à Reestruturação da Administração do Território
	Regional Coordination Committees	Comissões de Coordenação Regional
	Commission for Planning of Emergency Maritime Transport	Comissão de Planeamento do Transporte Marítimo de Emergência

Council for Public and Particular Works Contracts	Conselho de Mercados de Obras Públicas e Particulares
High Council for Telecommunications	Conselho Superior de Telecomunicações
Department for Prospective and Planning	Departamento de Prospectiva e Planeamento
Directorate General for Autarquic Administration	Direcção-Geral da Administração Autárquica
Directorate General for Civil Aviation	Direcção-Geral da Aviação Civil
Directorate General for Ports, Navigation and Maritime Transport	Direcção-Geral de Portos, Navegação e Transportes Marítimos
Directorate General for Regional Development	Direcção-Geral do Desenvolvimento Regional
Directorate General for Territorial Planning and Urban Development	Direcção-Geral do Ordenamento do território e do Desenvolvimento Urbano
Directorate General for National Buildings and Monuments	Direcção-Geral dos Edifícios e Monumentos Nacionais
Directorate General for Land Transport	Direcção-Geral dos Transportes Terrestres
Ministerial Department for Investment Coordination	Gabinete de Coordenação dos Investimentos e do Financiamento
Ministerial Department for European Issues and External Relations	Gabinete para os Assuntos Europeus e Relações Externas
General Inspectorate of the Ministry of Equipment, Planning and Territorial Administration	Inspeção-Geral do Ministério do Equipamento, do Planeamento e da Administração do Território
High Council for Public Works and Transport	Conselho Superior de Obras Públicas e Transportes
11. MINISTRY OF FINANCE	MINISTÉRIO DAS FINANÇAS
Secretariat-General	Secretaria-Geral
Directorate-General for Customs and Special Taxes on Consumption	Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o consumo
Directorate-General for European Studies and International Relations	Direcção-Geral de Assuntos Europeus e Relações Internacionais
Directorate-General for Studies	Direcção-Geral de Estudos e Previsão
Directorate-General for Informatics and Support to Taxation and Customs Services	Direcção-Geral de Informática e Apoio aos Serviços Tributários e Aduaneiros
Directorate-General for the Protection of Civil Servants-ADSE	Direcção-Geral de Protecção Social aos Funcionários e Agentes de Administração Pública-ADSE
Directorate-General for the Budget	Direcção-Geral do Orçamento
Directorate-General of Patrimony	Direcção-Geral do Património
Directorate-General for the Treasury	Direcção-Geral do Tesouro

Directorate-General for Taxation	Direcção-Geral dos Impostos
General Inspectorate for Finance	Inspeção-Geral de Finanças
Institute for Information Technology	Instituto de Informática
Customs Stabilization Fund	Fundo de Estabilização Aduaneiro
Taxation Stabilization Fund	Fundo de Estabilização Tributário
Public Debt Regularization Fund	Fundo de Regularização da Dívida Pública
12. MINISTRY OF JUSTICE	MINISTÉRIO DA JUSTIÇA
Secretariat-General	Secretaria-Geral
Legal Service	Auditoria Jurídica
Directorate-General for Fighting Against Corruption, Fraud and Economic-Financial Infractions	Direcção Central para o Combate à Corrupção, Fraudes e Infracções Económico-Financeiras
Directorate-General for Registers and Other Official Documents	Direcção-Geral dos Registos e Notariado
Directorate-General for Computerized Services	Direcção-Geral dos Serviços de Informática
Directorate-General for Judiciary Services	Direcção-Geral dos Serviços Judiciários
Directorate-General for the Prison Service	Direcção-Geral dos Serviços Prisionais
Directorate-General for the Protection and Care of Minors Prison Establishments	Direcção-Geral dos Serviços Tutelares de Menores
Ministerial Department responsible for European Law	Gabinete de Direito Europeu
Ministerial Department responsible for Documentation and Comparative Law	Gabinete de Documentação e Direito Comparado
Ministerial Department responsible for Studies and Planning	Gabinete de Estudos e Planeamento
Ministerial Department responsible for Financial Management	Gabinete de Gestão Financeira
Ministerial Department responsible for Planning and Coordinating Drug Control	Gabinete de Planeamento e Coordenação do Combate à Droga
Criminal Investigation Department	Polícia Judiciária
Social Services	Serviços Sociais
National Police and Forensic Science Institute	Instituto Nacional de Polícia e Ciências Criminais
Forensic Medicine Institutes	Serviços Médico-Legais
Legal Courts	Tribunais Judiciais
The High Council of the Judiciary	Conselho Superior de Magistratura
Public Prosecutor office	Ministério Público

13.	<p>MINISTRY OF FOREIGN AFFAIRS</p> <p>Secretariat-General</p> <p>Legal Affairs Department</p> <p>Interministerial Commission for Cooperation</p> <p>Interministerial Commission for Community Affairs</p> <p>Interministerial Commission for Migration and Portuguese Communities</p> <p>Council of Portuguese Communities</p> <p>Directorate-General for Bilateral Relations</p> <p>Directorate-General for Foreign Policy</p> <p>Directorate-General for Community Affairs</p> <p>Directorate-General for Consular Affairs and Portuguese Communities</p> <p>Directorate-General for Multilateral Affairs</p> <p>Ministerial Department for Information and Press</p> <p>Diplomatic and Consular Inspectorate</p> <p>Diplomatic Institute</p>	<p>MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS</p> <p>Secretaria-Geral</p> <p>Departamento dos Assuntos Jurídicos</p> <p>Comissão Interministerial para a cooperação</p> <p>Comissão Interministerial para os Assuntos Comunitários</p> <p>Comissão Interministerial as Migrações e Comunidades Portuguesas</p> <p>Conselho das Comunidades Portuguesas</p> <p>Direcção-Geral das Relações Bilaterais</p> <p>Direcção-Geral de Política Externa</p> <p>Direcção-Geral dos Assuntos Comunitários</p> <p>Direcção-Geral dos Assuntos Consulares e Comunidades Portuguesas</p> <p>Direcção-Geral dos Assuntos Multilaterais</p> <p>Gabinete de Informação e Imprensa</p> <p>Inspeção Diplomática e Consular</p> <p>Instituto Diplomático</p>
14.	<p>MINISTRY FOR QUALIFICATION AND EMPLOYMENT</p> <p>Secretariat-General</p> <p>Interministerial Commission for Employment</p> <p>National Council for Health and Safety in the workplace</p> <p>Statistics Department</p> <p>Studies and Planning Department</p> <p>European Social Fund Department</p> <p>Department of European Affairs and External Relations</p> <p>Directorate-General for Employment and Vocational Training</p>	<p>MINISTÉRIO PARA A QUALIFICAÇÃO E O EMPREGO</p> <p>Secretaria-Geral</p> <p>Comissão Interministerial para o Emprego</p> <p>Conselho Nacional de Higiene e Segurança no Trabalho</p> <p>Departamento de Estatística</p> <p>Departamento de Estudos e Planeamento</p> <p>Departamento para os Assuntos do Fundo Social Europeu</p> <p>Departamento para os Assuntos Europeus e Relações Externas</p> <p>Direcção-Geral do Emprego e Formação Profissional</p>

	Directorate-General for Labour Conditions Legal Department Centre for Scientific and Technical Information	Direcção-Geral das Condições de Trabalho Gabinete Jurídico Centro de Informação Científica e Técnica
15.	MINISTRY OF HEALTH Secretariat-General Department for Studies and Health Planning Health Human Resource Department Directorate-General for Health Installations & Equipment Directorate-General for Health General Inspectorate of Health Institutes of General Clinics National Health Council	MINISTÉRIO DA SAÚDE Secretaria-Geral Departamento de Estudos e Planeamento da Saúde Departamento de Recursos Humanos da Saúde Direcção-Geral das instalações e Equipamentos da Saúde Direcção-Geral da Saúde Inspeção-Geral da Saúde Institutos de Clínica Geral Conselho Nacional de Saúde
16.	MINISTRY OF SOLIDARITY AND SOCIAL SECURITY Secretariat-General National Council for Social Economy National Council for third-age policy National Council for Rehabilitation and Integration of Dissable People Department of Statistics, Studies and Planning Ministerial Department for European Affairs and International Relations Directorate-General for Social Works Directorate-General for Social Security Schemes General Inspectorate for Social Security Social Observatory	MINISTÉRIO DA SOLIDARIEDADE E SEGURANÇA SOCIAL Secretaria-Geral Conselho Nacional para a Economia Social Conselho Nacional para a Política de Terceira Idade Conselho nacional para a Reabilitação e Integração das pessoas com Deficiência Departamento de Estatística, Estudos e Planeamento Gabinete de Assuntos Europeus e de Relações Internacionais Direcção-Geral da Acção Social Direcção-Geral dos Regimes de Segurança Social Inspeção-Geral da Segurança Social Observatório Social
17.	PRESIDENCY OF THE REPUBLIC Secretariat-General of the Presidency of the Republic	PRESIDÊNCIA DA REPÚBLICA Secretaria-Geral da Presidência da República

- | | | |
|-----|--|--|
| 18. | CONSTITUTIONAL COURT | TRIBUNAL CONSTITUCIONAL |
| 19. | COURT OF AUDITORS
Directorate-General of the Court of
Auditors | TRIBUNAL DE CONTAS
Direcção-Geral do Tribunal de Contas |
| 20. | OMBUDSMAN | PROVEDORIA DE JUSTIÇA |

SWEDEN - SUÈDE -SUECIA

(Authentic in the English language only)

Royal Academy of Fine Arts	Akademien för de fria konsterna
Public Law-Service Offices (26)	Allmänna advokatbyråerna (26)
National Board for Consumer Complaints	Allmänna reklamationsnämnden
National Board of Occupational Safety and Health	Arbetskyddsstyrelsen
Labour Court	Arbetsdomstolen
National Agency for Government Employers	Arbetsgivarverket
National Institute for Working Life	Arbetslivsinstitutet
National Labour Market Board	Arbetsmarknadsstyrelsen
Board of Occupational Safety and Health for Government Employees	Arbetsmiljönämnd, statliga sektorns
Museum of Architecture	Arkitekturmuseet
National Archive of Recorded Sound and Moving Images	Arkivet för ljud och bild
The Office of the Childrens' Ombudsman	Barnombudsmannen
Swedish Council on Technology Assessment in Health Care	Beredning för utvärdering av medicinsk metodik, statens
Royal Library	Biblioteket, Kungliga
National Board of Film Censors	Biografbyrå, statens
Dictionary of Swedish Biography	Biografiskt lexikon, svenskt
Swedish Accounting Standards Board	Bokföringsnämnden
National Housing Credit Guarantee Board	Bostadskreditnämnd, statens (BKN)
National Housing Board	Boverket
National Council for Crime Prevention	Brottsförebyggande rådet
Criminal Victim Compensation and Support Authority	Brottsoffermyndigheten
Council for Building Research	Byggforskningsrådet
Central Committee for Laboratory Animals	Centrala försöksdjursnämnden
National Board of Student Aid	Centrala studiestödsnämnden
Data Inspection Board	Datainspektionen
Ministries (Government Departments)	Departementen
National Courts Administration	Domstolsverket

National Electrical Safety Board	Elsäkerhetsverket
Export Credits Guarantee Board	Exportkreditnämnden
Financial Supervisory Authority	Finansinspektionen
National Board of Fisheries	Fiskeriverket
Aeronautical Research Institute	Flygtekniska försöksanstalten
National Institute of Public Health	Folkhälsoinstitutet
Council for Planning and Co-ordination of Research	Forskningsrådsnämnden
National Fortifications Administration	Fortifikationsverket
	Förhandlare (K 1996:01) för statens köp av färjetrafik till och från Gotland
National Conciliators' Office	Förlikningsmannarexpedition, statens
National Defence Research Establishment	Försvarets forskningsanstalt
Defence Material Administration	Försvarets materielverk
National Defence Radio Institute	Försvarets radioanstalt
Swedish Museums of Military History	Försvärshistoriska museer, statens
National Defence College	Försvärshögskolan
The Swedish Armed Forces	Försvarmakten
Social Insurance Offices	Försäkringskassorna
Geological Survey of Sweden	Geologiska undersökning, Sveriges
Geotechnical Institute	Geotekniska institut, statens
The National Rural Development Agency	Glesbygdsverket
Graphic Institute and the Graduate School of Communications	Grafiska institutet och institutet för högre kommunikations- och reklamutbildning
The Swedish Broadcasting Commission	Granskningsnämnden för Radio och TV
Swedish Government Seamen's Service	Handelsflottans kultur- och fritidsråd
Ombudsman for the Disabled	Handikappombudsmannen
Board of Accident Investigation	Haverikommission, statens
Courts of Appeal (6)	Hovrätterna (6)
Council for Research in the Humanities and Social Sciences	Humanistisk-samhällsvetenskapliga forskningsrådet
Regional Rent and Tenancies Tribunals (12)	Hyses- och arendenämnder (12)
Remand Prisons (28)	Häktena (28)
Committee on Medical Responsibility	Hälso- och sjukvårdens ansvarsnämnd
National Agency for Higher Education	Högskoleverket
Supreme Court	Högsta domstolen

Register Authority for Floating Charges	Inskrivningsmyndigheten för företagsinteckningar
National Institute for Psycho-Social Factors and Health	Institut för psykosocial miljömedicin, statens
National Institute for Regional Studies	Institut för regionalforskning, statens
Swedish Institute of Space Physics	Institutet för rymdfysik
Swedish Immigration Board	Invandrarverk, statens
Swedish Board of Agriculture	Jordbruksverk, statens
Office of the Chancellor of Justice	Justitiekanslern
Office of the Equal Opportunities Ombudsman	Jämställdhetsombudsmannen
National Judicial Board of Public Lands and Funds	Kammarkollegiet
Administrative Courts of Appeal (4)	Kammarrätterna (4)
National Chemicals Inspectorate	Kemikalieinspektionen
National Board of Trade	Kommerskollegium
Swedish Transport and Communications Research Board	Kommunikationsforskningsberedningen
National Franchise Board for Environment Protection	Koncessionsnämnden för miljöskydd
National Institute of Economic Research	Konjunkturinstitutet
Swedish Competition Authority	Konkurrensverket
College of Arts, Crafts and Design	Konstfack
College of Fine Arts	Konsthögskolan
National Art Museums	Konstmuseer, statens
Arts Grants Committee	Konstnärsnämnden
National Art Council	Konstråd, statens
National Board for Consumer Policies	Konsumentverket
Armed Forces Archives	Krigsarkivet
National Laboratory of Forensic Science	Kriminaltekniska laboratorium, statens
Correctional Regional Offices (6)	Kriminalvårdens regionkanslier (6)
National/Local Institutions (68)	Kriminalvårdsanstalterna (68)
National Paroles Board	Kriminalvårdsnämnden
National Prison and Probation Administration	Kriminalvårdsstyrelsen
Enforcement Services (24)	Kronofogdemyndigheterna (24)
National Council for Cultural Affairs	Kulturråd, statens
Swedish Coast Guard	Kustbevakningen
Nuclear-Power Inspectorate	Kärnkraftsinspektion, statens

National Land Survey	Lantmäteriverket
Royal Armoury	Livruskammaren/Skoklosters slott/ Hallwylska museet
National Food Administration	Livsmedelsverk, statens
The National Gaming Board	Lotteriinspektionen
Medical Products Agency	Läkemedelsverket
County Labour Boards (24)	Länsarbetsnämnderna (24)
County Administrative Courts (24)	Länsrätterna (24)
County Administrative Boards (24)	Länsstyrelserna (24)
National Government Employee Salaries and Pensions Board	Löne- och pensionsverk, statens
Market Court	Marknadsdomstolen
Medical Research Council	Medicinska forskningsrådet
Swedish Meteorological and Hydrological Institute	Meteorologiska och hydrologiska institut, Sveriges
Armed Forces Staff and War College	Militärhögskolan
Swedish National Collections of Music	Musiksamlingar, statens
Museum of Natural History	Naturhistoriska riksmuseet
Natural Science Research Council	Naturvetenskapliga forskningsrådet
National Environmental Protection Agency	Naturvårdsverket
Scandinavian Institute of African Studies	Nordiska Afrikainstitutet
Nordic School of Public Health	Nordiska hälsovårdshögskolan
Nordic Institute for Studies in Urban and Regional Planning	Nordiska institutet för samhällsplanering
Nordic Museum	Nordiska museet, stiftelsen
Swedish Delegation of the Nordic Council	Nordiska rådets svenska delegation
Recorders Committee	Notariennämnden
National Board for Intra Country Adoptions	Nämnden för internationella adoptionsfrågor
National Board for Public Procurement	Nämnden för offentlig upphandling
National Fund for Administrative Development	Statens förnyelsefond
Swedish National Committee for Contemporary Art Exhibitions Abroad	Nämnden för utställning av nutida svensk konst i utlandet
National Board for Industrial and Technical Development	Närings- och teknikutvecklingsverket (NUTEK)

Office of the Ethnic Discrimination Ombudsman; Advisory Committee on Questions Concerning Ethnic Discrimination	Ombudsmannen mot etnisk diskriminering; nämnden mot etnisk diskriminering
Court of Patent Appeals	Patentbesvärsrätten
Patents and Registration Office	Patent- och registreringsverket
Co-ordinated Population and Address Register	Person- och adressregisternämnd, statens
Swedish Polar Research Secretariat	Polarforskningssekretariatet
Press Subsidies Council	Presstödsnämnden
National Library for Psychology and Education	Psykologisk-pedagogiska bibliotek, statens
The Swedish Radio and TV Authority	Radio- och TV-verket
Governmental Central Services Office	Regeringskansliets förvaltningsavdelning
Supreme Administrative Court	Regeringsrätten
Central Board of National Antiquities and National Historical Museums	Riksantikvarieämbetet och statens historiska museer
National Archives	Riksarkivet
Bank of Sweden	Riksbanken
Administration Department of the Swedish Parliament	Riksdagens förvaltningskontor
The Parliamentary Ombudsmen	Riksdagens ombudsmän, JO
The Parliamentary Auditors	Riksdagens revisorer
National Social Insurance Board	Riksförsäkringsverket
National Debt Office	Riksgäldskontoret
National Police Board	Rikspolisstyrelsen
National Audit Bureau	Riksrevisionsverket
National Tax Board	Riksskatteverket
Travelling Exhibitions Service	Riksutställningar, Stiftelsen
Office of the Prosecutor-General	Riksåklagaren
National Space Board	Rymdstyrelsen
Council for Working Life Research	Rådet för arbetslivsforskning
National Rescue Services Board	Räddningsverk, statens
Regional Legal-aid Authority	Rättshjälpsmyndigheten
National Board of Forensic Medicine	Rättsmedicinalverket
Sami (Lapp) School Board	Sameskolstyrelsen och sameskolor
Sami (Lapp) Schools	
National Maritime Administration	Sjöfartsverket

National Maritime Museums	Sjöhistoriska museer, statens
Local Tax Offices (24)	Skattemyndigheterna (24)
Swedish Council for Forestry and Agricultural Research	Skogs- och jordbrukets forskningsråd, SJFR
National Board of Forestry	Skogsstyrelsen
National Agency for Education	Skolverk, statens
Swedish Institute for Infectious Disease Control	Smittskyddsinstitutet
National Board of Health and Welfare	Socialstyrelsen
Swedish Council for Social Research	Socialvetenskapliga forskningsrådet
National Inspectorate of Explosives and Flammables	Sprängämnesinspektionen
Statistics Sweden	Statistiska centralbyrån
Agency for Administrative Development	Statskontoret
National Institute of Radiation Protection	Strålskyddsinstitut, statens
Swedish International Development Cooperation Authority	Styrelsen för internationellt utvecklings-samarbete, SIDA
National Board of Psychological Defence and Conformity Assessment	Styrelsen för psykologiskt försvar
Swedish Board for Accreditation	Styrelsen för ackreditering och teknisk kontroll
Swedish Institute	Svenska Institutet, stiftelsen
Library of Talking Books and Braille Publications	Talboks- och punktskriftsbiblioteket
Swedish Research Council for Engineering Sciences	Teknikvetenskapliga forskningsrådet
National Museum of Science and Technology	Tekniska museet, stiftelsen
District and City Courts (97)	Tingsrätterna (97)
Judges Nomination Proposal Committee	Tjänsteförslagsnämnden för domstolsväsendet
Armed Forces' Enrolment Board	Totalförsvarets pliktverk
Swedish Board of Customs	Tullverket
Swedish Tourist Authority	Turistdelegationen
The National Board of Youth Affairs	Ungdomsstyrelsen
Universities and University Colleges	Universitet och högskolor
Aliens Appeals Board	Utlänningsnämnden
National Seed Testing and Certification Institute	Utsädeskontroll, statens
National Water Supply and Sewage Tribunal	Vatten- och avloppsnämnd, statens

National Agency for Higher Education	Verket för högskoleservice (VHS)
National Veterinary Institute	Veterinärmedicinska anstalt, statens
Swedish National Road and Transport Research Institute	Väg- och transportforskningsinstitut, statens
National Plant Variety Board	Växsortnämnd, statens
Labour Inspectorate	Yrkesinspektionen
Public Prosecution Authorities incl. County Public Prosecution Authority and District Prosecution Authority	Åklagarmyndigheterna inkl. läns- och distriktsåklagarmyndigheterna
National Board of Civil Emergency Preparedness	Överstyrelsen för civil beredskap

UNITED KINGDOM - ROYAUME-UNI - REINO UNIDO

(Authentic in the English language only)

1. CABINET OFFICE
Civil Service College
Office of Public Services
The Buying Agency
Parliamentary Counsel Office
Central Comuter and Telecommunications Agency (CCTA)
2. CENTRAL OFFICE OF INFORMATION
3. CHARITY COMMISSION
4. CROWN PROSECUTION SERVICE
5. CROWN ESTATE COMMISSIONERS (VOTE EXPENDITURE ONLY)
6. CUSTOMS AND EXCISE DEPARTMENT
7. DEPARTMENT FOR INTERNATIONAL DEVELOPMENT
8. DEPARTMENT FOR NATIONAL SAVINGS
9. DEPARTMENT FOR EDUCATION AND EMPLOYMENT
Higher Education Funding Council for England
Office of Manpower Economics
10. 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
11. DEPARTMENT OF NATIONAL HERITAGE
British Library
British Museum

1 March 2000 (WT/Let/330)

- 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
12. 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
13. DEPARTMENT OF THE ENVIRONMENT
- Building Research Establishment Agency
Commons Commission
Countryside Commission
Valuation tribunal
Rent Assessment Panels
Royal Commission on Environmental Pollution
14. DEPARTMENT OF THE PROCURATOR GENERAL AND TREASURY SOLICITOR
- Legal Secretariat to the Law Officers
15. DEPARTMENT OF TRADE AND INDUSTRY
- National Weights and Measures Laboratory
Domestic Coal Consumers' Council
Electricity Committees
Gas Consumers' Council
Central Transport Consultative Committees

- Monopolies and Mergers Commission
Patent Office
Employment Appeal Tribunal
Industrial Tribunals
16. DEPARTMENT OF TRANSPORT
Coastguard Services
17. EXPORT CREDITS GUARANTEE DEPARTMENT
18. FOREIGN AND COMMONWEALTH OFFICE
Wilton Park Conference Centre
19. GOVERNMENT ACTUARY'S DEPARTMENT
20. GOVERNMENT COMMUNICATIONS HEADQUARTERS
21. HOME OFFICE
Boundary Commission for England
Gaming Board for Great Britain
Inspectors of Constabulary
Parole Board and Local Review Committees
22. HOUSE OF COMMONS
23. HOUSE OF LORDS
24. INLAND REVENUE, BOARD OF
25. INTERVENTION BOARD FOR AGRICULTURAL PRODUCE
26. 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
27. MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
Agricultural Dwelling House Advisory Committees
Agricultural Land Tribunals
Agricultural Wages Board and Committees
Cattle Breeding Centre
Plant Variety Rights Office
Royal Botanic Gardens, Kew
28. MINISTRY OF DEFENCE¹⁷
Meteorological Office
Procurement Executive
29. NATIONAL AUDIT OFFICE
30. NATIONAL INVESTMENT AND LOANS OFFICE
31. NORTHERN IRELAND COURT SERVICE
Coroners Courts
County Courts
Court of Appeal and High Court of Justice in Northern Ireland
Crown Court
Enforcement of Judgements Office
Legal Aid Fund
Magistrates Court
Pensions Appeals Tribunals
32. NORTHERN IRELAND, DEPARTMENT OF AGRICULTURE
33. NORTHERN IRELAND, DEPARTMENT OF ECONOMIC DEVELOPMENT
34. NORTHERN IRELAND, DEPARTMENT OF EDUCATION
35. NORTHERN IRELAND, DEPARTMENT OF THE ENVIRONMENT
36. NORTHERN IRELAND, DEPARTMENT OF FINANCE AND PERSONNEL

¹⁷ Non-warlike materials contained in Part (3) of this annex

37. NORTHERN IRELAND, DEPARTMENT OF HEALTH AND SOCIAL SERVICES
38. 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
39. OFFICE OF FAIR TRADING
40. OFFICE FOR NATIONAL STATISTICS
 - National Health Service Central Register
41. OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION AND HEALTH SERVICE COMMISSIONERS
42. PAYMASTER GENERAL'S OFFICE
43. POSTAL BUSINESS OF THE POST OFFICE
44. PRIVY COUNCIL OFFICE
45. PUBLIC RECORD OFFICE
46. REGISTRY OF FRIENDLY SOCIETIES
47. ROYAL COMMISSION ON HISTORICAL MANUSCRIPTS
48. ROYAL HOSPITAL, CHELSEA
49. ROYAL MINT
50. SCOTLAND, CROWN OFFICE AND PROCURATOR
 - Fiscal Service
51. SCOTLAND, REGISTERS OF SCOTLAND
52. SCOTLAND, GENERAL REGISTER OFFICE
53. SCOTLAND, LORD ADVOCATE'S DEPARTMENT
54. SCOTLAND, QUEEN'S AND LORD TREASURER'S REMEMBRANCER

55. 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
56. THE SCOTTISH OFFICE CENTRAL SERVICES
57. THE SCOTTISH OFFICE AGRICULTURE AND FISHERIES DEPARTMENT:
Crofters Commission
Red Deer Commission
Royal Botanic Garden, Edinburgh
58. THE SCOTTISH OFFICE INDUSTRY DEPARTMENT
59. THE SCOTTISH OFFICE EDUCATION DEPARTMENT
National Galleries of Scotland
National Library of Scotland
National Museums of Scotland
Scottish Higher Education Funding Council
60. 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
61. 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

62. SCOTTISH RECORD OFFICE

63. HM TREASURY

64. 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 Finding Council
Welsh National Health Service Authorities and Trusts
Welsh Rent Assessment Panels

3. LIST OF SUPPLIES AND EQUIPMENT PURCHASED BY MINISTRIES OF DEFENCE IN AUSTRIA, BELGIUM, DENMARK, THE FEDERAL REPUBLIC OF GERMANY, SPAIN, FINLAND, FRANCE, GREECE, IRELAND, ITALY, LUXEMBOURG, THE NETHERLANDS, PORTUGAL, SWEDEN AND THE UNITED KINGDOM 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 (except Austria)
heating and engine fuels (only Austria)
- 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 36 Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations (only Austria and Sweden)
- except (only Austria)
ex 36.01: propellant powders
ex 36.02: prepared explosives
ex 36.04: detonators
ex 36.08: explosives
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
- except:
ex 38.19: toxic products (Not for Sweden)
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
- except:
ex 39.03: explosives (Not for Sweden)
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
- except:
ex 40.11: bullet-proof tyres (Not for Sweden)
- Chapter 41: Raw hides and skins (other than furskins) and leather: (Not for Austria)

- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut): (Not for Austria)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal: (Not for Austria)
- 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: (Not for Austria)
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans: (Not for Austria)
- Chapter 65: Headgear and parts thereof
except (only Austria):
ex 65.05: military headgear
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 72: Coins (only Austria and Sweden)
- 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 (Not for Austria)
ex 82.07: tools, parts
ex 82.08: hand tools (only Austria)
- 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 (Not for Austria)
ex 84.55: parts of machines under heading No 84.53 (Not for Austria and Sweden)
ex 84.59: nuclear reactors (Not for Austria and Sweden)
- Chapter 85: Electrical machinery and equipment, parts thereof
except:
ex 85.03: electric cells and batteries (only Austria)
ex 85.13: telecommunication equipment
ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)
except:
ex 86.02: armoured locomotives, electric
ex 86.03: other armoured locomotives
ex 86.05: armoured wagons

- ex 86.06: repair wagons
ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof
- except:
ex 87.08: tanks and other armoured vehicles
ex 87.01: tractors
ex 87.02: military vehicles
ex 87.03: breakdown lorries
ex 87.09: motorcycles
ex 87.14: trailers
- Chapter 88: Aircraft and parts thereof (only Austria)
- Chapter 89: Ships, boats and floating structures
- except:
ex 89.01: warships (only Austria)
ex 89.01 A: warships (except Austria)
ex 89.03: floating structures (only Austria)
- 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 (Not for Sweden and Austria)
ex 90.17: medical instruments (Not for Sweden and Austria)
ex 90.18: mechano-therapy appliances (Not for Sweden and Austria)
ex 90.19: orthopaedic appliances (Not for Sweden and Austria)
ex 90.20: X-ray apparatus (Not for Sweden and Austria)
- 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 (Not for Austria)
- Chapter 95: Articles and manufactures of carving or moulding material

- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 97: Toys, games and sport requisites, parts thereof (only Austria and Sweden)
- Chapter 98: Miscellaneous manufactured articles

3. LISTE DES MATÉRIELS ACHETÉS PAR LES MINISTÈRES DE LA DÉFENSE DE L'AUTRICHE, BELGIQUE, DANEMARK, LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, ESPAGNE, FINLANDE, FRANCE, GRÈCE, IRLANDE, ITALIE, LUXEMBOURG, PAYS-BAS, PORTUGAL, SUÈDE ET ROYAUME-UNI, ET 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

à l'exception de:

ex 27.10: carburant spéciaux (sauf pour l'Autriche)

fuel-oils de chauffage et carburants (seulement pour l'Autriche)

Chapitre 28: Produits chimiques inorganiques, composés inorganiques ou organiques de métaux précieux, d'éléments radio-actifs, 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
- Chapitre 32: Extraits tannants et tinctoriaux, tanins et leur dérivés, matières colorantes, couleurs, peintures, vernis et teintures, mastics, encres
- Chapitre 33: Huiles essentielles et sésinoïdes, 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 (seulement pour l'Autriche and Suède)
- à l'exception de (seulement pour l'Autriche)
ex 36.01: poudres à tirer
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 (sauf pour la Suède)
- 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 (sauf pour la Suède)
- Chapitre 40: Caoutchouc naturel ou synthétique, factice pour caoutchouc et ouvrages en caoutchouc
- à l'exception de:
ex 40.11: pneus pour automobiles (sauf pour la Suède)

- Chapitre 41: Peaux and cuirs: (sauf pour l'Autriche)
- Chapitre 42: Ouvrages en cuir, articles de bourrellerie et de sellerie, articles de voyage, sacs à main et contenants similaires, ouvrages en boyaux: (sauf pour l'Autriche)
- Chapitre 43: Pelleteries et fourrures, pelleteries factices
- Chapitre 44: Bois, charbon de bois et ouvrages en bois: (sauf pour l'Autriche)
- Chapitre 45: Liège et ouvrages en liège
- Chapitre 46: Ouvrages de sparterie et de vannerie
- Chapitre 47: Matières servant à la fabrication du papier
- Chapitre 48: Papier et cartons, ouvrages en pâte de cellulose, en papier et en carton: (sauf pour l'Autriche)
- Chapitre 49: Articles de librairie et produits des arts graphiques: (sauf pour l'Autriche)
- Chapitre 65: Coiffures et parties de coiffures
à l'exception de (seulement pour l'Autriche):
ex 65.05: coiffures militaires
- 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: Verres 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 72: Monnaies (seulement pour l'Autriche et la Suède)
- Chapitre 73: Fonte, fer et acier
- Chapitre 74: Cuivre

- Chapitre 75: Nickel
- Chapitre 76: Aluminium
- Chapitre 77: Magnésium, béryllium
- 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
- à l'exception de:
ex 82.05: outillage (sauf Autriche)
ex 82.07: pièces d'outillage
ex 82.08: outillage à main (seulement pour l'Autriche)
- Chapitre 83: Ouvrages divers en métaux communs
- Chapitre 84: Chaudières, machines, appareils et engins mécaniques
- à l'exception de:
ex 84.06: moteurs
ex 84.08: autres propulseurs
ex 84.45: machines
ex 84.53: machines automatiques de traitement de l'information (sauf pour l'Autriche)
ex 84.55: pièces No 84.53 (sauf pour l'Autriche et la Suède)
ex 84.59: réacteurs nucléaires (sauf pour l'Autriche et la Suède)
- Chapitre 85: Machines et appareils électriques et objets servant à des usages électrotechniques
- à l'exception de:
ex 85.03: piles électriques (seulement pour l'Autriche)
ex 85.13: télécommunication
ex 85.15: appareils de transmission
- Chapitre 86: Véhicules et matériel 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 locoblindés
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:
ex 87.08: chars et automobiles blindés
ex 87.01: tracteurs
ex 87.02: véhicules militaires
ex 87.03: voitures de dépannage
ex 87.09: motocycles
ex 87.14: remorques
- Chapitre 88: Navigation aérienne (seulement pour l'Autriche)
- Chapitre 89: Navigation maritime et fluviale
- à l'exception de:
ex 89.01: bateaux de guerre (seulement pour l'Autriche)
ex 89.01A: bateaux de guerre (sauf pour l'Autriche)
ex 89.03: engins flottants (seulement pour l'Autriche)
- 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 mesures électriques ou électroniques
ex 90.11: microscopes (sauf pour l'Autriche et la Suède)
ex 90.17: instruments médicaux (sauf pour l'Autriche et la Suède)
ex 90.18: appareils de mécanothérapie (sauf pour l'Autriche et la Suède)
ex 90.19: appareils d'orthopédie (sauf pour l'Autriche et la Suède)
ex 90.20: appareils rayon X (sauf pour l'Autriche et la Suède)
- Chapitre 91: Horlogerie
- Chapitre 92: Instruments de musique, appareils d'enregistrement ou de reproduction du son; appareils d'entregistrement ou de reproduction des images et du son en télévision, parties et accessoires de ces instruments et appareils
- Chapitre 94: Meubles, mobilier médico-chirurgical, articles de literie et similaires
- à l'exception de:
ex 94.01A: sièges d'aérodyne (sauf pour l'Autriche)

- 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 97: Jouets, jeux, articles pour divertissements et pour sports (seulement pour l'Autriche and Suède)
- Chapitre 98: Ouvrages divers

3. LISTA DE MATERIALES COMPRADOS POR LOS MINISTERIOS DE DEFENSA DE AUSTRIA, BELGICA, DINAMARCA, ALEMANIA, ESPAÑA, FINLANDIA, FRANCIA, GRECIA, IRLANDA, ITALIA, LUXEMBURGO, PAÍSES BAJOS, PORTUGAL, SUECIA Y EL REINO UNIDO, Y SUJETOS AL ACUERDO

Capítulo 25: Sal, azufre, tierras y piedras, yesos, cales y cementos

Capítulo 26: Minerales metalúrgicos, escorias, cenizas

Capítulo 27: Combustibles minerales, aceites minerales y productos de su destilación, materias bituminosas, ceras minerales

excepto:

ex 27.10: carburantes especiales (salvo Austria)

combustibles para calefacción y carburantes (solamente Austria)

Capítulo 28: Productos químicos inorgánicos, compuestos inorgánicos u orgánicos de metales preciosos, de elementos radioactivos, de metales de las tierras raras y de isótopos

excepto:

ex 28.09: explosivos

ex 28.13: explosivos

ex 28.14: gases lacrimógenos

ex 28.28: explosivos

ex 28.32: explosivos

ex 28.39: explosivos

ex 28.50: productos tóxicos

ex 28.51: productos tóxicos

ex 28.54: explosivos

Capítulo 29: Productos químicos orgánicos

excepto:

ex 29.03: explosivos

ex 29.04: explosivos

ex 29.07: explosivos

ex 29.08: explosivos

ex 29.11: explosivos

ex 29.12: explosivos

ex 29.13: productos tóxicos

ex 29.14: productos tóxicos

ex 29.15: productos tóxicos

ex 29.21: productos tóxicos

ex 29.22: productos tóxicos

ex 29.23: productos tóxicos

- ex 29.26: explosivos
ex 29.27: productos tóxicos
ex 29.29: explosivos
- Capítulo 30: Productos farmacéuticos
- Capítulo 31: Abonos
- Capítulo 32: Extractos curtientes y tintóreos, taninos y sus derivados, materias colorantes, colores, pinturas, barnices y tintes, mástiques, tintas
- Capítulo 33: Aceites esenciales y resinoideos, productos de perfumería o de tocador y cosméticos
- Capítulo 34: Jabones, productos orgánicos tensoactivos, preparaciones para lavar, preparaciones lubricantes, ceras artificiales, ceras preparadas, productos para lustrar y pulir, bujías y artículos análogos, pastas para modelar, y "ceras para el arte dental"
- Capítulo 35: Materias albuminoides y colas, enzimas
- Capítulo 36: Pólvoras y explosivos, artículos de pirotecnia, fósforos, aleaciones pirofóricas, materias inflamables (solamente Austria y Suecia)
- excepto (solamente Austria)
ex 36.01: pólvoras de proyección
ex 36.02: explosivos preparados
ex 36.04: detonadores
ex 36.08: explosivos
- Capítulo 37: Productos fotográficos y cinematográficos
- Capítulo 38: Productos diversos de las industrias químicas
- excepto:
ex 38.19: productos tóxicos (salvo Suecia)
- Capítulo 39: Materias plásticas artificiales, éteres y ésteres de la celulosa, resinas artificiales y manufacturas de estas materias
- excepto:
ex 39.03: explosivos (salvo Suecia)
- Capítulo 40: Caucho natural o sintético, caucho facticio y manufacturas de caucho
- excepto:
ex 40.11: neumáticos a prueba de bala (salvo Suecia)

- Capítulo 41: Pieles y cuero: (salvo Austria)
- Capítulo 42: Manufacturas de cuero, artículos de guarnicionería y talabartería, artículos de viaje, bolsos de mano y continentes similares, manufacturas de tripas: (salvo Austria)
- Capítulo 43: Peletería y confecciones de peletería, peletería facticia
- Capítulo 44: Madera, carbón vegetal y manufacturas de madera: (salvo Austria)
- Capítulo 45: Corcho y sus manufacturas
- Capítulo 46: Manufacturas de espartería y cestería
- Capítulo 47: Materias utilizadas en la fabricación de papel
- Capítulo 48: Papel y cartón, manufacturas de pasta de celulosa, de papel y de cartón: (salvo Austria)
- Capítulo 49: Artículos de librería y productos de las artes gráficas: (salvo Austria)
- Capítulo 65: Sombreros y demás tocados y sus partes componentes
excepto (solamente Austria):
ex 65.05: sombreros, gorras y demás tocados militares
- Capítulo 66: Paraguas, quitasoles, bastones, látigos, fustas y sus partes componentes
- Capítulo 67: Plumás y plumón preparados y artículos de pluma o de plumón, flores artificiales, manufacturas de cabellos
- Capítulo 68: Manufacturas de piedra, yeso, cemento, amianto, mica y materias análogas
- Capítulo 69: Productos cerámicos
- Capítulo 70: Vidrio y manufactura de vidrio
- Capítulo 71: Perlas finas, piedras preciosas y semipreciosas y similares, metales preciosos, chapados de metales preciosos y manufacturas de estas materias, bisutería de fantasía
- Capítulo 72: Monedas (solamente Austria y Suecia)
- Capítulo 73: Fundición, hierro y acero
- Capítulo 74: Cobre
- Capítulo 75: Níquel

- Capítulo 76: Aluminio
- Capítulo 77: Magnesio, berilio (glucinio)
- Capítulo 78: Plomo
- Capítulo 79: Zinc
- Capítulo 80: Estaño
- Capítulo 81: Otros metales comunes
- Capítulo 82: Herramientas, artículos de cuchillería y cubiertos de mesa, de metales comunes
- excepto:
ex 82.05: herramientas (salvo Austria)
ex 82.07: piezas de herramientas
ex 82.08: herramientas de mano (solamente Austria)
- Capítulo 83: Manufacturas diversas de metales comunes
- Capítulo 84: Calderas, máquinas, aparatos y artefactos mecánicos
- excepto:
ex 84.06: motores
ex 84.08: otros propulsores
ex 84.45: máquinas
ex 84.53: máquinas automáticas para tratamiento de la información (salvo Austria)
ex 84.55: piezas de las máquinas de la partida 84.53 (salvo Austria y Suecia)
ex 84.59: reactores nucleares (salvo Austria y Suecia)
- Capítulo 85: Máquinas y aparatos eléctricos y objetos destinados a usos electrotécnicos
- excepto:
ex 85.03: pilas eléctricas (solamente Austria)
ex 85.13: telecomunicaciones
ex 85.15: aparatos transmisores
- Capítulo 86: Vehículos y material para vías férreas, aparatos non eléctricos de señalización para vías de comunicación
- excepto:
ex 86.02: locomotoras blindadas
ex 86.03: las demás locomotoras de maniobra blindadas
ex 86.05: vagones blindados
ex 86.06: vagones talleres

- ex 86.07: vagones
- Capítulo 87: Vehículos automóviles, tractores, velocípedos y otros vehículos terrestres
- excepto:
ex 87.08: carros y automóviles blindados
ex 87.01: tractores
ex 87.02: vehículos militares
ex 87.03: coches para arreglo de averías
ex 87.09: motocicletas
ex 87.14: remolques
- Capítulo 88: Navegación aérea (solamente Austria)
- Capítulo 89: Navegación marítima y fluvial
- excepto:
ex 89.01: buques de guerra (solamente Austria)
ex 89.01 A: buques de guerra (salvo Austria)
ex 89.03: artefactos flotantes (solamente Austria)
- Capítulo 90: Instrumentos y aparatos de óptica, de fotografía y de cinematografía, de medida, de comprobación y de precisión, instrumentos y aparatos médico-quirúrgicos,
- excepto:
ex 90.05: gemelos
ex 90.13: instrumentos diversos, lasers
ex 90.14: telémetros
ex 90.28: instrumentos de medida eléctricos o electrónicos
ex 90.11: microscopios (salvo Austria y Suecia)
ex 90.17: instrumentos de medicina (salvo Austria y Suecia)
ex 90.18: aparatos de mecanoterapia (salvo Austria y Suecia)
ex 90.19: aparatos de ortopedia (salvo Austria y Suecia)
ex 90.20: aparatos de rayos X (salvo Austria y Suecia)
- Capítulo 91: Relojería
- Capítulo 92: Instrumentos de música, aparatos para el registro y la reproducción del sonido o para el registro y reproducción en televisión de imágenes y sonido, partes y accesorios de esos instrumentos y aparatos
- Capítulo 94: Muebles, mobiliario médico-quirúrgico, artículos de cama y similares
- excepto:
ex 94.01 A: asientos para aeronaves (salvo Austria)
- Capítulo 95: Materias para talla y moldeo, labradas (incluidas las manufacturas)

- Capítulo 96: Manufacturas de cepillería, pinceles, escobas, plumeros, borlas y cedazos
- Capítulo 97: Juguetes, juegos, artículos para recreo y para deportes (salvo Austria y Suecia)
- Capítulo 98: Manufacturas diversas

**EUROPEAN COMMUNITIES
COMMUNAUTÉS EUROPEENNES
COMUNIDADES EUROPEAS**

ANNEX 2- ANNEXE 2 - ANEXO 2

*Entities which Procure in Accordance with the Provisions of this Agreement
Entités qui passent des marchés conformément aux dispositions du présent accord
Entidades que se rigen en sus contratos por las disposiciones del presente acuerdo*

SUPPLIES / FOURNITURES / SUMINISTROS

*Thresholds: SDR 200,000
Valeurs de seuil: DTS 200 000
Valores de umbral: DEG 200.000*

SERVICES / SERVICES / SERVICIOS

specified in Annex 4 / spécifiés dans l'Annexe 4 / detallados en el Anexo 4

*Thresholds: SDR 200,000
Valeurs de seuil: DTS 200 000
Valores de umbral: DEG 200.000*

WORKS / TRAVAUX / OBRAS

specified in Annex 5 / spécifiés dans l'Annexe 5 / detalladas en el Anexo 5

*Thresholds: SDR 5,000,000
Valeurs de seuil: DTS 5 000 000
Valores de umbral: DEG 5.000.000*

LIST OF ENTITIES / LISTE DES ENTITÉS / LISTA DE LAS ENTIDADES:

- | |
|---|
| 1. CONTRACTING AUTHORITIES OF THE REGIONAL OR LOCAL PUBLIC AUTHORITIES;
POUVOIRS ADJUDICATEURS DES COLLECTIVITÉS TERRITORIALES;
PODERES ADJUDICADORES DE LOS ENTES PÚBLICOS TERRITORIALES: |
|---|

2. ***BODIES GOVERNED BY PUBLIC LAW AS DEFINED IN DIRECTIVE 93/37;
LES ORGANISMES DE DROIT PUBLIC TELS QUE DÉFINIS PAR LA DIRECTIVE 93/37;
LOS ORGANISMOS DE DERECHO PÚBLICO SEGÚN LA DEFINICIÓN DE LA DIRECTIVA
93/37:***

- A "**body governed by public law**" means any body
 - established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and
 - having legal personality, and
 - financed, for the most part, by the State, or regional or local authorities, or other bodies governed by public law, or subject to management supervision by those bodies, or having an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

The lists of bodies and categories of bodies governed by public law which fulfill the criteria referred to are set out in Annex I to Directive 93/37. These lists are indicative only (see Official Journal of the European Communities n° L 199/56, 09.08.1993 and n° C 241/228, 29.08.1994).

- On entend par "**organisme de droit public**" tout organisme:
 - créé pour satisfaire spécifiquement des besoins d'intérêt général ayant un caractère autre qu'industriel ou commercial, et
 - doté de la personnalité juridique, et
 - dont l'activité et 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.

Les listes des organismes et des catégories d'organismes de droit public qui remplissent les ces critères figurent à l'annexe I de la Directive 93/37. Ces listes sont uniquement indicatives (voir Journal officiel des Communautés Européennes n° L 199/54, 09.08.1993 et n° C 241/228, 29.08.1994).

- "**Organismo de derecho público**" cualquier organismo:
 - creado para satisfacer específicamente necesidades de interés general que no tengan carácter industrial o mercantil, y
 - dotado de personalidad jurídica, y

- cuya actividad esté mayoritariamente financiada por el Estado, los entes territoriales u otros organismos de derecho público, o bien, cuya gestión se halle sometida a un control por parte de estos últimos, o bien, cuyo órgano de administración, de dirección o de vigilancia esté compuesto por miembros de los cuales más de la mitad sean nombrados por el Estado los entes territoriales u otros organismos de derecho público.

En el Anexo I a la Directiva 93/37 figuran las listas de los organismos y de las categorías de organismos de derecho público que reúnen estos criterios. Estas listas son únicamente indicativas (véase Diario Oficial de las Comunidades Europeas Oficial n° L 199/56, 09.08.1993 y n° C 241/228, 29.08.1994).

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

ANNEX 3- ANNEXE 3 - ANEXO 3

*Entities which Procure in Accordance with the Provisions of this Agreement
Entités qui passent des marchés conformément aux dispositions du présent accord
Entidades que se rigen en sus contratos por las disposiciones del presente acuerdo*

SUPPLIES / FOURNITURES / SUMINISTROS

*Thresholds: SDR 400,000
Valeurs de seuil: DTS 400 000
Valores de umbral: DEG 400.000*

SERVICES / SERVICES / SERVICIOS

specified in Annex 4 / spécifiés dans l'Annexe 4 / detallados en el Anexo 4

*Thresholds: SDR 400,000
Valeurs de seuil: DTS 400 000
Valores de umbral: DEG 400.000*

WORKS / TRAVAUX / OBRAS

specified in Annex 5 / spécifiés dans l'Annexe 5 / detalladas en el Anexo 5

*Thresholds: SDR 5,000,000
Valeurs de seuil: DTS 5 000 000
Valores de umbral: DEG 5.000.000*

List of Entities / Liste des entités / Lista de las entidades:

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 urban transport by railway¹, 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. Those lists are indicative only (see Official Journal of the European Communities n° L 199/84, 09.08.1993 and n° C 241/228, 29.08.1994).

List of Entities / Liste des entités / Lista de las entidades:

Les autorités adjudicatrices au sens de l'article 2 de la directive 93/38/CEE qui sont des pouvoirs publics ou des entreprises publiques et qui exercent une des activités visées ci-dessous ou plusieurs de ces activités:

- (a) 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;

¹ Not including the entities listed in Annex VI of Directive 93/38/EEC (copy attached)

- (b) 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;
- (c) la mise à disposition des transporteurs aériens des aéroports ou d'autres terminaux de transport;
- (d) la mise à disposition des transporteurs maritimes ou fluviaux des ports maritimes ou intérieurs ou d'autres terminaux de transport;
- (e) la exploitation de réseaux destinés à fournir un service au public dans le domaine du transport urbain par chemin de fer², systèmes automatiques, tramway, trolleybus ou autobus ou câble, en accord avec la directive 93/38/CEE.

Les pouvoirs publics ou autorités publiques énumérées aux annexes I (production, transport ou distribution d'eau potable), II (production, transport ou distribution d'électricité), VII (entités adjudicatrices dans le domaine des services de chemin de fer), VIII (entités adjudicatrices dans le domaine des installations aéroportuaires) et IX (entités adjudicatrices dans le domaine des installations portuaires maritimes ou intérieures ou autres terminaux) de la directive 93/38 répondent aux critères énoncés ci-dessus. Ces listes sont uniquement indicatives (voir Journal officiel des Communautés Européennes n° L 199/54, 09.08.1993 et n° C 241/228, 29.08.1994).

List of Entities / Liste des entités / Lista de las entidades:

Las entidades contractantes según el sentido del artículo 2 de la directiva 93/38/CEE que sean poderes públicos o empresas públicas y que realicen alguna de la actividades contempladas en los párrafos siguientes o varias de estas actividades:

- (a) la puesta a disposición o la explotación de redes fijas que presten un servicio al público en relación con la producción, transporte o distribución de agua potable o el suministro de agua potable a dichas redes;
- (b) la puesta a disposición o la explotación de redes fijas que presten un servicio al público en relación con la producción, transporte o distribución de electricidad o el suministro de electricidad a dichas redes;
- (c) la puesta a disposición de los transportistas aéreos de los aeropuertos o de otras terminales de transporte;
- (d) la puesta a disposición de los transportistas marítimos o fluviales de los puertos marítimos o interiores o de otras terminales de transporte;
- (e) la explotación de redes que presten un servicio público en el campo del transporte urbano por ferrocarril³, sistemas automáticos, tranvía, trolebús, autobús o cable.

² Ne sont pas inclus les entités énumérées dans l'annexe VI de la directive 93/38/CEE (copie annexée)

³ No se incluyen las entidades enumeradas en el anexo VI de la directiva 93/38/CEE (copia anexa)

Las entidades contractantes enumeradas en los anexos I (producción, transporte o distribución de agua potable), II (producción, transporte o distribución de electricidad), VII (entidades contractantes del sector de los servicios de ferrocarriles urbanos, tranvías, trolebuses o autobuses), VIII (entidades contractantes del sector de los aeropuertos) y IX (entidades contractantes del sector de los puertos marítimos o fluviales u otras terminales) de la directiva 93/38/CEE reúnen los criterios enunciados anteriormente. Estas listas son únicamente indicativas (véase Diario Oficial de las Comunidades Europeas Oficial n° L 199/56, 09.08.1993 y n° C 241/228, 29.08.1994).

**EUROPEAN COMMUNITIES
COMMUNAUTÉS EUROPÉENNES
COMUNIDADES EUROPEAS**

ANNEX 4 - ANNEXE 4 - ANEXO 4

Services / Services / Servicios

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

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. In Finland payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System. In Sweden, payments to and from governmental agencies shall be transacted through the Swedish Postal Giro System (Postgiro).
- *** except arbitration and conciliation services.

De la Liste universelle des services contenue dans le document MTN.GNS/W/120, les services suivants sont inclus:

<i>Désignation des services</i>	<i>Numéro de référence CPC</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 (except 71235), 7512, 87304
Services de transports aériens: transport de voyageurs et de marchandises, à l'exclusion des transports de courrier	73 (except 7321)
Transport de courrier par transport terrestre, à l'exclusion du transport ferroviaire, et par air	71235, 7321
Services de télécommunications	752* (except 7524, 7525, 7526)
Services financiers	ex 81
(a) Services d'assurance	812, 814
(b) Services bancaires et d'investissement**	
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***
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 de l'Annexe 4

- * à l'exclusion des services de téléphonie vocale, de télex, de radiotéléphonie, d'appel unilatéral sans transmission de parole, ainsi que des services de transmission par satellite.
- ** à 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 prestés par des banques centrales. In Finland payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System. In Sweden, payments to and from governmental agencies shall be transacted through the Swedish Postal Giro System (Postgiro).
- *** à l'exclusion des services d'arbitrage et de conciliation.

De la Lista universal de servicios contenida en el documento MTN.GNS/W/120, se incluyen los servicios siguientes:

<i>Servicios</i>	<i>Número de referencia CCP</i>
Servicios de mantenimiento y de reparación	6112, 6122, 633, 886
Servicios de transporte por vía terrestre, incluidos servicios de furgones blindados y servicios de mensajería, excepto transporte de correo	712 (except 71235), 7512, 87304
Servicios de transporte aéreo de pasajeros y carga, excepto transporte de correo	73 (except 7321)
Transporte de correo por vía terrestre, excepto transporte por ferrocarril, y por vía aérea	71235, 7321
Servicios de telecomunicación	752* (except 7524, 7525, 7526)
Servicios financieros	ex 81
(a) Servicios de seguros	812, 814
(b) Servicios bancarios y de inversiones**	
Servicios informáticos y servicios conexos	84
Servicios de contabilidad, auditoría et teneduría de libros	862
Servicios de investigación de estudios y encuestas de opinión pública	864
Servicios de consultores de dirección y servicios conexos	865, 866***
Servicios de arquitectura; servicios de ingeniería y servicios integrados de ingeniería; servicios de planificación urbana y servicios de arquitectura paisajista; servicios conexos de consultores en ciencia y tecnología; servicios de ensayos y análisis técnicos	867
Servicios de publicidad	871
Servicios de limpieza de edificios y servicios de administración de bienes raíces	874, 82201 - 82206
Servicios editoriales y de imprenta, por tarifa o por contrato	88442

<i>Servicios</i>	<i>Número de referencia CCP</i>
Alcantarillado y eliminación de desperdicios: servicios de saneamiento y servicios similares	94

Notas del Anexo 4

- * exceptuando los servicios de telefonía vocal, de télex, de radiotelefonía, de llamada unilateral sin transmisión de palabra, así como los servicios de transmisión por satélite.
- ** exceptuando los contratos de servicios financieros relativos a la emisión, compra, venta y transferencia de títulos u otros instrumentos financieros, y los servicios prestados por los bancos centrales. In Finland payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System. In Sweden, payments to and from governmental agencies shall be transacted through the Swedish Postal Giro System (Postgiro).
- *** exceptuando los servicios de arbitraje y conciliación.

**EUROPEAN COMMUNITIES
COMMUNAUTÉS EUROPÉENNES
COMUNIDADES EUROPEAS**

ANNEX 5- ANNEXE 5 - ANEXO 5

Construction Services / Services de construction / Servicios de construcción

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.

Définition:

Un marché de services de construction est un marché qui a pour objet la réalisation, par quelque moyen que ce soit, des travaux de bâtiment ou génie civil, au sens de la Division 51 de la Classification centrale de produits.

Definición:

Un contrato de servicios de construcción es un contrato que tiene por objeto la realización, por cualquier medio, de una obra de construcción de edificios e ingeniería civil, en el sentido de la División 51 de la Clasificación Central de Productos.

<i>List of Division 51, CPC / Liste de la division 51, CPC / Lista de la división 51, CCP</i>

Group	Class	Subclass	Title	Corresponding ISCI
SECTION 5			CONSTRUCTION WORK AND CONSTRUCTIONS: LAND	
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	

Group	Class	Subclass	Title	Corresponding ISCI
	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
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

Group	Class	Subclass	Title	Corresponding ISCI
516	5159	51590	Other special trade construction work	4520
			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	
517		51691	Lift and escalator construction work	4530
		51699	Other installation work n.e.c.	4530
			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	

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

List of Division 51, CPC / Liste de la division 51, CPC / Lista de la división 51, CCP

Groupe	Classe	Sous-classe	Titre	Correspondance ISCI
SECTION 5				
DIVISION 51			TRAVAUX DE CONSTRUCTION	
511			Travaux de préparation des sites et chantiers de construction	
512			Travaux d'entreprises générales de construction de bâtiments	
513			Travaux d'entreprises générales de construction d'ouvrages de génie civil	
514			Assemblage et construction d'ouvrages préfabriqués	
515			Travaux d'entreprises de construction spécialisées	
516			Travaux de pose d'installations et de montage	
517			Travaux d'achèvement et de finition des bâtiments	
518			Autres services	

List of Division 51, CPC / Liste de la division 51, CPC / Lista de la división 51, CCP

Grupo	Clase	Subclase	Titulo	Corresponden-cia ISCI
SECTION 5				
DIVISION 51			TRABAJOS DE CONSTRUCCION	
511			Preparación de solares de construcción	
512			Construcción de inmuebles	
513			Obras de ingeniería civil	
514			Ensamblaje y construcción de obras prefabricadas	
515			Obras de empresas de construcción especializadas	
516			Obras de instalación y de montaje	
517			Obras de decoración y acabado	
518			Otros servicios	

**EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS**

Directive 93/37

As mentioned in Appendix I - Annex 2 of
the GPA

ANNEX I

LISTS OF BODIES AND CATEGORIES OF BODIES GOVERNED BY PUBLIC LAW
REFERRED TO IN ARTICLE 1(b)

I. BELGIUM

Bodies

- 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 belges, 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 Ier - Koninklijke Bibliotheek Albert I,
- Caisse auxiliaire de paiement des allocations de chômage - Hulpkas voor Werkloosheidsuitkeringen,
- Caisse auxiliaire d'assurance maladie-invalidité - Hulpkas voor Ziekte- en Invaliditeitsverzekeringen,
- 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 Rampenschade,
- Caisse spéciale de compensation pour allocations familiales en faveur des travailleurs de l'industrie diamantaire - 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'économie - 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 communautaire de garantie des bâtiments scolaires - Gemeenschappelijk Waarborgfonds voor Schoolgebouwen,
- Fonds d'aide médicale urgente - Fonds voor Dringende Geneeskundige Hulp,
- Fonds des accidents du travail - Fonds voor Arbeitsongevallen,
- Fonds des maladies professionnelles - Fonds voor Beroepsziekten,
- Fonds des routes - Wegenfonds,
- 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 dégâts 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 pompages 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'épidémiologie - 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 d'assurance maladie-invalidité - Rijksinstituut voor Ziekte- en Invaliditeitsverzekering,
- Institut national d'assurances sociales pour travailleurs indépendants - Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen,
- Institut national des industries extractives - Nationaal 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 pour l'encouragement de la recherche scientifique dans l'industrie et l'agriculture - Instituut tot Aanmoediging van het Wetenschappelijk Onderzoek in Nijverheid en Landbouw,
- Institut royal belge des sciences naturelles - Koninklijk Belgisch Instituut voor Natuurwetenschappen,
- Institut royal belge du patrimoine artistique - Koninklijk Belgisch Instituut voor het Kunstpatrimonium,
- Institut royal de météorologie - Koninklijk Meteorologisch Instituut,
- Enfance et famille - Kind en Gezin,
- Compagnie des installations maritimes de Bruges - Maatschappij der Brugse Zeevaartinrichtingen,
- 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 de l'économie et de l'agriculture - Belgische Dienst voor Bedrijfsleven en Landbouw,
- 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 l'emploi - Rijksdienst voor de Arbeidsvoorziening,
- Office national des débouchés agricoles et horticoles - Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten,
- Office national de sécurité sociale - Rijksdienst voor Sociale Zekerheid,
- Office national de sécurité sociale des administrations provinciales et locales - Rijksdienst voor Sociale Zekerheid van de Provinciale en Plaatselijke Overheidsdiensten,
- Office national des pensions - Rijksdienst voor Pensioenen,
- Office national des vacances annuelles - Rijksdienst voor de Jaarlijkse Vakantie,
- Office national du lait - Nationale Zuiveldienst,
- 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,
- Port autonome de Charleroi - Autonome Haven van Charleroi,
- Port autonome de Liège - Autonome Haven van Luik,
- Port autonome de Namur - Autonome Haven van Namen,
- Radio et télévision belges de la Communauté française - Belgische Radio en Televisie van de Franse Gemeenschap,
- Régie des bâtiments - Regie der Gebouwen,
- Régie des voies aériennes - Regie der Luchtwegen,
- Régie des postes - Regie der Posterijen,
- Régie des télégraphes et des téléphones - Regie van Telegraaf en Telefoon,
- Conseil économique et social pour la Flandre - Sociaal-economische Raad voor Vlaanderen,
- Société anonyme du canal et des installations maritimes de Bruxelles - Naamloze Vennootschap Zeekanaal en-Haveninrichtingen van Brussel,
- Société du logement de la Région bruxelloise et sociétés agréées - Brusselse Gewestelijke Huisvestingsmaatschappij en erkende maatschappijen,
- Société nationale terrienne - Nationale Landmaatschappij,
- Théâtre royal de la Monnaie - De Koninklijke Muntchouwburg,
- 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.

Categories

- les centres publics d'aide sociale,
- les fabriques d'église (church councils).

II. DENMARK

Bodies

- Københavns Havn,
- Danmarks Radio,
- TV 2/Danmark,
- TV2 Reklame A/S,
- Danmarks Nationalbank,
- A/S Storebæltsforbindelsen,
- A/S Øresundsforbindelsen (alene tilslutningsanlæg i Danmark),
- Københavns Lufthavn A/S,
- Byfornyelsesselskabet København,
- Tele Danmark A/S with subsidiaries:
- Fyns Telefon A/S,
- Jydsk Telefon Aktieselskab A/S,
- Kjøbenhavns Telefon Aktieselskab,
- Tele Sønderjylland A/S,
- Telecom A/S,
- Tele Danmark Mobil A/S.

Categories

- De kommunale havne (municipal ports),
- Andre Forvaltningssubjekter (other public administrative bodies).

III. GERMANY

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 carcasse-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, Kindertagesheime, Erholungseinrichtungen, Kinder- und Jugendheime, Freizeiteinrichtungen, Gemeinschafts- und Bürgerhäuser, Frauenhäuser, Altersheime, Obdachlosenunterkünfte) (social welfare: nursery schools, children's playschools, rest-homes, 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: fire brigades, other emergency services),
- Bildung (Umschulungs-, Aus-, Fort- und Weiterbildungseinrichtungen, Volkshochschulen) (education: training, further training and retraining establishments, adult evening classes),
- Wissenschaft, Forschung und Entwicklung (Großforschungseinrichtungen, wissenschaftliche Gesellschaften und Vereine, Wissenschaftsförderung) (science, research and development: large-scale research institutes, scientific societies and associations, bodies promoting science),
- Entsorgung (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).

IV. GREECE

Categories

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

V. SPAIN

Categories

- Entidades Gestoras y Servicios Comunes de la Seguridad Social (administrative entities and common services of the health and social services)
- Organismos Autónomos de la Administración del Estado (independent bodies of the national administration)
- Organismos Autónomos de las Comunidades Autónomas (independent bodies of the autonomous communities)
- Organismos Autónomos de las Entidades Locales (independent bodies of local authorities)
- Otras entidades sometidas a la legislación de contratos del Estado español (other entities subject to Spanish State legislation on procurement).

VI. FRANCE

Bodies

1. National public bodies:

1.1. with scientific, cultural and professional character:

- Collège de France,
- Conservatoire national des arts et métiers,
- Observatoire de Paris.

1.2. Scientific and technological:

- Centre national de la recherche scientifique (CNRS),
- Institut national de la recherche agronomique,
- Institut national de la santé et de la recherche médicale,
- Institut français de recherche scientifique pour le développement en coopération (ORSTOM).

1.3. with administrative character:

- Agence nationale pour l'emploi,
- Caisse nationale des allocations familiales,

- Caisse nationale d'assurance maladie des travailleurs salariés,
- Caisse nationale d'assurance vieillesse des travailleurs salariés,
- Office national des anciens combattants et victimes de la guerre,
- Agences financières de bassins.

Categories

1. National public bodies:

- universités (universities),
- écoles normales d'instituteurs (teacher training colleges).

2. Administrative public bodies at regional, departmental and local level:

- collèges (secondary schools),
- lycées (secondary schools),
- établissements publics hospitaliers (public hospitals),
- offices publics d'habitations à loyer modéré (OPHLM) (public offices for low-cost housing).

3. Groupings of territorial authorities:

- syndicats de communes (associations of local authorities),
- districts (districts),
- communautés urbaines (municipalities),
- institutions interdépartementales et interrégionales (institutions common to more than one Département and interregional institutions).

VII. IRELAND

Bodies

- Shannon Free Airport Development Company Ltd,
- Local Government Computer Services Board,
- Local Government Staff Negotiations Board,
- Córás Tráchtála (Irish Export Board),
- Industrial Development Authority,
- Irish Goods Council (Promotion of Irish Goods),
- Córás 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

Bodies

- Agenzia per la promozione dello sviluppo nel Mezzogiorno.

Categories

- Enti portuali e aeroportuali (port and airport authorities),
- Consorzi per le opere idrauliche (consortia for water engineering works),
- Le università statali, gli istituti universitari statali, i consorzi per i lavori interessanti le università (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 observations),
- 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 e di 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),
- Comunità montane (groupings of municipalities in mountain areas),
- Enti preposti a servizi di pubblico interesse (organizations providing services in the public interest),
- Enti pubblici preposti ad attività di spettacolo, sportive, 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

Categories

- Les établissements publics de l'État placés sous la surveillance d'un membre du gouvernement (public establishments of the State placed under the supervision of a member of the Government),
- Les établissements publics placés sous la surveillance des communes (public establishments placed under the supervision of the communes),
- Les syndicats de communes créés en vertu de la loi du 14 février 1900 telle qu'elle a été modifiée par la suite (associations of communes created under the law of 14 February 1900 as subsequently modified).

X. THE NETHERLANDS

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

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),
- Fundações públicas (public foundations),
- Administrações gerais e juntas autónomas (general administration bodies and independent councils).

XII. THE UNITED KINGDOM

Bodies

- Central Blood Laboratories Authority,
- Design Council,
- Health and Safety Executive,
- National Research Development Corporation,
- Public Health Laboratory Services Board,
- 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 Enterprise,
- Scottish Homes,
- Welsh Development Agency.

Categories

- Universities and polytechnics, maintained schools and colleges,
- National Museums and Galleries,
- Research Councils,
- Fire Authorities,
- National Health Service Authorities,
- Police Authorities,
- New Town Development Corporations,
- Urban Development Corporations.

The following is added to Annex I 'Lists of bodies and categories of bodies governed by public law referred to in Article 1 (b)':

XIII. Austria

All bodies subject to budgetary supervision by the 'Rechnungshof' (audit authority) not having an industrial or commercial character.

XIV. Finland

Public or publicly controlled entities or undertakings not having an industrial or commercial character.

XVI. Sweden

All non-commercial bodies whose procurement is subject to supervision by the National Board for Public Procurement.

In addition to the entities listed in Annex I of Directive 93/37/EEC, the following entities shall be regarded as bodies governed by public law within the sense of such Directive:

Austria: "Austrian State Printing Office"

Denmark: "Copenhagen Hospital Corporation" ("Hovedstandens Sygehusfaellesskab")

Ireland: "Forbas"; "Forbairt"

Luxembourg: "L'entreprise des Postes et Télécommunications (Postal business only)"

Portugal:

"INGA (National Agricultural Intervention and Guarantee Institute/Instituto Nacional de Intervenção e Garantia Agrícola)"

"Institute for the Consumer / Instituto do Consumidor"

"Institute for Meteorology / Instituto de Meteorologia"

"Institute for Natural Conservation / Instituto da Conservação da Natureza"

"Water Institute / Instituto da Agua"

"ICEP / Instituto de Comércio Externo de Portugal"

"Portuguese Blood Institute / Instituto do Sangue"

United Kingdom: "Ordnance Survey"

EUROPEAN COMMUNITIES
COMMUNAUTES EUROPEENNES
COMUNIDADES EUROPEAS

Directive 93/38

As mentioned in Appendix I - Annex 3 of
the GPA

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 lovbekendtgøelse 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 / *Εταιρεία Ύδρευσης – Αποχέτευσης Πρωτεύουσας* (Etaireia Ydrefsis Apochetefsis Protevoysis) set up pursuant to Law 1068/80 of 23 August 1980.

The Water Company of Salonica / *Οργανισμός Ύδρευσης Θεσσαλονίκης* (Organismos Ydrefsis Thessalonikis) operating pursuant to Presidential Decree 61/1988.

The Water Company of Voios / *Εταιρεία Ύδρευσης Βόλου* (Etaireia Ydrefsis Voloy) operating pursuant to Law 890/1979.

Municipal companies / *Δημοτικές Επιχειρήσεις ύδρευσης - αποχέτευσης* (Dimotikes Epicheiriseis ydrefsis apochetefsis) producing or distributing water and set up pursuant to Law 1059/80 of 23 August 1980.

Associations of local authorities / *Σύνδεσμοι ύδρευσης* (Syndesmoi ydrevsys) operating pursuant to the Code of local authorities *Κώδικας Δήμων και Κοινοτήτων* (Kodikas Dimon Kai Koinotiton) 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.

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 no 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 stærkstrømsanlæg, jf. lovbekendtgørelse nr. 669 af 28. december 1977.*

GERMANY

Entities producing, transporting or distributing electricity as defined in §2 *Absatz 2 of the Gesetz zur Förderung der Energiewirtschaft (Energiewirtschaftsgesetz) of 13 December 1935. Last modified by the Gesetz of 19 December 1977, and auto-production of electricity so far as this is covered by the field of application of the Directive pursuant to Article 2, paragraph 5.*

GREECE

Δημόσια Επιχείρηση Ηλεκτρισμού (Dimosia Epicheirisi Ilektrismoy) (Public Power Corporation) set up pursuant to the law 1468 of 2 August 1950 *Περί ιδρύσεως Δημοσίας Επιχειρήσεως Ηλεκτρισμού (Peri idryseos Dimosias Epicheiriseos Ilektrismoy)*, and operating pursuant to *the law 57/85: Δομή ρόλος και τρόπος διοίκησης και λειτουργίας της κοινωνικοποιημένης Δημόσιας Επιχείρησης Ηλεκτρισμού (Domi, rolos kai tropos dioksis kai leitoyrgias tis koinonikopoiimenis Dimosias Epicheiriseos Ilektrismoy).*

SPAIN

Entities producing, transporting or distributing electricity pursuant to *Article 1 of the Decreto de 12 de marzo de 1954, approving the Reglamento de verificaciones eléctricas y regularidad en el suministro de energía and pursuant to Decreto 2617/1966, de 20 de octubre, sobre autorización administrativa en materia le instalaciones eléctricas.*

Red Eléctrica de España SA, set up pursuant to *Real Decreto 91/1985 de 23 de enero.*

FRANCE

Électricité de France, set up and operating pursuant to *the loi 46/6288 du 8 avril 1946 sur la nationalisation de l'électricité et du gaz.*

Entities (sociétés d'économie mixte or régies) distributing electricity and referred to in *article 23 of the loi 48/1260 du 12 août 1948 portant modification des lois 46/6288 du 8 avril 1946 et 46/2298 du 21 octobre 1946 sur la nationalisation de l'électricité et du gaz.*

Compagnie nationale du Rhône.

IRELAND

The Electricity Supply Board (ESB) set up and operating pursuant to *the Electricity Supply Act 1927.*

ITALY

Ente nazionale per l'energia elettrica set up pursuant to *legge n.. 1643, 6 dicembre 1962 approvato con Decreto n.1720, 21 dicembre 1965.*

Entities operating on the basis of a concession pursuant to *article 4, n.5 or 8 of legge 6 dicembre 1962, n.1643 - Istituzione dell'Ente nazionale per la energia elettrica e trasferimento ad esso delle imprese esercenti le industrie elettriche.*

Entities operating on the basis of concession pursuant to *article 20 of Decreto del Presidente delle Repubblica 18 marzo 1965, n. 342 norme integrative della legge 6 dicembre 1962, n. 1643 e norme relative al coordinamento e all'esercizio delle attività elettriche esercitate da enti ed imprese diverse dell'Ente nazionale per l'energia elettrica.*

LUXEMBOURG

Compagnie grand-ducale d'électricité de Luxembourg, producing or distributing electricity pursuant to *the convention du 11 novembre 1927 concernant l'établissement et l'exploitation des réseaux de distribution d'énergie électrique dans le grand-duché du Luxembourg approuvée par la loi du 4 janvier 1928.*

Société 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).

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 no 502/76 de 30 de Junho de 1976*.

Entities distributing electricity pursuant to *artigo 1o do Decreto-Lei no 344-B/82 de 1 de Setembro de 1982, amended by Decreto-Lei no 297/86 de 19 de Setembro de 1986*. Entities producing electricity pursuant to *Decreto Lei no 189/88 de 27 de Maio de 1988*.

Independent producers of electricity pursuant to *Decreto Lei n o 189/88 de 27 de Maio de 1988*.

Empresa de Electricidade dos Açores - EDA, EP, created pursuant to the *Decreto Regional no 16/80 de 21 de Agosto de 1980*.

Empresa de Electricidade da Madeira, EP, created pursuant to the *Decreto-Lei no 12/74 de 17 de Janeiro de 1974 and regionalized pursuant to the Decreto-Lei no 31/79 de 24 de Fevereiro de 1979, Decreto-Lei no 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 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 to *the Personenbeförderungsgesetz vom 21 März 1961, as last amended on 25 July 1989.*

GREECE

Ηλεκτροκίνητα Λεωφορεία Περιοχής Αθηνών-Πειραιώς (Ilektrokinita Leoforeia Periochis Athinon-Peiraios, Electric buses of the Athens - Piraeus area) operating pursuant to *decree 768/1970 and law 588/1977*.

Ηλεκτρικοί Σιδηρόδρομοι Αθηνών-Πειραιώς (Ilektrikoi Sidorodromoi Athinon-Peiraios, Athen-Piraeus electric railways) operating pursuant to *laws 352/1976 and 588/1977*.

Επιχείρηση Αστικών Συγκοινωνιών (Epicheirisi Ostikon Sygkoinion, (Enterprise of urban transport) operating pursuant to *law 588/1977*.

Κοινό Ταμείο Εισπράξεως Λεωφορείων Κοινο (Tameio Eisprazeos Leoforeion, Joint receipts fund of buses) operating pursuant to *decree 102/1973*.

ΡΟΔΑ (Δημοτική Επιχείρηση Λεωφορείων Ρόδου) (Diomtiki Epicheirisi Leoforeion) Roda: Municipal bus enterprise in Rhodes.

Οργανισμός Αστικών Συγκοινωνιών Θεσσαλονίκης Organismos Astikon Sygkoinion Thessalonikis. (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 no 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 Éiréann (Irish Rail).

Bus Éireann (Irish Bus).

Bus Átha Cliath (Dublin Bus).

Entities providing transport services to the public pursuant to the amended Road Transport Act 1932.

ITALY

Entities providing transport services of a concession pursuant to *Legge 28 settembre 1939, n. 1822 - Disciplina degli autoservizi di linea (autolinee per viaggiatori, bagagli e pacchi agricoli in regime di concessione all'industria privata) - Article 1 as modified by Article 45 of Decreto del Presidente della Repubblica 28 giugno 1955, n. 771*.

Entities providing transport services to the public pursuant to *Article 1 (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 reglement 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.

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 arrCetBe 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, as last amended by the Verordnung vom 21 Juli 1986.*

GREECE

Airports operating pursuant to law 517/1931 setting up the civil aviation service Υπηρεσία Πολιτικής Αεροπορίας(ΥΠΙΑ)(Ypiresia Politikis Aeroporias (YPA)).

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 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 no 246/79*.

Aeroporto do Funchal and Aeroporto de Porto Santo, regionalized pursuant to the *Decreto-Lei no 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

- Οργανισμός Λιμένος Πειραιώς Piraeus port (Organismos Limenos Peiraios) set up pursuant to *Emergency Law 1559/1950 and Law 1630/1951.*
- Οργανισμός Λιμένος Θεσσαλονίκης Thessaloniki port (Organismos Limenos Thessalonikis) set up pursuant to *decree N.A. 2251/1953.*

- Other ports governed by presidential *decree 649/1977 (NA. 649/1977) Εποπτεία, οργάνωση λειτουργίας, διοικητικός έλεγχος λιμένων (Epopteia, organosi leitoyrgias dioktitikos elenchos limeron, 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.*
- 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 Valençia 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'BEtat 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 to *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'Etat.*

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.*

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 no 36976 de 20 de Julho de 1948.*

Porto do Douro e Leixões set up pursuant to *Decreto-Lei n o 36977 de 20 de Julho de 1948.*

Porto de Sines set up pursuant to *Decreto-Lei no 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 no 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 waterway.*

3. 393 L 0038: Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ No L 199, 9.8.1993, p. 84).

(a) The following is added to Annex I 'PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER':

AUSTRIA

Entities of local authorities (Gemeinden) and associations of local authorities (Gemeindeverbände) producing, transporting or distributing drinking water pursuant to *the Wasserversorgungsgesetze of the nine Länder.*

FINLAND

Entities producing, transporting or distributing drinking water pursuant to *Article 1 of Laki yleisistä vesi- ja viemärlaitoksista (982/77) of 23 December 1977.*

SWEDEN

Local authorities and municipal companies which produce, transport or distribute drinking water pursuant to *lagen (1970:244) om allmänna vatten- och avloppsanläggningar.*

- (b) the following is added to Annex II 'PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY':

AUSTRIA

Entities producing, transporting or distributing electricity pursuant to *the second Verstaatlichungsgesetz (BGBl. Nr. 81/1947), and the Elektrizitätswirtschaftsgesetz (BGBl. Nr. 260/1975), including the Elektrizitätswirtschaftsgesetze of the nine Länder.*

FINLAND

Entities producing, transporting or distributing electricity on the basis of a concession pursuant to *Article 27 of Sähkölaki (319/79) of 16 March 1979.*

SWEDEN

Entities which transport or distribute electricity on the basis of a concession pursuant to *lagen (1902:71 s. 1) innefattande vissa bestämmelser om elektriska anläggningar.*

- (g) the following is added to Annex VII 'CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEY BUS OR BUS SERVICES':

AUSTRIA

Entities providing transport services pursuant to *the Eisenbahngesetz 1957 (BGBl. Nr. 60/1957) and the Kraftfahrliniengesetz 1952 (BGBl. Nr. 84/1952).*

FINLAND

Public or private entities operating bus services according to *"Laki (343/91) luvanvaraisesta henkilöliikenteestä tiellä"* and *Helsingin kaupungin liikennelaitos/Helsingfors stads trafikverk (Helsinki Transport Board)*, which provides metro and tramway services to the public.

SWEDEN

Entities operating urban railway or tramway services according to *lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik and lagen (1990:1157) om jaernvägssäkerhet.* Public or private entities operating a trolley bus or bus service in accordance with the *lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik and lagen (1983:293) om yrkestrafik.*

- (h) the following is added to Annex VIII 'CONTRACTING ENTITIES IN THE FIELD OF AIRPORT FACILITIES':

AUSTRIA

Austro Control GmbH

Entities as defined in *Articles 60 to 80 of the Luftfahrtgesetz 1957 (BGBl. Nr. 253/1957).*

FINLAND

Airports managed by "Ilmailulaitos/Luftfartsverket" pursuant to *Ilmailulaki (595/64)*.

SWEDEN

Publicly owned and operated airports in accordance with *lagen (1957:297) om luftfart*.

Privately owned and operated airports with an exploitation permit under the act, where this permit corresponds to the criteria of Article 2 (3) of the Directive.;

- (i) the following is added to Annex IX 'CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER TERMINAL FACILITIES':

'AUSTRIA

Inland ports owned totally or partially by Länder and/or Gemeinden.

FINLAND

Ports operating pursuant to *Laki kunnallisista satamajärjestyksistä ja liikennemaksuista (955/76)*.

Saimaa Canal (Saimaan kanavan hoitokunta).

SWEDEN

Ports and terminal facilities according to *lagen (1983:293) om inrättande, utvidgning och avlysning av allmän farled och allmän hamn, the förordningen (1983:744) om trafiken paa Göta kanal*.

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III OF
APPENDIX I OF THE ECGeneral 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;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (a) (water) to the suppliers and service providers of Canada and the USA,
 - (b) (electricity) to the suppliers and service providers of Canada, and Japan,
 - (c) (airports) to the suppliers and service providers of Canada, Korea and the USA,
 - (d) (ports) to the suppliers and service providers of Canada,
 - (e) (urban transport) to the suppliers and service providers of Canada, Japan, Korea and the USA; to the suppliers and service providers of Israel, as regards bus services,until such time as the EC has accepted that the Parties concerned give comparable and effective access for EC undertakings to the relevant markets;
 - to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.
2. The provisions of Article XX shall not apply to suppliers and service providers of:
 - Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2 paragraph 2, until such time as the EC accepts that they have completed coverage of sub-central entities;
 - Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium sized enterprises under the relevant provisions of EC law, until such time as the EC accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;

- Israel, Japan and Korea in contesting that award of contracts by EC entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the EC has accepted that the Parties concerned provide access for EC suppliers and service providers to their own markets, the EC will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery, general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations), office machines, visible record equipment and ADP equipment);
- Canada, as regards procurement of FSG 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;
- Korea and Israel as regards procurement by entities listed in Annex 3 paragraph (b), as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos. 8501, 8536 and 902830;
- the USA, as regards procurement by entities listed in Annex 3 paragraph (d), as regards procurement of dredging services and procurement related to shipbuilding;
- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

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

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;
- an international agreement relating to the stationing of troops;
- the particular procedure of an international organization.

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

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

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

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

- for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-member country;
 - for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
8. This Agreement shall not be applicable to contracts:
- for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;
 - for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
9. This Agreement shall not be applicable to the award of service contracts by Spanish entities listed in Annex 3 before 1 January 1997 or to the award of contracts by Greek or Portuguese entities listed in Annex 3 before 1 January 1998.
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.
11. This Agreement shall not apply to contracts awarded to an entity in Finland which itself is a contracting authority within the meaning of the Public Procurement Act: "Laki julkisista hankinnoista" (1505/92), or in Sweden within the meaning of the "Lag om offentlig upphandling" (1992:1528), on the basis of an exclusive right which it enjoys pursuant to a law, regulation or administrative provision or to contracts of employment in Finland and Sweden.
12. When a specific procurement may impair important national policy objectives, the Finnish or Swedish Governments 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 Cabinet level. Finland also reserves its position with regard to the application of this Agreement to the Åland Islands (Ahvenanmaa).

NOTES GENERALES ET DEROGATIONS AUX DISPOSITIONS DE L'ARTICLE III DE
L'APPENDICE I DE LA CENotes générales et dérogations aux dispositions de l'article III

1. La CE n'étendra pas le bénéfice des dispositions de cet accord:

- en ce qui concerne les marchés passés par les entités mentionnées à l'Annexe 2 aux fournisseurs et aux prestataires de services du Canada;
- en ce qui concerne les marchés passés, à l'exception des fournitures, énumérés à l'annexe 2 aux fournisseurs et aux prestataires de services des États-Unis;
- en ce qui concerne les marchés passés par les entités énumérées à l'annexe 3 paragraphes
 - (a) (eau), aux fournisseurs et aux prestataires de services du Canada et des États-Unis,
 - (b) (électricité), aux fournisseurs et aux prestataires de services du Canada, et du Japon,
 - (c) (aéroports), aux fournisseurs et aux prestataires de services du Canada, de la Corée et des États-Unis,
 - (d) (ports), aux fournisseurs et aux prestataires de services du Canada,
 - (e) (transport urbain), aux fournisseurs et aux prestataires de services du Canada, du Japon, de la Corée et des États-Unis d'Amérique; aux producteurs et fournisseurs de service d'Israël, pour ce qui est des services de transport de voyageurs par autobus,

tant qu'elle n'aura pas constaté que les Parties concernées assurent aux entreprises de la CE un accès comparable et effectif aux marchés considérés;

- aux prestataires 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 et aux prestataires de services des pays suivants:

- Israël, Japon, Corée et Suisse en ce qui concerne les recours intentés contre l'adjudication de marchés par les entités mentionnées à l'annexe 2 paragraphe 2, tant que la CE n'a pas constaté que ces pays ont complété la liste des entités sous-centrales;

- Japon, Corée et États-Unis en ce qui concerne les recours intentés contre l'adjudication de marchés à un fournisseur ou à un prestataire de services d'autres parties, lorsque ledit fournisseur est une entreprise petite ou moyenne au sens du droit communautaire, tant que la CE 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 de la CE de marchés dont la valeur est inférieure au seuil appliqué à la même catégorie de marchés par lesdites Parties.

3. Tant que la CE n'aura pas constaté que les Parties concernées assurent l'accès de leurs marchés aux fournisseurs et aux prestataires de services de la CE, elle n'étendra pas le bénéfice des dispositions du présent accord aux fournisseurs et aux prestataires de services des pays suivants:

- Canada, en ce qui 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 FSG 58 (matériel de communications, matériel de détection des radiations et d'émission de rayonnement cohérent) et États-Unis 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 paragraphe (b), pour les produits relevant des n° 8504, 8535, 8537 et 8544 du SH (transformateurs électriques, prises de courant, interrupteurs et câbles isolés); et Israël en ce qui concerne les produits relevant des n° 8501, 8536 et 902830 du SH;
- États-Unis, en ce qui concerne les marchés passés par les entités énumérées à l'annexe 3 paragraphe (d), en ce qui concerne l'acquisition des services de dragage et l'acquisition relative à la construction navale;
- Canada et États-Unis 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;
- d'un accord international conclu en relation avec le stationnement des troupes;
- de la procédure spécifique d'une organisation internationale.

5. Le présent accord n'est pas applicable aux marchés des produits agricoles passés en application des programmes de soutien à l'agriculture ou de programmes d'aide alimentaire.

6. Les marchés passés par les entités mentionnées aux annexes 1 et 2 dans les secteurs de l'eau potable, de l'énergie, du transport ou des télécommunications, ne sont pas inclus.

7. Le présent accord n'est pas applicable aux marchés passés par les entités mentionnées à l'annexe 3:

- pour l'acquisition d'eau et la fourniture d'énergie ou de combustibles destinés à la production d'énergie;
- à des fins autres que la poursuite de leurs activités selon la description donnée dans cette annexe ou pour la poursuite de ces activités dans un pays tiers;
- 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.

8. Le présent accord n'est pas applicable aux marchés passés:

- pour l'acquisition ou la location de terrains, de bâtiments existants, ou d'autres biens immeubles ou qui concernent des droits sur ces biens;
- pour l'acquisition, le développement, la production ou la coproduction du matériel destiné à la radiodiffusion et la télédiffusion et des contrats de temps d'émission.

9. Le présent accord n'est pas applicable à la passation des marchés de service par les entités espagnoles énumérées à l'annexe 3 avant le 1er janvier 1997 ou à la passation des marchés par les entités grecques ou portugaises énumérées à l'annexe 3 avant le 1er janvier 1998.

10. La prestation des services, y compris les services de construction, dans le contexte des procédures de passation de marchés en vertu cet accord est soumise aux conditions et aux qualifications pour l'accès au marché et le traitement national exigées par l'Autriche conformément à ses engagements sous l'AGCS.

11. Cet accord n'est pas applicable aux marchés attribués à une entité en Finlande qui est elle-même un pouvoir adjudicateur au sens de la loi sur les marchés publics: "Laki julkisista hankinnoista" (1505/92), ou en Suède au sens de la "Lag om offentlig upphandling" (1992:1528), sur la base d'un droit exclusif dont elle bénéficie en vertu des dispositions législatives, réglementaires ou administratives ou en vertu des contrats de travail en Finlande ou Suède.

12. Lorsqu'une acquisition spécifique peut altérer des objectifs politiques nationaux importants, les gouvernements finlandais et suédois pourront considérer nécessaire de s'écarter du principe de traitement national de l'Accord dans des cas particuliers. Une telle décision sera prise au niveau du Cabinet. La Finlande réserve également sa position en ce qui concerne l'application de cet accord aux îles Åland (Ahvenanmaa).

NOTAS Y DEROGACIONES GENERALES DE LO PREVISTO EN EL ARTÍCULO III DEL
APÉNDICE I DE LA CENotas y derogaciones generales de lo previsto en el artículo III

1. La CE no concederá los beneficios de este Acuerdo:
 - por lo que se refiere a la adjudicación de los contratos por las entidades enumeradas en el anexo 2 a los proveedores y a los prestadores de servicios de Canadá;
 - por lo que se refiere a la adjudicación de los contratos, con excepción de contratos de suministros, enumerados en el anexo 2 a los proveedores y a los prestadores de servicios de los EE.UU.;
 - por lo que se refiere a la adjudicación de los contratos por entidades enumeradas en el anexo 3 párrafos
 - (a) (agua), a los proveedores y a los prestadores de servicios de Canadá y de los EE.UU.,
 - (b) (electricidad), a los proveedores y a los prestadores de servicios de Canadá y Japón,
 - (c) (aeropuertos), a los proveedores y a los prestadores de servicios de Canadá, Corea y los EE.UU.,
 - (d) (puertos), a los proveedores y a los prestadores de servicios de Canadá,
 - (e) (transporte urbano), a los proveedores y a los prestadores de servicios de Canadá, Japón, Corea y los EE.UU.; a los proveedores en general y a los proveedores de servicios de Israel, respecto de los servicios de autobús,hasta que la CE haya aceptado que las partes afectadas garantizan un acceso comparable y efectivo de empresas de la Comunidad a los mercados pertinentes;
 - a los prestadores de servicios de las Partes que no incluyen los contratos de servicio adjudicados por las entidades enumeradas en anexos 1 a 3 y la categoría pertinente de servicio conforme a los anexos 4 y 5 en su propia cobertura.
2. Lo previsto en el artículo XX no se aplicará a los proveedores y a los prestadores de servicios de los siguiente países:
 - Israel, Japón, Corea y Suiza por lo que se refiere a la impugnación de la adjudicación de contratos por las entidades enumeradas en el anexo 2 párrafo 2º, hasta que la CE acepte que estos países han completado su cobertura de entidades subcentrales;
 - Japón, Corea y los EE.UU. por lo que se refiere a la impugnación de la adjudicación de los contratos a un proveedor o a un prestador de servicios de las otras Partes, que sean empresas pequeñas o medianas conforme a las disposiciones pertinentes del

derecho comunitario, hasta que la CE acepte que ya no aplican medidas discriminatorias a favor de ciertas pequeñas empresas y ciertas empresas de minoría;

- Israel, Japón y Corea por lo que se refiere a la impugnación de la adjudicación de los contratos por las entidades de la CE cuyo valor es inferior al umbral aplicable en la misma categoría de contratos por estas partes.

3. Hasta que la CE haya aceptado que las partes afectadas proporcionan el acceso de los proveedores y los prestadores de servicios de la CE a sus propios mercados, la CE no concederá los beneficios de este Acuerdo a los proveedores y a los prestadores de servicios de los países siguientes:

- Canadá, por lo que se refiere a la adquisición de FSC 36, 70 y 74 (maquinaria industrial especial, material general de proceso de datos automáticos, soporte lógico, suministros y material auxiliar (excepto 7010 configuraciones ADPE), máquinas de oficina, material de ofimática y de informática de oficina);
- Canadá, por lo que se refiere a la adquisición de FSG 58 (material de comunicaciones, material de detección de radiaciones y de emisión de radiación coherente) y los EE.UU. por lo que se refiere al material de control de tráfico aéreo;
- Corea e Israel por lo que se refiere a la adquisición por entidades enumeradas en el anexo 3 párrafo (b), por lo que se refiere a la adquisición de nos. 8504, 8535, 8537 y 8544 HS (transformadores eléctricos, enchufes, interruptores y cables aislantes); y para Israel, nos. 8501, 8536 y 902830 HS;
- los EE.UU., por lo que se refiere a la adquisición por entidades enumeradas en el anexo 3 párrafo (d), por lo que se refiere a la adquisición de servicios de dragado y a la adquisición relacionada con la construcción naval;
- Canadá y los EE.UU. por lo que se refiere a los contratos de bienes o de servicios componentes de contratos que, aunque sean concedidos por una entidad cubierta por este Acuerdo, no están ellos mismos sujetos a este Acuerdo.

4. El presente Acuerdo no se aplicará a los contratos adjudicados en virtud de:

- un acuerdo internacional destinado a la ejecución o explotación conjunta de un proyecto por los Estados signatarios;
- un acuerdo internacional relativo al estacionamiento de tropas;
- un procedimiento específico de una organización internacional.

5. El presente Acuerdo no se aplicará a la adquisición de productos agrícolas hecha en aplicación de programas de ayuda a la agricultura y de programas de ayuda alimentaria.

6. Los contratos adjudicados por las entidades en los anexos 1 y 2 con respecto a actividades en los sectores del agua potable, la energía, el transporte o las telecomunicaciones, no están incluidos.

7. El presente Acuerdo no se aplicará a los contratos que las entidades enumeradas en el anexo 3 adjudiquen:

- para la compra de agua y para el suministro de energía o de combustibles destinados a la producción de energía;
- para fines distintos de la prosecución de sus actividades según lo descrito en este anexo o para la prosecución de tales actividades en un país tercero;
- a efectos de reventa o arrendamiento a terceros siempre y cuando la entidad contratante no goce de derechos especiales o exclusivos de venta o arrendamiento del objeto de dichos contratos, y existan otras entidades que puedan venderlos o arrendarlos libremente en las mismas condiciones que la entidad contratante.

8. El presente Acuerdo no será aplicable a contratos:

- para la adquisición o el arrendamiento de terrenos, edificios ya existentes, u otros bienes inmuebles o relativos a derechos sobre estos bienes;
- para la adquisición, el desarrollo, la producción o coproducción de material de programa por emisores de ondas y contratos de tiempo de emisión.

9. El presente Acuerdo no será aplicable a la adjudicación de contratos de servicio por entidades españolas enumeradas en el anexo 3 antes del 1 de enero de 1997 o a la adjudicación de los contratos por entidades griegas o portuguesas enumeradas en el anexo 3 antes del 1 de enero de 1998.

10. La prestación de servicios, incluidos los servicios de construcción, en el contexto de los procedimientos de contratación en virtud este Acuerdo está sujeta a las condiciones y calificaciones para el acceso al mercado y el trato nacional requeridas por Austria de conformidad con sus compromisos bajo el ACCS.

11. Este Acuerdo no se aplicará a los contratos adjudicados a una entidad en Finlandia que sea a su vez una entidad adjudicadora en el sentido de la Ley de Contratación Pública: "Hankinnoista de julkisista Laki" (1505/92), o en Suecia en el sentido del "Lag om offentlig upphandling" (1992:1528), basándose en un derecho exclusivo del que goce en virtud de disposiciones legales, reglamentarias o administrativas, o en virtud de un contrato laboral en Finlandia y Suecia.

12. Cuando una adquisición específica puede alterar objetivos importantes de política nacional, los gobiernos finés o sueco podrán considerar necesario desviarse en casos concretos del principio del trato nacional del Acuerdo. Decisiones de este tipo se tomarán a nivel de gabinete. Finlandia también se reserva su posición por lo que se refiere a la aplicación de este Acuerdo a las islas Aland (Ahvenanmaa).

HONG KONG, CHINA

ANNEX 1

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

Threshold: 130,000 SDR for goods and services other than construction services
5,000,000 SDR for construction services

List of Entities:

1. Agriculture, Fisheries and Conservation Department
2. Architectural Services Department
3. Audit Commission
4. Auxiliary Medical Services
5. Buildings Department
6. Census and Statistics Department
7. Civil Aid Services
8. Civil Aviation Department
9. Civil Engineering Department
10. Civil Service Training and Development Institute
11. Companies Registry
12. Correctional Services Department
13. Customs and Excise Department
14. Department of Health
15. Drainage Services Department
16. Education Department
17. Electrical and Mechanical Services Department
18. Environmental Protection Department
19. Fire Services Department
20. Government Flying Service
21. Government Laboratory
22. Government Land Transport Agency
23. Government Property Agency
24. Government Secretariat
25. Government Supplies Department
26. Highways Department
27. Home Affairs Department
28. Hong Kong Monetary Authority
29. Hospital Services Department
30. Immigration Department
31. Independent Commission Against Corruption
32. Industry Department

1 March 2000 (WT/Let/330)

33. Information Services Department
34. Information Technology Services Department
35. Inland Revenue Department
36. Intellectual Property Department
37. Judiciary
38. Labour Department
39. Lands Department
40. Land Registry
41. Department of Justice
42. Legal Aid Department
43. Marine Department
44. Office of the Ombudsman
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. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
54. Hong Kong Observatory
55. Social Welfare Department
56. Secretariat, Independent Police Complaints Council
57. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
58. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
59. Student Financial Assistance Agency
60. Technical Education and Industrial Training Department
61. Television and Entertainment Licensing Authority
62. Territory Development Department
63. Trade Department
64. Transport Department
65. Treasury
66. Secretariat, University Grants Committee
67. Water Supplies Department
68. Management Services Agency
69. Official Languages Agency
70. Registration and Electoral Office
71. Food and Environmental Hygiene Department
72. Leisure and Cultural Services Department

ANNEX 2

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

Non-applicable for Hong Kong, China (Hong Kong, China does not have any Sub-central entities).

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. Airport Authority
4. Mass Transit Railway Corporation
5. Kowloon-Canton Railway Corporation

ANNEX 4

Services

The following services, classified according to the United Nations Central Product Classification (CPC) Code on Goods and Services, will be covered:

CPC1. *Computer and Related Services*

- | | |
|--|---------|
| - Data base and processing services | 843+844 |
| - Maintenance and repair service of office machinery and equipment including computers | 845 |
| - Other Computer Services | 849 |

2. *Rental/Leasing Services Without Operators*

- | | |
|---|-------------------|
| - Relating to ships | 83103 |
| - Relating to aircraft | 83104 |
| - Relating to other transport equipment | 83101+83102+83105 |
| - Relating to other machinery and equipment | 83106+83109 |

3. *Other Business Services*

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+8861-8866
---	---------------

Market Research & Public Opinion Polling Services	864
---	-----

Security Services	87304
-------------------	-------

Building-Cleaning Services	874
----------------------------	-----

Advertising Services	871
----------------------	-----

4. *Courier Services*5. *Telecommunications Services*

(Provisions of certain types of service may require licensing under the Telecommunication Ordinance)

Value-added telecommunications services	7523, 843
---	-----------

Basic telecommunications services	7521, 7529
-----------------------------------	------------

Telecommunications-related services	754
-------------------------------------	-----

6. *Environmental Services*

- Sewage services 9401
- Refuse disposal services 9402

7. *Financial Services*

- All Insurance and Insurance-Related Services ex 81
(exceptions are set out in paragraph 5 of General Conditions)
- Banking and other financial services

8. *Transport Services*

- Air transportation services 731, 732, 734
(excluding transportation of mail)
- 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 of the CPC

Threshold: 5,000,000 SDR

GENERAL CONDITIONS APPLICABLE TO ENTITIES AND SERVICES
SPECIFIED IN ANNEXES 1 TO 5

1. Notwithstanding anything in the Annexes 1-5, 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
 - Purchase of office or residential accommodation by the Government Property Agency.

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 radio communications 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. Hong Kong Government shall not be obliged 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 the Financial Services under Annex 4
 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 on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the Annex on Financial Services in the General Agreement on Trade in Services, 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	<i>Threshold:</i>	130,000 SDR
Services (specified in Annex 4)	<i>Threshold:</i>	130,000 SDR
Construction (specified in Annex 5)	<i>Threshold:</i>	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
- Medical dressings (bandages, adhesive tapes excluding gauze bandages and gauze pads)
- Intravenous solution
- Administration sets for transfusions
- Scalp vein sets
- Hemi-dialysis and blood lines
- Blood packs
- Syringe needles

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*

Supplies	<i>Threshold:</i>	355,000 SDR
Services (specified in Annex 4)	<i>Threshold:</i>	355,000 SDR
Construction (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 (2a)
 Mekoroth Water Resources Ltd.
 Sports' Gambling Arrangement Board
 Israel Standards Institute
 National Insurance Institute
 All entities operating in the field of urban transport, except those operating in the field of bus services (2b)

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.

- (2a) 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).
- (2b) With regard to procurement by entities operating in the field of urban transport, except those operating in the field of bus services, this Agreement shall apply only to goods and services, including construction services, of the European Community.

Israel is willing to negotiate the opening of procurement by entities operating in the field of urban transport, except those operating in the field of bus services, to other Parties to the Agreement under the condition of reciprocity.

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>
6112, 6122, 633, 886	Maintenance and repair services
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
874, 82201-82206	Building-cleaning services and property management services
88442	Publishing and printing services on a fee or contract basis
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 tender notices and specify them clearly in the contract documents.
 - (b) Suppliers will not be required to purchase goods that are not offered on competitive terms, including price and quality, or to take any action which is not justified from a commercial standpoint.
 - (c) Offsets in any form may be required up to 35 per cent of the contract going down to 30 per cent after five years and 20 per cent after nine years, beginning from the date Israel implements the Agreement.
2.
 - (a) At the end of each period of five and four years Israel will submit a report concerning the implementation of this Note.
 - (b) When the level of the offset has reached 20 per cent, Israel will consult with the Parties to this Agreement on the level of the use of offset by Israel. The review shall take into consideration *inter alia* general and economic developments in Israel, its trade balance, the actual performance within the framework of this Agreement and the views of the other Parties.

JAPAN

(Authentic in the English language only)

ANNEX 1

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

Supplies*Threshold:*

130 thousand SDR

List of Entities:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Prime Minister's Office
- Fair Trade Commission
- National Public Safety Commission (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
- Financial Supervisory Agency
- 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)

1 March 2000 (WT/Let/330)

Services (cont'd)

- 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
- Financial Supervisory Agency
- 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

FSC Description (cont'd)

- 6660 Meteorological Instruments and Apparatus
- 6670 Scales and Balances
- 6675 Drafting, Surveying, and Mapping Instruments
- 6680 Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
- 6685 Pressure, Temperature, and Humidity Measuring and Controlling Instruments
- 6695 Combination and Miscellaneous Instruments
- 67 Photographic Equipment
- 68 Chemicals and Chemical Products
- 71 Furniture
- 72 Household and Commercial Furnishings and Appliances
- 73 Food Preparation and Serving Equipment
- 74 Office Machines and Visible Record Equipment
- 75 Office Supplies and Devices
- 76 Books, Maps, and Other Publications
- 77 Musical Instruments, Phonographs, and Home-type Radios
- 79 Cleaning Equipment and Supplies
- 80 Brushes, Paints, Sealers, and Adhesives
- 8110 Drums and Cans
- 8115 Boxes, Cartons, and Crates
- 8125 Bottles and Jars
- 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 subdivisions, 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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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. East (f)
- Nippon Telegraph and Telephone Co. West (f)
- Northern Territories Issue Association
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (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

Supplies (cont'd)

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- 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
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

*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
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Nippon Telegraph and Telephone East Co. (f)(g)
- Nippon Telegraph and Telephone West Co. (f)(g)

Services (cont'd)

- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- 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
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (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
- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- 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
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology (e)
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

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.

Notes to Annex 3 (cont'd)

4. Notes to specific entities:
- (a) Procurement related to operational safety of transportation is not included.
 - (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

1 March 2000 (WT/Let/330)

Notes to Annex 4

1. Maintenance and repair services are not included with respect to those motor vehicles, motorcycles and snowmobiles which are specifically modified and inspected to meet regulations of the entities.
2. Courier services are not included with respect to letters.
3. Architectural, engineering and other technical services related to construction services, with the exception of the following services when procured independently, are included:
 - Final design services of CPC 86712 Architectural design services;
 - CPC 86713 Contract administration services;
 - Design services consisting of one or a combination of final plans, specifications and cost estimates of either CPC 86722 Engineering design services for the construction of foundations and building structures, or CPC 86723 Engineering design services for mechanical and electrical installations for buildings, or CPC 86724 Engineering design services for the construction of civil engineering works; and
 - CPC 86727 Other engineering services during the construction and installation phase.
4. Publishing and printing services are not included with respect to materials containing confidential information.

ANNEX 5

*Construction Services**Definition:*

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

List of Division 51, CPC:

All services listed in Division 51.

Threshold: 4,500 thousand SDR for entities set out in ANNEX 1;
15,000 thousand SDR for those in ANNEX 2; and
15,000 thousand SDR for those in ANNEX 3.

GENERAL NOTES

1. 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.
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
- Ministry of Finance and Economy
- National Unification Board
- Ministry of Government Administration
- Ministry of Science and Technology
- Ministry of Information
- Government Legislation Agency
- Patriots and Veterans Affairs Agency
- Ministry of Foreign Affairs
- Ministry of Home Affairs
- Ministry of Justice
- Ministry of National Defense
- Ministry of Education
- Ministry of Culture and Sports
- Ministry of Agriculture and Forestry
- Ministry of Trade, Industry and Energy
- Ministry of Health and Welfare
- Ministry of Labor
- Ministry of Construction and Transportation
- Ministry of Maritime Affairs and Fisheries
- Ministry of Information and Communications
- Ministry of Environment
- 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 Tax Administration
- Customs Administration
- National Statistical Office

1 March 2000 (WT/Let/330)

- Korea Meteorological Administration
- National Police Administration (except purchases for the purpose of maintaining public order, as provided in Article XXIII of the Code)
- Supreme Public Prosecutors' Office
- Military Manpower Administration
- Rural Development Administration
- Forestry Administration
- Korea Industrial Property Office
- Small and Medium Business 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.)
- National Maritime Police Agency (except purchases for the purpose of maintaining public order, as provided in Article XXIII of the Agreement)

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 Act Relating to Contracts to which the State is a Party 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.

1 March 2000 (WT/Let/330)

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

ANNEX 4

Services

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

<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 87107	Rental/leasing services without operators relating to other machinery and equipment 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
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)

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
	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	Maintenance and repair of equipment
	8862, 8863	
	8864, 8865	
	8866	
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.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
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

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
		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.c	748*	Freight transport agency services <ul style="list-style-type: none"> - 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.

LIECHTENSTEIN

(Authentic in the English language only)

ANNEX 1

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

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

List of Entities:

Government of the Principality of Liechtenstein

Note to Annex 1

The Agreement shall not apply to contracts awarded by contracting authorities in the field of drinking water, energy, transport or telecommunications.

ANNEX 2

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

<i>Supplies</i>	<i>Threshold:</i>	SDR 200,000
<i>Services</i> (specified in Annex 4)	<i>Threshold:</i>	SDR 200,000
<i>Construction services</i> (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

1. Public Authorities at local level
2. Bodies governed by public law and not having an industrial or commercial character at the local level.

Note to Annex 2

The Agreement shall not apply to contracts awarded by contracting authorities in connection with activities in the field of drinking water, energy, transport or telecommunications.

ANNEX 3

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

Supplies	Threshold:	SDR 400,000
Services	Threshold:	SDR 400,000
Works (specified in Annex 5)	Threshold:	SDR 5,000,000

List of Entities:

The contracting entities which are public authorities¹ or public undertakings² and which have as at least one of their activities any of those referred to below:

1. 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 (as specified under title I);
2. 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 (as specified under title II);
3. the operation of fixed networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);

¹ Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

- is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- 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.

² Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- hold the majority of the undertaking's subscribed capital; or
- control the majority of the votes attaching to shares issued by the undertaking; or
- can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

4. the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);
5. the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title V).

I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

- Gruppenwasserversorgung Liechtensteiner Oberland
- Gruppenwasserversorgung Liechtensteiner Unterland

II. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to the "Gesetz vom 16. Juni 1947 betreffend die "Liechtensteinischen Kraftwerke" (LKWG)".

- Liechtensteinische Kraftwerke

III. Contracting entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

Liechtensteinische Post-, Telefon- und Telegrafbetriebe (PTT)

according to "Vertrag vom 9. Januar 1978 zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über die Besorgung der Post- und Fernmeldedienste im Fürstentum Liechtenstein durch die Schweizerischen Post-, Telefon- und Telegrafbetriebe (PTT).

IV. Contracting entities in the field of airport facilities

None

Notes to Annex 3

This Agreement shall not apply:

1. to contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in this Annex.
2. 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.
3. to contracts for the purchase of water.
4. to contracts of contracting entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Annex under I and II and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years.
5. to contracts for the supply of energy or of fuels for the production of energy.
6. to contracts awarded by contracting entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.

ANNEX 4

Services

The following services from the services sectoral classification list contained in document MTN.GNS/W/120 are included:

Subject

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 ¹
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services ²	
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 ³
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

¹ Except voice telephony, telex, radiotelephony, paging and satellite services

² Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services

³ Except arbitration and conciliation services

Building-cleaning services and property management services	874, 82201-82206
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

Notes to Annex 4

The Agreement shall not apply to:

1. service contracts awarded to an entity which is itself a procuring entity listed in Annex 1 or 2 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.
2. service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Annex 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive 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, the total turnover deriving from the provision of services by those undertakings shall be taken into account.
3. contracts for the acquisition or rental, by whatever means, of land, existing buildings, or other immovable property or concerning rights thereon.
4. to contracts of employment.
5. for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

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:

General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514 + 516
Building completion and finishing work	517
Other	511 + 515 + 518

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. The Principality of Liechtenstein 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 United States of America,
- as regards the award of contracts by entities listed in Annex 3 in the following sectors:
 - water: to the suppliers and service providers of Canada and the United States of America;
 - electricity: to the suppliers and service providers of Canada, Japan and the United States of America;
 - urban transport: to the suppliers and service providers of Canada, Israel, Japan, Korea and the United States of America

until such time as the Principality of Liechtenstein has accepted that the Parties concerned give comparable and effective access for undertakings of the Principality of Liechtenstein 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 bodies governed by public law and not having an industrial or commercial character listed in Annex 2, paragraph 2, until such time as the Principality of Liechtenstein accepts that they have completed coverage of sub-central entities;
- Canada, Japan, Korea and the United States of America 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 the law of Liechtenstein until such time as the Principality of Liechtenstein 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 entities of the Principality of Liechtenstein, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide access for suppliers and service providers to their own markets, the Principality of Liechtenstein 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 United States of America 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 United States of America 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 signatory States;
 - 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. 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 the Principality of Liechtenstein in conformity with its commitments under the GATS.

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

(Authentic in the English language only)

ANNEX 1

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

<i>Supplies</i>	<i>Threshold:</i>	SDR 130,000
<i>Services</i>	<i>Threshold:</i>	SDR 130,000
<i>Works</i>	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Ministry of General Affairs;
Ministry of Public Works and Health;
Ministry of Transport and Communication;
Ministry of Welfare;
Ministry of Justice and Sport;
Ministry of Finance;
Ministry of Economic Affairs.

ANNEX 2

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

Non-applicable for Aruba (Aruba does not have any Sub-central Governments).

ANNEX 3

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

<i>Supplies</i>	<i>Threshold:</i>	SDR 400,000
<i>Services</i>	<i>Threshold:</i>	SDR 400,000
<i>Works</i>	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Water en Energiebedrijf N.V. (Water and Energy Company);
Aruba Ports Authority N.V.;
Arubus N.V. (Public Transport Company);
Setar (Telecommunications Company);
Airport Authority N.V.;
Fundacion Caspa Comunidad Arubano (Public Housing).

ANNEX 4

Services

<i>List of Services</i>	<i>CPC</i>
Legal services	861
Accountancy	862
Taxation services	863
Engineering services	8672
Computer services	841
Management consulting services	865
Franchising	8929
Insurance	812, 814
Banking and securities trade	811, 813
Hotel lodging services	6411
Entertainment services	9619
Recreation park and beach services	96491
Sporting services	9641
Shipping (freight and passenger transport)	72
Maritime auxiliary services: cargo handling	74
Freight transport: agency services/freight forwarding	74
Maritime auxiliary services: storage/warehousing	74
Road transport	71231, 71234, 71239

ANNEX 5

*Construction Services**List of Construction Services*

CPC

Construction work for buildings

512

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 central government entities including:

Statsministerens kontor**Barne - og familiedepartementet**

Barneombudet
Forbrukerombudet
Forbrukerrådet
Likestillingsombudet
Likestillingsrådet
Statens Adopsjonskontor
Statens Institutt for Forbruksforskning

Finans- og tolldepartementet

Kredittilsynet
Skattedirektoratet
Oljeskattekontoret
Toll- og avgiftsdirektoratet

Fiskeridepartementet

Fiskeridirektoratet

Office of the Prime Minister**Ministry of Children and Family Affairs**

Commissioner for Children
Consumer Ombudsman
Consumer Council
Equal Status Ombud
Equal Status Council
Government Adoption Office
National Institute for Consumer Research

Ministry of Finance

The Banking, Insurance and Securities
Commission of Norway
Directorate of Taxes
Petroleum Tax Office
Directorate of Customs and Excise

Ministry of Fisheries

Directorate of Fisheries

1 March 2000 (WT/Let/330)

Havforskningsinstituttet
Kystdirektoratet

Institute of Marine Research
Coast Directorate

Forsvarsdepartementet*

Ministry of Defence*

Forsvarets bygningstjeneste
Forsvarets Forskningsinstitutt*

Norwegian Defence Construction Service
Norwegian Defence Research
Establishment*

Forsvarets Overkommando*
Forsvarets tele- og datatjeneste

Headquarters Defence Command Norway*
Norwegian Defence Communications and
Data Services Administration

Haerens Forsyningskommando*
Luftforsvarets Forsyningskommando*
Sjøforsvarets Forsyningskommando*
Forsvarets Sanitet*

Army Material Command*
Airforce Material Command*
Navy Material Command*
Norwegian Defence Medical Service*

Justis- og politidepartementet

Ministry of Justice (and the Police)

Brønnøysundregisterene
Datatilsynet
Direktoratet for sivilt beredskap

The Brønnøysund Register Centre
The Data Inspectorate
The Directorate for Civil Defence and
Emergency Planning

Riksadvokaten
Statsadvokatembetene
Politiet

Director General of Public Prosecutions
Offices of the District Public Prosecutor
Police Services

**Kirke,- utdannings- og
forskningsdepartementet**

**Ministry of Education, Research
and Church Affairs**

Bispedømmerådet
Det norske meteorologiske institutt
Kirkerådet
Lærerutdanningsrådet
Nidarosdomens restaureringsarbeider

Diocesan Council
Norwegian Meteorological Institute
National Council of the Church of Norway
Teacher Training Council
The Restoration Workshop of Nidaros
Cathedral

Norsk Utenrikspolitisk Institutt
Norsk Voksenpedagogisk
Forskningsinstitutt
Riksbibliotekstjenesten

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 Ministry of Local Government and Labour

Arbeidsdirektoratet
Arbeidsforskningsinstituttet
Direktoratet for arbeidstilsynet

Directorate of Labour
Work Research Institute
Norwegian Directorate of Labour Inspection

Direktoratet for Brann og Eksplosjonsvern

Directorate for Fire and Explosion
Prevention

Produkt- og elektrisitetstilsynet
Electrical Safety
Produktregisteret
Statens Bygningstekniske Etat

The Norwegian Directorate for Product and

The Product Register
National Office of Building Technology
and Administration
Directorate of Immigration

Utlendingsdirektoratet

Kulturdepartementet

Ministry of Cultural Affairs

Norsk Filminstitutt
Norsk Kulturråd
Norsk Språkråd
Riksarkivet
Statsarkivene
Rikskonsertene

National Film Board
Norwegian Cultural Council
Norwegian Language Council
National Archives of Norway
National Archives
Norwegian State Foundation for National
Promotion of Music

Statens Bibliotektilsyn

Norwegian Directorate of Public and
School Libraries

Statens Filmkontroll
Statens Filmsentral

National Board of Film Censors
National Film Board

Landbruksdepartementet

Ministry of Agriculture

Reindriftsadministrasjonen
Statens dyrehelsetilsyn
Statens forskningsstasjoner i Landbruk

Directorate for Reindeer Husbandry
Norwegian Animal Health Authority
Norwegian State Agricultural Research
Stations

Statens landbrukstilsyn
Statens Næringsmiddeltilsyn
Veterinærinstituttet

Norwegian Agricultural Inspection Service
The Norwegian Food Control Authority
National Veterinary Institute

Miljøverndepartementet

Ministry of the Environment

Direktoratet for Naturforvaltning
Norsk Polarinstitutt
Riksantikvaren
Statens Forurensingstilsyn
Statens Kartverk

Directorate of Nature Management
Norwegian Polar Research Institute
Directorate for Cultural Heritage
State Pollution Control Authority
Norwegian Mapping Authority

Nærings-og handelsdepartementet

Ministry of Trade and Industry

Bergvesenet
Justervesenet
Service
Norges Geologiske Undersøkelse
Statens Veiledningskontor for oppfinnere

Directorate of Mining
Norwegian Metrology and Accreditation

Geological Survey of Norway
Norwegian Government Consultative
Office for Inventors

Sjøfartsdirektoratet
 Skipsregistrene
 Styret for det industrielle rettsvern

Norwegian Maritime Directorate
 Norwegian International Ship Register
 Norwegian Patent Office

Olje- og energidepartementet Ministry of Oil and Energy

Norges vassdrags- og energiverk
 Administration
 Oljedirektoratet

Norwegian Water Resources and Energy
 Norwegian Petroleum Directorate

Planleggings- og samordningsdepartementet

Ministry of National Planning and Coordination

Fylkesmannsembetene
 Konkurransetilsynet
 Prisdirektoratet
 Statens Forvaltningstjeneste
 Statens Informasjonstjeneste
 Statsbygg
 Property
 Statskonsult

The County Governors
 Norwegian Competition Authority
 The Price Directorate
 Government Administration Services
 Norwegian Central Information Service
 The Directorate of Public Construction and
 Directorate of Public Management

Samferdselsdepartementet

Ministry of Transport and Communication

Postdirektoratet
 Statens teleforvaltning
 Statens vegvesen

Norway Post
 Norwegian Telecommunications Authority
 Public Roads Administration

Sosialdepartementet

Ministry of Health and Social Affairs

Statens helsetilsyn
 Statens Institutt for Folkehelse
 Radiumhospitalet
 Rikshospitalet
 Rikstrygdeverket
 Rusmiddeldirektoratet
 Statens Helseundersøkelser
 Statens Institutt for alkohol- og
 narkotikaforskning
 Statens Legemiddelkontroll
 Statens Strålevern
 Statens Tobakkskaderåd

Norwegian Board of Health
 National Institute of Public Health
 Norwegian Radium Hospital
 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

Utenriksdepartementet

Direktoratet for utviklingshjelp

StortingetStortingets ombudsmann for
forvaltningen - Sivilombudsmannen

Riksrevisjonen

Domstolene**Ministry of Foreign Affairs**

Directorate for Development Cooperation

The StortingStortingets Ombudsman for Public
Administration

Office of the Auditor General

Courts of Law***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 law¹, including:

Norsk Rikskringkastning
Norges Bank
Statistisk Sentralbyrå
Norges Forskningsråd
Statens Pensjonskasse

The Norwegian Broadcasting Corporation
Norges Bank
Statistics Norway
Research Council of Norway
Norwegian Public Service Pension Fund

¹ A body is considered to be governed by public law when it:

- is established for the specific purpose of meeting needs in the general interest, not being of a commercial or industrial nature, and
- has legal personality, and
- is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

Garanti-instituttet for Eksportkreditt

Norwegian Guarantee Institute for
Export Credit

Categories:

- *Statsbanker (State Banks)*
- *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 Sectors:*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 løipestrenger (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

* 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

<i>Subject</i>	<i>CPC Reference N</i>
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 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;
- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
- as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (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;
 - (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
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

SINGAPORE

ANNEX 1

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

Goods	<i>Threshold:</i>	SDR 130,000
Services (specified in Annex 4)	<i>Threshold:</i>	SDR 130,000
Construction (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Auditor-General's Office
Attorney-General's Office
Cabinet Office
Istana
Judicature
Ministry of Communications
Ministry of Community Development
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Health
Ministry of Home Affairs
Ministry of Information and the Arts
Ministry of Manpower
Ministry of Law
Ministry of National Development
Ministry of Trade and Industry
Parliament
Presidential Councils
Prime Minister's Office
Public Service Commission
Ministry of Defence

This Agreement will generally apply to purchases by the Singapore Ministry of Defence of the following FSC categories (others being excluded) subject to the Government of Singapore's determinations under the provision of Article XXIII, paragraph 1.

1 March 2000 (WT/Let/330)

<i>FSC</i>	<i>Description</i>
22	Railway Equipment
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
24	Tractors
25	Vehicular Equipment Components
26	Tires and Tubes
29	Engine Accessories
30	Mechanical Power Transmission Equipment
31	Bearings
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
42	Fire Fighting, Rescue and Safety Equipment
43	Pumps and Compressors
44	Furnace, Steam Plant and Drying Equipment
45	Plumbing, Heating and Sanitation Equipment
46	Water Purification and Sewage Treatment Equipment
47	Pipe, Tubing, Hose and Fittings
48	Valves
51	Handtools
52	Measuring Tools
53	Hardware and Abrasives
54	Prefabricated Structures and Scaffolding
55	Lumber, Millwork, Plywood and Veneer
56	Construction and Building Materials
61	Electric Wire, and Power and Distribution Equipment
62	Lighting, Fixtures and Lamps
63	Alarm, Signal and Security Detection Systems
65	Medical, Dental and Veterinary Equipment and Supplies
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
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines, Text Processing Systems and Visible Record 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
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
84	Clothing, Individual Equipment, and Insignia
85	Toiletries
87	Agricultural Supplies
88	Live Animals
89	Subsistence
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
95	Metal Bars, Sheets and Shapes
96	Ores, Minerals, and their Primary Products
99	Miscellaneous

Notes to Annex 1:

1. The Agreement shall not apply to any procurement in respect of:
 - (a) construction contracts for chanceries abroad and headquarters buildings made by the Ministry of Foreign Affairs; and
 - (b) contracts made by the Internal Security Department, Criminal Investigation Department, Security Branch and Central Narcotics Bureau of the Ministry of Home Affairs as well as procurement that have security considerations made by the Ministry.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 2

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

Non-applicable for Singapore (Singapore does not have any Sub-central Governments).

ANNEX 3

*All other Entities which Procure in Accordance
with the Provisions of this Agreement*

Goods	<i>Threshold:</i>	SDR 400,000
Services (specified in Annex 4)	<i>Threshold:</i>	SDR 400,000
Construction (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Board of Architects
Civil Aviation Authority of Singapore
Building and Construction Authority
Economic Development Board
Housing and Development Board
Inland Revenue Authority of Singapore
Land Transport Authority of Singapore
Jurong Town Corporation
Maritime and Port Authority of Singapore
Monetary Authority of Singapore
National Computer Board
National Science & Technology Board
Nanyang Technological University
National Parks Board
National University of Singapore
Preservation of Monuments Board
Professional Engineers Board
Public Transport Council
Sentosa Development Corporation
Singapore Broadcasting Authority
Singapore Productivity and Standards Board
Singapore Tourism Board
Telecommunication Authority of Singapore
Trade Development Board
Urban Redevelopment Authority

Note to Annex 3:

1. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

1 March 2000 (WT/Let/330)

ANNEX 4

Services

The following services as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 130,000 for entities as set out in Annex 1
SDR 400,000 for entities as set out in Annex 3

<i>CPC</i>	<i>Description</i>
862	Accounting, Auditing and Book-keeping Services
8671	Architectural Services
865	Management Consulting Services
874	Building-Cleaning Services
641-643	Hotels and Restaurants (incl. catering)
74710	Travel Agencies and Tour Operators
7472	Tourist Guide Services
843	Data Processing Services
844	Database Services
932	Veterinary Services
84100	Consultancy Services Related to the Installation of Computer Hardware
84210	Systems and Software Consulting Services
87905	Translation and Interpretation Services
7523	Electronic Mail
7523	Voice Mail
7523	On-Line Information and Database Retrieval
7523	Electronic Data Interchange
96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services
96121	Motion Picture Projection Services
96122	Video Tape Projection Services
96311	Library Services
8672	Engineering Services
7512	Courier Services
-	Biotechnology Services
-	Exhibition Services
-	Commercial Market Research
-	Interior Design Services, Excluding Architecture
-	Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services

Notes to Annex 4:

1. The offer regarding services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 5

Construction Services

The following construction services in the sense of Division 51 of the Central Product Classification as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 5,000,000 for entities as set out in Annex 1
 SDR 5,000,000 for entities as set out in Annex 3

List of construction services offered:

<i>CPC</i>	<i>Description</i>
512	General construction work for buildings
513	General construction work for civil engineering
514, 516	Installation and assembly work
517	Building completion and finishing work
511, 515, 518	Others

Notes to Annex 5:

1. The offer regarding construction services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

GENERAL NOTE:

1. Taking into account the concerns expressed by GPA Members, Singapore will review its current compulsory registration system with the view to removing any unintended effects of discrimination and of limited tendering in its open tender system that the existing registration system may have on GPA Members within a period of three years after its accession.

SUISSE

(La version française fait foi)

ANNEXE 1

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

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

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

Administration centrale du Groupement de l'armement¹

Administration fédérale des contributions

Administration fédérale des douanes¹

Administration fédérale des finances

Archives fédérales

Bibliothèque centrale du Parlement et de l'administration fédérale

Caisse fédérale d'assurance

Commandement du Corps des gardes fortification¹

Commandement des écoles d'état-major et de commandants¹

Commission de la concurrence

Commission fédérale des banques

Contrôle de l'armement et la sauvegarde de la paix¹

Contrôle fédéral des finances

¹ Pour 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 frontière et des douaniers.)

Direction de la coopération au développement, de l'aide humanitaire et de la coopération technique avec l'Europe centrale et orientale

Direction du droit international public

Direction politique

Ecole fédérale de sport de Macolin

Ecoles polytechniques fédérales et établissements annexes

Entreprises des postes

Etat-major de l'instruction²

Groupe des affaires sanitaires¹

Groupe de l'aide au commandement¹

Groupe de la direction de l'instruction¹

Groupe logistique¹

Groupe des opérations¹

Groupe des opérations des Forces aériennes¹

Groupe du personnel de l'armée¹

Groupe du personnel enseignant¹

Groupe planification¹

Groupe renseignements¹

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

Institut fédéral de recherches sur la forêt, la neige et le paysage

Institut Paul Scherrer

Institut suisse de météorologie

Laboratoire fédéral d'essai des matériaux et de recherches

Ministère public de la Confédération

² Pour autant que l'entité ne soit pas en concurrence avec des entreprises auxquelles le présent accord n'est pas applicable.

Monnaie

Office de l'auditeur en chef¹

Office fédéral des affaires économiques extérieures

Office fédéral de l'agriculture

Office fédéral de l'aménagement du territoire

Office fédéral pour l'approvisionnement économique du pays

Office fédéral des armes de combat

Office fédéral des armes et des services d'appui¹

Office fédéral des armes et des services de la logistique¹

Office fédéral de l'assurance militaire¹

Office fédéral des assurances privées

Office fédéral des assurances sociales

Office fédéral de l'aviation civile

Office fédéral de la communication

Office des constructions fédérales

Office fédéral de la culture

Office fédéral de l'économie des eaux

Office fédéral de l'éducation et de la science

Office fédéral de l'énergie

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

Office fédéral des étrangers

Office fédéral des exploitations des Forces aériennes¹

Office des exploitations des Forces terrestres¹

Office central fédéral des imprimés et du matériel

Office fédéral de l'industrie, des arts et métiers et du travail

Office fédéral de l'informatique

Office fédéral de l'instruction des Forces aériennes¹

Office fédéral de la justice

Office fédéral du logement

Office fédéral du matériel d'armée et des constructions¹

Office fédéral de métrologie

Office fédéral du personnel

Office fédéral de la police

Office fédéral de la protection civile¹

Office fédéral des questions conjoncturelles

Office fédéral des réfugiés

Office fédéral des routes

Office fédéral de la santé publique

Office fédéral de la statistique

Office fédéral des systèmes d'armes des Forces aériennes et des systèmes de commandement¹

Office fédéral des systèmes d'armes et des munitions¹

Office fédéral de la topographie

Office fédéral des transports

Office vétérinaire fédéral

Office central de la défense¹

Régie fédérale des alcools

Services centraux de l'état-major général¹

Services centraux des Forces aériennes¹

Services centraux des Forces terrestres¹

Services du Parlement

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.

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

<i>Chapitre 30:</i>	Produits pharmaceutiques
<i>Chapitre 31:</i>	Engrais
<i>Chapitre 32:</i>	Extraits tannants ou tinctoriaux; tanins et leurs dérivés; matières colorantes, couleurs, peintures, vernis et teintures, mastics, encres
<i>Chapitre 33:</i>	Huiles essentielles et résinoïdes; produits de parfumerie ou de toilette et cosmétiques
<i>Chapitre 34:</i>	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"
<i>Chapitre 35:</i>	Matières albuminoïdes; colles, enzymes
<i>Chapitre 36:</i>	Poudres et explosifs; articles de pyrotechnie; allumettes; alliages pyrophoriques; matières inflammables <i>à l'exception de:</i> ex 36.01 : poudres ex 36.02 : explosifs préparés ex 36.04 : détonateurs ex 36.08 : explosifs
<i>Chapitre 37:</i>	Produits photographiques et cinématographiques
<i>Chapitre 38:</i>	Produits divers des industries chimiques <i>à l'exception de:</i> ex 38.19 : produits toxicologiques
<i>Chapitre 39:</i>	Matières plastiques artificielles, éthers et esters de la cellulose, résines artificielles et ouvrages en ces matières <i>à l'exception de:</i> ex 39.03 : explosifs
<i>Chapitre 40:</i>	Caoutchouc naturel ou synthétique, factice pour caoutchouc et ouvrages en caoutchouc <i>à l'exception de:</i> ex 40.11 : pneus
<i>Chapitre 43:</i>	Pelleteries et fourrures, pelleteries factices

<i>Chapitre 44:</i>	Bois, charbon de bois et ouvrages en bois
<i>Chapitre 45:</i>	Liège et ouvrages en liège
<i>Chapitre 46:</i>	Ouvrages de sparterie et de vannerie
<i>Chapitre 47:</i>	Matières servant à la fabrication du papier
<i>Chapitre 48:</i>	Papiers et cartons; ouvrages en pâte de cellulose, en papier et en carton
<i>Chapitre 49:</i>	Articles de librairie et produits des arts graphiques
<i>Chapitre 65:</i>	Coiffures et parties de coiffures
<i>Chapitre 66:</i>	Parapluies, parasols, cannes, fouets, cravaches et leurs parties
<i>Chapitre 67:</i>	Plumes et duvet apprêtés et articles en plumes ou en duvet; fleurs artificielles; ouvrages en cheveux
<i>Chapitre 68:</i>	Ouvrages en pierres, plâtre, ciment, amiante, mica et matières analogues
<i>Chapitre 69:</i>	Produits céramiques
<i>Chapitre 70:</i>	Verre et ouvrages en verre
<i>Chapitre 71:</i>	Perles fines, pierres gemmes et similaires, métaux précieux, plaqués ou doublés de métaux précieux et ouvrages en ces matières; bijouterie de fantaisie
<i>Chapitre 73:</i>	Fonte, fer et acier
<i>Chapitre 74:</i>	Cuivre
<i>Chapitre 75:</i>	Nickel
<i>Chapitre 76:</i>	Aluminium
<i>Chapitre 77:</i>	Magnésium, beryllium (glucinium)
<i>Chapitre 78:</i>	Plomb
<i>Chapitre 79:</i>	Zinc
<i>Chapitre 80:</i>	Etain
<i>Chapitre 81:</i>	Autres métaux communs
<i>Chapitre 82:</i>	Outillage; articles de coutellerie et couverts de table, en métaux communs
<i>Chapitre 83:</i>	Ouvrages divers en métaux communs

- Chapitre 84:* Chaudières, machines, appareils et engins mécaniques
- 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

- 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

ANNEXE 2

Entités des gouvernements sous-centraux¹ qui passent des marchés conformément aux dispositions du présent accord

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

Liste des entités²

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

¹ C'est-à-dire les gouvernements cantonaux selon la terminologie suisse

² Pour 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

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	<i>Valeur de seuil:</i> 400 000 DTS
Services (spécifiés à l'Annexe 4)	<i>Valeur de seuil:</i> 400 000 DTS
Services de construction (spécifiés à l'Annexe 5)	<i>Valeur de seuil:</i> 5 000 000 DTS

Liste des entités:

Les entités adjudicatrices qui sont des pouvoirs publics¹ ou des entreprises publiques² et qui 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);

¹ Pouvoir 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.

² Entreprise 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.

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 d'eau 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".

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.
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 ¹ (sauf 7524, 7525, 7526)
Services financiers:	ex 81
a) services d'assurances	812, 814
b) services bancaires et d'investissement ²	
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 ³

¹ A l'exclusion des services de téléphonie vocale, de télex, de radiotéléphonie, de radiomessagerie et de télécommunication par satellite

² A 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

³ A l'exclusion des services d'arbitrage et de conciliation

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

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;
 - 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, des Etats-Unis d'Amérique et du Singapour;
 - électricité: aux fournisseurs de produits et de services du Canada, du Japon et du Singapour;
 - 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;
 - 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.
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

1 March 2000 (WT/Let/330)

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
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
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
	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 1

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:

Arizona

Executive branch agencies

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and construction services

California

Executive branch agencies

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware*

Administrative Services (Central Procurement Agency)
State Universities
State Colleges

Florida*

Executive branch agencies

Hawaii

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Illinois*

Department of Central Management Services

Iowa*

Department of General Services
Department of Transportation
Board of Regents' Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding construction projects

Louisiana

Executive branch agencies

Maine*

Department of Administrative and Financial Services
Bureau of General Services (covering state government agencies
and school construction)
Maine Department of Transportation

Maryland*

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation

Massachusetts

Executive Office for Administration and Finance
Executive Office of Communities and Development
Executive Office of Consumer Affairs
Executive Office of Economic Affairs
Executive Office of Education
Executive Office of Elder Affairs
Executive Office of Environmental Affairs
Executive Office of Health and Human Service
Executive Office of Labor
Executive Office of Public Safety
Executive Office of Transportation and Construction

Michigan*

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York*

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this annex, transit cars, buses and related equipment are not covered.

Nebraska

Central Procurement Agency

New Hampshire*

Central Procurement Agency

Oklahoma*

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act, excluding construction services.

Oregon

Department of Administrative Services

Pennsylvania*

Executive branch agencies, including:

Governor's Office
Department of the Auditor General
Treasury Department
Department of Agriculture
Department of Banking
Pennsylvania Securities Commission
Department of Health
Department of Transportation
Insurance Department
Department of Aging
Department of Correction
Department of Labor and Industry
Department of Military Affairs
Office of Attorney General
Department of General Services
Department of Education
Public Utility Commission
Department of Revenue
Department of State
Pennsylvania State Police
Department of Public Welfare
Fish Commission
Game Commission
Department of Commerce
Board of Probation and Parole
Liquor Control Board
Milk Marketing Board
Lieutenant Governor's Office
Department of Community Affairs
Pennsylvania Historical and Museum Commission
Pennsylvania Emergency Management Agency
State Civil Service Commission

Pennsylvania Public Television Network
Department of Environmental Resources
State Tax Equalization Board
Department of Public Welfare
State Employees' Retirement System
Pennsylvania Municipal Retirement Board
Public School Employees' Retirement System
Pennsylvania Crime Commission
Executive Offices

Rhode Island

Executive branch agencies, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this annex, procurements of beef are not covered.

Tennessee

Executive branch agencies (excluding services and construction)

Texas

General Services Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

General Administration
Department of Transportation
State Universities

In addition to the exceptions noted at the end of this annex, procurements of fuel, paper products, boats, ships and vessels are not covered.

Wisconsin

Executive branch agencies, including

Department of Administration
State Correctional Institutions
Department of Development
Educational Communications Board
Department of Employment Relations
State Historical Society
Department of Health and Social Services
Insurance Commissioner
Department of Justice
Lottery Board
Department of Natural Resources
Administration for Public Instruction
Racing Board
Department of Revenue
State Fair Park Board
Department of Transportation
State University System

Wyoming*

Procurement Services Division
Wyoming Department of Transportation
University of Wyoming

Notes to Annex 2

In addition to the conditions specified in the General Notes, the following conditions apply:

1. For those states marked by an asterisk with pre-existing restrictions, the Agreement does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. The Agreement shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women.
3. Nothing in this annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.
4. The Agreement shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.

ANNEX 3

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

Threshold: 400,000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

List of Entities:

The following entities at the SDR equivalent of \$250,000 for supplies and services:

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- Alaska Power Administration
- St. Lawrence Seaway Development Corporation

The following entities are 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing);
- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors;
- Procurements pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of New York in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Electrification Administration Financing:

- (1) waiver of Buy American restriction on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
- (2) application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.

1 March 2000 (WT/Let/330)

Notes to Annex 3

1. With respect to these entities, the Agreement shall not apply to restrictions attached to Federal funds for airport projects.
2. The conditions specified in the General Notes apply to this Annex.

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. Except as specified otherwise in this Appendix, procurement in terms of U.S. coverage does not include non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under U.S. annexes to this agreement.
3. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.
4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.
5. For goods and services (including construction) of the following countries and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3 or the waiver described in Annex 3:

Canada

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.
9. The United States will not extend the benefits of this Agreement to Japan as regards the award of contracts by entities listed in Annex 3 that are responsible for the generation or distribution of electricity.

APPENDIX II

APPENDIX II

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION
OF NOTICES OF INTENDED PROCUREMENTS - PARAGRAPH 1
OF ARTICLE IX, AND OF POST-AWARD NOTICES -
PARAGRAPH 1 OF ARTICLE XVIII

APPENDICE II

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
DES AVIS DE MARCHES ENVISAGES - PARAGRAPHE 1 DE L'ARTICLE IX,
ET DES AVIS POSTERIEURS A L'ADJUDICATION DES
MARCHES - PARAGRAPHE 1 DE L'ARTICLE XVIII

APÉNDICE II

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LOS
ANUNCIOS DE LOS CONTRATOS PREVISTOS - PÁRRAFO 1 DEL
ARTÍCULO IX - Y LOS ANUNCIOS DE LAS ADJUDICACIONES -
PÁRRAFO 1 DEL ARTÍCULO XVIII.

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****CANADA**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

Austria	-	Official Journal of the European Communities
	-	Amtsblatt zur Wiener Zeitung
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	-	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
Finland	-	Official Journal of the European Communities
	-	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)
Sweden	-	Official Journal of the European Communities
United Kingdom	-	Official Journal of the European Communities

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	Any of the following:
	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Daily Press
	-	Home Page on the Internet (http://www.kcrc.com)
Mass Transit Railway Corporation	-	Daily Press
Airport Authority	-	Daily Press

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

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

LIECHTENSTEIN

Daily Press: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

The Aruba Gazette "Landscourant" as well as in local newspapers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

For entities listed in Annex 2 and relevant subcentral entities listed in Annex 3, publications utilized by state governments, such as the New York Contract Reporter

APPENDICE II**PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
DES AVIS DE MARCHES ENVISAGES - PARAGRAPHE 1 DE L'ARTICLE IX,
ET DES AVIS POSTERIEURS A L'ADJUDICATION DES
MARCHES - PARAGRAPHE 1 DE L'ARTICLE XVIII****CANADA**

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Autriche	-	Journal officiel des Communautés européennes
	-	Amtsblatt zur Wiener Zeitung
Belgique	-	Journal officiel des Communautés européennes
	-	Le Bulletin des Adjudications
	-	Autres publications de la presse spécialisée
Danemark	-	Journal officiel des Communautés européennes
Allemagne	-	Journal officiel des Communautés européennes
Espagne	-	Journal officiel des Communautés européennes
France	-	Journal officiel des Communautés européennes
	-	Bulletin officiel des annonces des marchés publics
Grèce	-	Journal officiel des Communautés européennes
	-	Publication dans la presse quotidienne, financière, régionale et spécialisée
Irlande	-	Journal officiel des Communautés européennes
	-	Presse quotidienne: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italie	-	Journal officiel des Communautés européennes
Luxembourg	-	Journal officiel des Communautés européennes
	-	Presse quotidienne
Pays-Bas	-	Journal officiel des Communautés européennes
Portugal	-	Journal officiel des Communautés européennes
Finlande	-	Journal officiel des Communautés européennes
	-	Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Marchés publics en Finlande et dans l'EEE, Supplément au Journal officiel de la Finlande)
Suède	-	Journal officiel des Communautés européennes
Royaume-Uni	-	Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 2

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Home Page on the Internet (http://www.kcrc.com)
Société de transports en commun par chemin de fer	-	Presse quotidienne
Direction de l'aéroport	-	Presse quotidienne

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON*Annexe 1*

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)
The Seoul Shinmun

LIECHTENSTEIN

Presse quotidienne: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

"Landscourant", Journal officiel d'Aruba, ainsi que la presse locale

NORVEGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

The Commerce Business Daily

Pour les entités énumérées à l'Annexe 2 et les entités des gouvernements sous-centraux pertinentes énumérées à l'Annexe 3, publications utilisées par les gouvernements des Etats, comme le New York Contract Reporter

APÉNDICE II

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LOS ANUNCIOS DE LOS CONTRATOS PREVISTOS - PÁRRAFO 1 DEL ARTÍCULO IX - Y LOS ANUNCIOS DE LAS ADJUDICACIONES - PÁRRAFO 1 DEL ARTÍCULO XVIII.

CANADÁ

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Austria	-	Diario Oficial de las Comunidades Europeas
	-	Amtsblatt zur Wiener Zeitung
Bélgica	-	Diario Oficial de las Comunidades Europeas
	-	Le Bulletin des Adjudications
	-	Otras publicaciones de la prensa especializada
Dinamarca	-	Diario Oficial de las Comunidades Europeas
Alemania	-	Diario Oficial de las Comunidades Europeas
España	-	Diario Oficial de las Comunidades Europeas
Francia	-	Diario Oficial de las Comunidades Europeas
	-	Bulletin officiel des annonces des marchés publics
Grecia	-	Diario Oficial de las Comunidades Europeas
	-	Publicación en la prensa diaria, financiera, regional y especializada
Irlanda	-	Diario Oficial de las Comunidades Europeas
	-	Prensa diaria: "Irish Independent", "Irish Times", "Irish Press", "Cork Examiner"
Italia	-	Diario Oficial de las Comunidades Europeas
Luxemburgo	-	Diario Oficial de las Comunidades Europeas
	-	Prensa diaria
Países Bajos	-	Diario Oficial de las Comunidades Europeas
Portugal	-	Diario Oficial de las Comunidades Europeas
Finlandia	-	Diario Oficial de las Comunidades Europeas
	-	Julkiset hankinnat Suomessa ja ETA-alueella, Virallisen lehden liite (Contratación pública en Finlandia y el EEE, Suplemento de la Gaceta Oficial de Finlandia)
Suecia	-	Diario Oficial de las Comunidades Europeas
Reino Unido	-	Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 2

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Home Page on the Internet (http://www.kcrc.com)
Compañía de los Trenes Colectivos	-	Prensa diaria
Administración de Aeropuertos	-	Prensa diaria

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN*Anexo 1*

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)
The Seoul Shinmun

LIECHTENSTEIN

Prensa diaria: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

El Boletín de Aruba "Landscourant" y periódicos locales

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA*Anexo 1*

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily

Con respecto a las entidades indicadas en el Anexo 2 y a las entidades pertinentes a nivel subcentral enumeradas en el Anexo 3, las publicaciones utilizadas por los gobiernos de los Estados, tales como "New York Contract Reporter"

APPENDIX III

APPENDIX III

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION ANNUALLY OF
INFORMATION ON PERMANENT LISTS OF QUALIFIED SUPPLIERS IN THE CASE OF
SELECTIVE TENDERING PROCEDURES – PARAGRAPH 9 OF ARTICLE IX

APPENDICE III

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX

APÉNDICE III

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.

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

CANADA

Government Business Opportunities (GBO)
MERX, Cebra Inc.

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

HONG KONG, CHINA*Annex 1*

The Government of the Hong Kong Special Administrative Region Gazette

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette
Daily Press

Annex 3

Hospital Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	Any of the following: - The Government of the Hong Kong Special Administrative Region Gazette - Daily Press - Home Page on the Internet (http://www.kcrc.com)
Mass Transit Railway Corporation	-	Not applicable

1 March 2000 (WT/Let/330)

Airport Authority

- Daily Press
- Home Page on the Internet
(<http://www.hkairport.com>)

ISRAEL

The Jerusalem Post
International Herald Tribune Ha'aretz

JAPAN

Annex 1

Kanpō

Annex 2

Kenpō
Shihō
or their equivalents

Annex 3

Kanpō

REPUBLIC OF KOREA

Kwanbo (The Korean Government's Official Gazette)

LIECHTENSTEIN

Official Journal of the European Communities (after the entry into force of
the EEA Agreement for Liechtenstein)

(Currently no such lists exist)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Non-applicable for Aruba: Aruba does not operate permanent lists of suppliers and service providers

NORWAY

Official Journal of the European Communities

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

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

APPENDICE III

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION
ANNUELLE DE RENSEIGNEMENTS SUR LES LISTES PERMANENTES DE
FOURNISSEURS QUALIFIES DANS LE CAS DES PROCEDURES
SELECTIVES - PARAGRAPHE 9 DE L'ARTICLE IX

CANADA

Marchés publics (GBO)
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

Les Etats membres ne tiennent pas normalement de listes permanentes de fournisseurs
de produits et de services. Dans les rares cas où de telles listes existent, elles sont
publiées au Journal officiel des Communautés européennes

HONG KONG, CHINE*Annexe 1*

The Government of the Hong Kong Special Administrative Region Gazette

Annexe 2

The Government of the Hong Kong Special Administrative Region Gazette
Presse quotidienne

Annexe 3

Direction des hôpitaux	-	The Government of the Hong Kong Special Administrative Region Gazette
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	L'un ou l'autre des documents suivants: The Government of the Hong Kong Special Administrative Region Gazette
	-	Presse quotidienne
	-	Home Page on the Internet (http://www.kcrc.com)
Société de transports en commun par chemin de fer	-	non applicable

Direction de l'aéroport - Presse quotidienne
- Home Page on the Internet
(<http://www.kcrc.com>)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPON

Annexe 1

Kanpō

Annexe 2

Kenpō, Shihō
ou leurs équivalents

Annexe 3

Kanpō

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

LIECHTENSTEIN

Journal officiel des Communautés européennes (à compter de l'entrée en vigueur
de l'Accord sur l'EEE pour le Liechtenstein)

(Il n'existe pas actuellement de listes de cette nature)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Sans objet pour Aruba, qui n'a pas de listes permanentes de fournisseurs de services

NORVEGE

Journal officiel des Communautés européennes

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE*Annexe 1*

Feuille officielle suisse du commerce

Annexe 2

Organe de publications officielles de chaque canton suisse (26)

Annexe 3

Feuille officielle suisse du commerce
Organe de publications officielles de chaque canton suisse (26)

ETATS-UNIS

The Commerce Business Daily

Au lieu de les faire paraître dans le Commerce Business Daily, les entités énumérées aux Annexes 2 et 3 de l'Appendice I peuvent communiquer directement ces renseignements aux fournisseurs intéressés, sur demande adressée aux services chargés des contacts désignés dans les avis utilisés pour les invitations à soumissionner

APÉNDICE III**MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN ANUAL DE
INFORMACIÓN SOBRE LAS LISTAS PERMANENTES DE PROVEEDORES
CALIFICADOS EN CASO DE LICITACIONES SELECTIVAS -
PÁRRAFO 9 DEL ARTÍCULO IX.****CANADÁ**

Government Business Opportunities (GBO)
MERX, Cebra Inc.

COMUNIDADES EUROPEAS

Los Estados miembros normalmente no establecen listas permanentes de proveedores de bienes y servicios. En los pocos casos en que existe tal lista, se publicará en el Diario Oficial de las Comunidades Europeas

HONG KONG, CHINA*Anexo 1*

The Government of the Hong Kong Special Administrative Region Gazette

Anexo 2

The Government of the Hong Kong Special Administrative Region Gazette
Prensa diaria

Anexo 3

Administración Hospitalaria	-	The Government of the Hong Kong Special Administrative Region Gazette
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	Cualquiera de los documentos siguientes: The Government of the Hong Kong Special Administrative Region Gazette
	-	Prensa diaria
	-	Home Page on the Internet (http://www.kcrc.com)
Compañía de los Trenes Colectivos	-	no aplicable

1 March 2000 (WT/Let/330)

Administración de Aeropuertos - Prensa diaria
- Home Page on the Internet
(<http://www.kcrc.com>)

ISRAEL

The Jerusalem Post
International Herald Tribune - Ha'aretz

JAPÓN

Anexo 1

Kanpō

Anexo 2

Kenpō, Shihō, o sus equivalentes

Anexo 3

Kanpō

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

LIECHTENSTEIN

Diario Oficial de las Comunidades Europeas (después de la entrada
en vigor del Acuerdo de la EEE para Liechtenstein)

(Actualmente no existe tal lista)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

No se aplica a Aruba: Aruba no mantiene listas permanentes de proveedores calificados

NORUEGA

Diario Oficial de las Comunidades Europeas

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA*Anexo 1*

Feuille officielle suisse du commerce

Anexo 2

Órganos oficiales de publicación de cada cantón suizo (26)

Anexo 3

Feuille officielle suisse du commerce
Órganos oficiales de publicación de cada cantón suizo (26)

ESTADOS UNIDOS

The Commerce Business Daily

Las entidades incluidas en los Anexos 2 y 3 del Apéndice I, como alternativa a la publicación en el Commerce Business Daily, pueden facilitar esa información directamente a los proveedores interesados, quienes deberán dirigirse a los centros de información que se indican en los anuncios de invitaciones a participar

APPENDIX IV

APPENDIX IV

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS,
REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL
APPLICATION AND ANY PROCEDURE REGARDING GOVERNMENT PROCUREMENT
COVERED BY THIS AGREEMENT - PARAGRAPH 1 OF ARTICLE XIX

APPENDICE IV

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION,
DANS LES MOINDRES DELAIS, DES LOIS, REGLEMENTS, DECISIONS
JUDICIAIRES, DECISIONS ADMINISTRATIVES D'APPLICATION
GENERALE ET PROCEDURES, RELATIFS AUX MARCHES PUBLICS
VISES PAR LE PRESENT ACCORD - PARAGRAPHE 1
DE L'ARTICLE XIX

APÉNDICE IV

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LEYES,
REGLAMENTOS, DECISIONES JUDICIALES Y RESOLUCIONES
ADMINISTRATIVAS DE APLICACIÓN GENERAL, ASÍ COMO
DE LOS PROCEDIMIENTOS PARA LA ADJUDICACIÓN DE
LOS CONTRATOS PÚBLICOS COMPRENDIDOS EN
EL ÁMBITO DEL PRESENTE ACUERDO
- PÁRRAFO 1 DEL ARTÍCULO XIX.

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

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
MERX, Cebra Inc.

EUROPEAN COMMUNITIES

- | | | |
|---------|---|---|
| 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 |
| Belgium | - | <i>Laws, royal regulations, ministerial regulations, ministerial
circulars</i> - le Moniteur Belge |
| Denmark | - | <i>Jurisprudence</i> - Pasirisie |
| | - | <i>Laws and regulations</i> - Lovtidende |
| | - | <i>Judicial decisions</i> - Ugeskrift for Retsvaesen |
| | - | <i>Administrative rulings and procedures</i> - Ministerialtidende |
| | - | <i>Rulings by the Appeal Board for Public Procurement</i> – Konkurrence
raaded Dokumentation |

1 March 2000 (WT/Let/330)

Germany	-	<i>Legislation and regulations</i> - Bundesanzeiger
	-	<i>Herausgeber</i> : der Bundesminister der Justiz
		Verlag : Bundesanzeiger
		Bundesanzeiger
		Postfach 108006
		5000 Köln
	-	<i>Judicial Decisions</i> : Entscheidungssammlungen des:
		Bundesverfassungsgerichts; Bundesgerichtshofs;
		Bundesverwaltungsgerichts Bundesfinanzhofs sowie der
		Oberlandesgerichte
Spain	-	<i>Legislation</i> - Boletín Oficial del Estado
	-	<i>Judicial rulings</i> - no official publication
France	-	<i>Legislation</i> - Journal Officiel de la République française
	-	<i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Greece	-	Government Gazette of Greece - epishmh efhmerida eurwpaikwn
		koinothtw
Ireland	-	<i>Legislation and regulations</i> - Iris Oifigiuil (Official Gazette of the
		Irish Government)
Italy	-	<i>Legislation</i> - Gazzetta Ufficiale
	-	<i>Jurisprudence</i> - no official publication
Luxembourg	-	<i>Legislation</i> - Memorial
	-	<i>Jurisprudence</i> - Pasirisie
Netherlands	-	<i>Legislation</i> - Nederlandse Staatscourant and/or Staatsblad
	-	<i>Jurisprudence</i> - no official publication
Portugal	-	<i>Legislation</i> - Diário da República Portuguesa 1a Série A e 2a série
	-	<i>Judicial Publications</i> : Boletim do Ministério da Justiça
	-	Colectânea de Acordos do Supremo Tribunal Administrativo;
		Colectânea de Jurisprudencia Das Relações
Finland	-	Suomen Säädoskokoelma - Finlands Författningssamling
		(The Collection of the Statutes of Finland)
Sweden	-	Svensk Författningssamling (Swedish Code of Statutes)
United Kingdom	-	<i>Legislation</i> - HM Stationery Office
	-	<i>Jurisprudence</i> - Law Reports
	-	"Public Bodies" - HM Stationery Office

HONG KONG, CHINA

Annex 1

The Government of the Hong Kong Special Administrative Region Gazette

Annex 2

The Government of the Hong Kong Special Administrative Region Gazette

1 March 2000 (WT/Let/330)

Annex 3

Hospital Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Housing Authority	-	The Government of the Hong Kong Special Administrative Region Gazette
Kowloon-Canton Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
Mass Transit Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

ISRAEL

The Official Gazette

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)

1 March 2000 (WT/Let/330)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(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 local publications or directly from the listed entities.)

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Aruban laws and legislations are published in the Aruban Gazette "Landscourant"

NORWAY

Norsk Lovtidend (Norwegian Law Gazette)

SINGAPORE

The Republic of Singapore Government Gazette or
The Government Internet Tendering Information System ("GITIS")

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

APPENDICE IV

PUBLICATIONS UTILISEES PAR LES PARTIES EN VUE DE LA PUBLICATION,
DANS LES MOINDRES DELAIS, DES LOIS, REGLEMENTS, DECISIONS
JUDICIAIRES, DECISIONS ADMINISTRATIVES D'APPLICATION
GENERALE ET PROCEDURES, RELATIFS AUX MARCHES PUBLICS
VISES PAR LE PRESENT ACCORD - PARAGRAPHE 1
DE L'ARTICLE XIX

CANADA*Lois et règlements*

Lois du Canada
Gazette du Canada

Décisions judiciaires

Dominion Law Reports
Recueil des arrêts de la Cour suprême
Recueil des arrêts de la Cour fédérale
National Reporter

Décisions administratives et procédures

Marchés publics (GBO)
Gazette du Canada
MERX, Cebra Inc.

COMMUNAUTES EUROPEENNES

- | | | |
|----------|---|---|
| Autriche | - | 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 |
| Belgique | - | <i>Lois, arrêtés royaux, arrêtés ministériels, circulaires ministérielles</i> –
Le Moniteur belge |
| | - | <i>Jurisprudence</i> - Pasicrisie |
| Danemark | - | <i>Lois et arrêtés</i> - Lovtidende |
| | - | <i>Décisions judiciaires</i> - Ugeskrift for Retsvaesen |

- | | | |
|-------------|---|--|
| | - | <i>Décisions et procédures administratives</i> - Ministerialtidende |
| | - | <i>Décisions de la Commission de recours en matière de marchés publics</i> - Konkurrence raaded Dokumentation |
| Allemagne | - | <i>Législation et règlements</i> - Bundesanzeiger
Editeur: der Bundesminister der Justiz
Verlag : Bundesanzeiger
Bundesanzeiger
Postfach 108006
5000 Cologne |
| | - | <i>Décisions judiciaires</i> : Entscheidungsammlungen des:
Bundesverfassungsgerichts; Bundesgerichtshofs
Bundesverwaltungsgerichts; Bundesfinanzhofs sowie der
Oberlandesgerichte |
| Espagne | - | <i>Législation</i> - Boletín Oficial des Estado |
| | - | <i>Décisions judiciaires</i> - pas de publication officielle |
| France | - | <i>Législation</i> - Journal officiel de la République française |
| | - | <i>Jurisprudence</i> - Recueil des arrêts du Conseil d'Etat |
| | - | Revue des marchés publics |
| Grèce | - | Journal officiel de la Grèce - epishmh efhmerida eurwpaikwn
koinothwn |
| Irlande | - | <i>Législation et règlements</i> - Iris Oifigiuil (Journal officiel du
gouvernement irlandais) |
| Italie | - | <i>Législation</i> - Gazzetta Ufficiale |
| | - | <i>Jurisprudence</i> - pas de publication officielle |
| Luxembourg | - | <i>Législation</i> - Memorial |
| | - | <i>Jurisprudence</i> - Pasicrisie |
| Pays-Bas | - | <i>Législation</i> - Nederlandse Staatscourant et/ou Staatsblad |
| | - | <i>Jurisprudence</i> - pas de publication officielle |
| Portugal | - | <i>Législation</i> - Diário da República Portuguesa 1a série A e 2a série |
| | - | <i>Publications judiciaires</i> : Boletim do Ministério da Justiça;
Colectânea de Acordos do Supremo Tribunal Administrativo;
Colectânea de Jurisprudencia Das Relações |
| Finlande | - | Suomen Säädoskokoelma - Finlands Författningssamling (Recueil
des lois et règlements de la Finlande)) |
| Suède | - | Svensk Författningssamling (Bulletin national des lois suédoises) |
| Royaume-Uni | - | <i>Législation</i> - HM Stationery Office (Office des publications de Sa
Majesté) |
| | - | <i>Jurisprudence</i> - Law Reports |
| | - | <i>Organismes publics ("Public bodies")</i> - HM Stationery Office
(Office des publications de Sa Majesté) |

HONG KONG, CHINE

Annexe 1

The Government of the Hong Kong Special Administrative Region Gazette

1 March 2000 (WT/Let/330)

Annexe 2

The Government of the Hong Kong Special Administrative Region Gazette

Annexe 3

Direction des hôpitaux	-	The Government of the Hong Kong Special Administrative Region Gazette
Direction du logement	-	The Government of the Hong Kong Special Administrative Region Gazette
Société du chemin de fer Kowloon-Canton	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Société de transports en commun par chemin de fer	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer
Direction de l'aéroport	-	Communiquée aux fournisseurs potentiels dès la parution des invitations à participer

ISRAEL

The Official Gazette

JAPON*Annexe 1*

Kanpō et/ou Hōreizensho

Annexe 2

Kenpō, Shihō ou leurs équivalents, ou Kanpō et/ou Hōreizensho

Annexe 3

Kanpō et/ou Hōreizensho

REPUBLIQUE DE COREE

Kwanbo (Journal officiel du gouvernement coréen)

1 March 2000 (WT/Let/330)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles, soit dans les publications locales y relatives, soit directement auprès desdites entités)

LE ROYAUME DES PAYS-BAS POUR LE COMPTE D'ARUBA

Les lois et dispositions législatives sont publiées au Journal officiel d'Aruba, "Landscourant"

NORVEGE

Norsk Lovtidend (Bulletin des lois de la Norvège)

SINGAPOUR

The Republic of Singapore Government Gazette (Journal officiel de Singapour) ou
The Government Internet Tendering Information System ("GITIS")

SUISSE

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudence des autorités administratives de la Confédération et de chaque canton (26)
Recueils des lois cantonales (26)

ETATS-UNIS

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités énumérées à l'Annexe 1 de l'Appendice I sont publiées dans les règlements relatifs aux achats fédéraux (Federal Acquisition Regulations (FAR)), qui figurent au Titre 48, Chapitre premier, du Code des règlements fédéraux (United States Code of Federal Regulations (CFR))

Les lois, décisions judiciaires, décisions administratives et procédures relatives aux marchés publics passés par les entités mentionnées aux Annexes 2 et 3 de l'Appendice I sont accessibles soit dans les publications y relatives des Etats et des collectivités locales soit directement auprès desdites entités

APÉNDICE IV

MEDIOS UTILIZADOS POR LAS PARTES PARA LA PUBLICACIÓN DE LEYES,
 REGLAMENTOS, DECISIONES JUDICIALES Y RESOLUCIONES
 ADMINISTRATIVAS DE APLICACIÓN GENERAL, ASÍ COMO
 DE LOS PROCEDIMIENTOS PARA LA ADJUDICACIÓN DE
 LOS CONTRATOS PÚBLICOS COMPRENDIDOS EN
 EL ÁMBITO DEL PRESENTE ACUERDO
 - PÁRRAFO 1 DEL ARTÍCULO XIX.

CANADÁ*Leyes y reglamentos*

Statutes of Canada
 Canada Gazette

Decisiones judiciales

Dominion Law Reports
 Supreme Court Reports
 Federal Court Reports
 National Reporter

Resoluciones y procedimientos administrativos

Government Business Opportunities
 Canada Gazette
 MERX, Cebra Inc.

COMUNIDADES EUROPEAS

- | | | |
|-----------|---|---|
| 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 |
| Bélgica | - | <i>Leyes, disposiciones reales, disposiciones ministeriales, circulares
 administrativas</i> - le Moniteur Belge |
| Dinamarca | - | <i>Jurisprudencia</i> - Pasicrisie |
| | - | <i>Leyes y reglamentos</i> - Lovtidende |
| | - | <i>Decisiones judiciales</i> - Ugeskrift for Retsvaesen |
| | - | <i>Resoluciones y procedimientos administrativos</i> - Ministerialtidende |
| | - | <i>Decisiones de la Junta de Apelación de la Contratación Pública</i> – |

Alemania	-	Konkurrenz raaded Dokumentation
	-	<i>Leyes y reglamentos</i> - Bundesanzeiger
	-	<i>Herausgeber</i> : der Bundesminister der Justiz
		Verlag : Bundesanzeiger
		Bundesanzeiger
		Postfach 108006
		5000 Köln
	-	<i>Decisiones Judiciales</i> : Entscheidungsammlungen des Bundesverfassungsgerichts; Bundesgerichtshofs; Bundesverwaltungsgerichts; Bundesfinanzhofs sowie der Oberlandesgerichte
España	-	<i>Legislación</i> - Boletín Oficial del Estado
	-	<i>Decisiones judiciales</i> - no existe publicación oficial
Francia	-	<i>Legislación</i> - Journal Officiel de la République française
	-	<i>Jurisprudencia</i> - Recueil des arrêts du Conseil d'Etat
	-	Revue des marchés publics
Grecia	-	Diario Oficial de Grecia - epishmh efhmerida eurwpaikwn koinothwn
Irlanda	-	<i>Leyes y reglamentos</i> - Iris Oifigiuil (Diario Oficial del Gobierno de Irlanda)
Italia	-	<i>Legislación</i> - Gazzetta Ufficiale
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Luxemburgo	-	<i>Legislación</i> - Memorial
	-	<i>Jurisprudencia</i> - Pasicrisie
Países Bajos	-	<i>Legislación</i> - Nederlandse Staatscourant y/o Staatsblad
	-	<i>Jurisprudencia</i> - no existe publicación oficial
Portugal	-	<i>Legislación</i> - Diário da República Portuguesa, 1a serie A y 2a serie
	-	<i>Publicaciones Judiciales</i> : Boletim do Ministério da Justiça; Colectânea de Acordos do Supremo Tribunal Administrativo; Colectânea de Jurisprudencia Das Relações
Finlandia	-	Suomen Säädoskokoelma - Finlands Författningssamling (Colección de leyes de Finlandia)
Suecia	-	Svensk Författningssamling (Colección Legislativa de Suecia)
Reino Unido	-	<i>Legislación</i> - HM Stationery Office
	-	<i>Jurisprudencia</i> - Law Reports
	-	"Organismos Públicos" - HM Stationery Office

HONG KONG, CHINA

Anexo 1

The Government of the Hong Kong Special Administrative Region Gazette

Anexo 2

The Government of the Hong Kong Special Administrative Region Gazette

1 March 2000 (WT/Let/330)

Anexo 3

Administración Hospitalaria	-	The Government of the Hong Kong Special Administrative Region Gazette
Servicio de la Vivienda	-	The Government of the Hong Kong Special Administrative Region Gazette
Sociedad del Ferrocarril Kowloon-Canton	-	se suministra a los proveedores potenciales con las invitaciones a participar
Compañía de los Trenes Colectivos	-	se suministra a los proveedores potenciales con las invitaciones a participar
Administración de Aeropuertos	-	se suministra a los proveedores potenciales con las invitaciones a participar

ISRAEL

The Official Gazette

JAPÓN*Anexo 1*

Kanpō y/o Hōreizensho

Anexo 2

Kenpō, Shihō o sus equivalentes, o Kanpō y/o Hōreizensho

Anexo 3

Kanpō y/o Hōreizensho

REPÚBLICA DE COREA

Kwanbo (Diario Oficial del Gobierno de Corea)

LIECHTENSTEIN

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(Se pueden obtener las leyes, decisiones judiciales, resoluciones administrativas y procedimientos para la adjudicación de los contratos públicos de las entidades enumeradas en los anexos 2 y 3 del apéndice I, mediante la consulta de las publicaciones locales pertinentes o solicitando directamente la información a las entidades incluidas en esos anexos.)

EL REINO DE LOS PAÍSES BAJOS RESPECTO DE ARUBA

La legislación de Aruba se publica en el Boletín de Aruba "Landscourant"

NORUEGA

Norsk Lovtidend (Gaceta Oficial de Noruega)

SINGAPUR

Gaceta Oficial de la República de Singapur o
The Government Internet Tendering Information System ("GITIS")

SUIZA

Recueil des lois fédérales
Arrêts du Tribunal fédéral suisse
Jurisprudencia de las autoridades administrativas de la Confederación y de cada cantón (26)
Colecciones legislativas cantonales (26)

ESTADOS UNIDOS

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en el Anexo 1 del Apéndice I se publican en el Federal Acquisition Regulations (FAR), como parte del Code of Federal Regulations (CFR) de los Estados Unidos, título 48, capítulo 1

Las leyes, decisiones judiciales, resoluciones administrativas y procedimientos referentes a los contratos públicos de entidades incluidas en los Anexos 2 y 3 del Apéndice I se pueden obtener o bien consultando las publicaciones estatales y locales pertinentes o bien solicitando la información directamente a las entidades incluidas en dichos Anexos

Centre William Rappard

Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Téléphone: (+41 22) 739 51 11

Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 731 42 06
Internet: <http://www.wto.org>

Reference: **WLI/201**

23 January 1998

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATION

It is hereby certified that the modification to Appendix I of the Agreement on Government Procurement (1994), which is attached hereto, has been notified to the Committee on Government Procurement on 20 November 1997 in document GPA/W/62, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modification were received within thirty days from the date of issue of the above-mentioned document, the modification has become effective as of 20 December 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

98-0297

WT/Let/210

./.

Modification to Appendix I

Norway

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

Paragraph 1(1) (electricity): include "Singapore".

WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU
COMMERCE
ORGANIZACIÓN MUNDIAL DEL
COMERCIO

Centre William Rappard

Téléphone: (+41 22) 739 51 11

Rue de Lausanne 154
Case postale
CH -1211 Genève 21

Ligne directe: (+41 22) 739 52 52
Téléfax: (+41 22) 731 42 06
Internet: <http://www.wto.org>

Reference: **WLI/201**

31 October 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATION

It is hereby certified that the modification to Appendix I of the Agreement on Government Procurement (1994), which is attached hereto, has been notified to the Committee on Government Procurement on 23 September 1997 in document GPA/W/47/Add.1, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modification were received within thirty days from the date of issue of the above-mentioned document, the modification has become effective as of 23 October 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

**R. Ruggiero
Director-**

General

97-4809

WT/Let/194

MODIFICATION TO APPENDIX 1

Switzerland

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

Paragraph 1: delete "Hong Kong".

ORGANISATION MONDIALE

ORGANIZACION MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENÈVE

Référence: WLI/201

26 September 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**TRANSMISSION OF CERTIFIED TRUE COPY OF
TERMS OF ACCESSION OF SINGAPORE**

NOTIFICATION OF ACCEPTANCE

I have the honour to furnish herewith a certified true copy of the Terms of Accession of Singapore to the above-mentioned Agreement.

I also have the honour to inform you that on 20 September 1997 I received from the Government of Singapore an instrument of accession to the above-mentioned Agreement.

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for Singapore on 20 October 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-4082

WT/Let/179

**TERMS OF ACCESSION OF SINGAPORE TO THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)**

APPENDIX I

ANNEXES 1-5 SET OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

<i>Goods</i>	<i>Threshold:</i> SDR 130,000
<i>Services</i> (specified in Annex 4)	<i>Threshold:</i> SDR 130,000
<i>Construction</i> (specified in Annex 5)	<i>Threshold:</i> SDR 5,000,000

List of Entities:

Auditor-General's Office
Attorney-General's Office
Cabinet Office
Istana
Judicature
Ministry of Communications
Ministry of Community Development
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Health
Ministry of Home Affairs
Ministry of Information and the Arts
Ministry of Labour
Ministry of Law
Ministry of National Development¹
Ministry of Trade and Industry

¹Includes Public Works Department

Parliament
Presidential Councils
Prime Minister's Office
Public Service Commission
Ministry of Defence

This Agreement will generally apply to purchases by the Singapore Ministry of Defence of the following FSC categories (others being excluded) subject to the Government of Singapore's determinations under the provision of Article XXIII, paragraph 1.

<i>FSC</i>	<i>Description</i>
22	Railway Equipment
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
24	Tractors
25	Vehicular Equipment Components
26	Tires and Tubes
29	Engine Accessories
30	Mechanical Power Transmission Equipment
31	Bearings
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
42	Fire Fighting, Rescue and Safety Equipment
43	Pumps and Compressors
44	Furnace, Steam Plant and Drying Equipment
45	Plumbing, Heating and Sanitation Equipment
46	Water Purification and Sewage Treatment Equipment
47	Pipe, Tubing, Hose and Fittings
48	Valves
51	Handtools
52	Measuring Tools
53	Hardware and Abrasives
54	Prefabricated Structures and Scaffolding
55	Lumber, Millwork, Plywood and Veneer
56	Construction and Building Materials
61	Electric Wire, and Power and Distribution Equipment
62	Lighting, Fixtures and Lamps
63	Alarm, Signal and Security Detection Systems
65	Medical, Dental and Veterinary Equipment and Supplies
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
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines, Text Processing Systems and Visible Record 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
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
84	Clothing, Individual Equipment, and Insignia
85	Toiletries
87	Agricultural Supplies
88	Live Animals
89	Subsistence
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
95	Metal Bars, Sheets and Shapes
96	Ores, Minerals, and their Primary Products
99	Miscellaneous

Notes to Annex 1:

1. The Agreement shall not apply to any procurement in respect of:
 - (a) construction contracts for chanceries abroad and headquarters buildings made by the Ministry of Foreign Affairs; and
 - (b) contracts made by the Internal Security Department, Criminal Investigation Department, Security Branch and Central Narcotics Bureau of the Ministry of Home Affairs as well as procurement that have security considerations made by the Ministry.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 2

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

Non-applicable for Singapore (Singapore does not have any Sub-central Governments).

ANNEX 3

*All other Entities which Procure in Accordance
with the Provisions of this Agreement*

Goods	Threshold: SDR 400,000
Services (specified in Annex 4)	Threshold: SDR 400,000
Construction (specified in Annex 5)	Threshold: SDR 5,000,000

List of Entities:

Board of Architects
Civil Aviation Authority of Singapore
Construction Industry Development Board
Economic Development Board
Housing and Development Board
Inland Revenue Authority of Singapore
Land Transport Authority of Singapore
Jurong Town Corporation
Maritime and Port Authority of Singapore
Monetary Authority of Singapore
National Computer Board
National Science & Technology Board
Nanyang Technological University
National Parks Board
National University of Singapore
Preservation of Monuments Board
Professional Engineers Board
Public Transport Council
Sentosa Development Corporation
Singapore Broadcasting Authority
Singapore Productivity and Standards Board
Singapore Tourist Promotion Board
Telecommunication Authority of Singapore
Trade Development Board
Urban Redevelopment Authority

Note to Annex 3:

1. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 4

Services

The following services as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 130,000 for entities as set out in Annex 1
SDR 400,000 for entities as set out in Annex 3

<i>CPC</i>	<i>Description</i>
862	Accounting, Auditing and Book-keeping Services
8671	Architectural Services
865	Management Consulting Services
874	Building-Cleaning Services
641-643	Hotels and Restaurants (incl. catering)
74710	Travel Agencies and Tour Operators
7472	Tourist Guide Services
843	Data Processing Services
844	Database Services
932	Veterinary Services
84100	Consultancy Services Related to the Installation of Computer Hardware
84210	Systems and Software Consulting Services
87905	Translation and Interpretation Services
7523	Electronic Mail
7523	Voice Mail
7523	On-Line Information and Database Retrieval
7523	Electronic Data Interchange
96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services
96121	Motion Picture Projection Services
96122	Video Tape Projection Services
96311	Library Services
8672	Engineering Services
7512	Courier Services
-	Biotechnology Services
-	Exhibition Services
-	Commercial Market Research
-	Interior Design Services, Excluding Architecture
-	Professional, Advisory and Consulting Services Relating to Agriculture, Forestry, Fishing and Mining, Including Oilfield Services

Notes to Annex 4:

1. The offer regarding services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.

2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 5

Construction Services

The following construction services in the sense of Division 51 of the Central Product Classification as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 5,000,000 for entities as set out in Annex 1
SDR 5,000,000 for entities as set out in Annex 3

List of construction services offered:

<i>CPC</i>	<i>Description</i>
512	General construction work for buildings
513	General construction work for civil engineering
514, 516	Installation and assembly work
517	Building completion and finishing work
511, 515, 518	Others

Notes to Annex 5:

1. The offer regarding construction services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

GENERAL NOTE:

- 1. Taking into account the concerns expressed by GPA Members, Singapore will review its current compulsory registration system with the view to removing any unintended effects of discrimination and of limited tendering in its open tender system that the existing registration system may have on GPA Members within a period of three years after its accession.**

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 I OF ARTICLE XVIII**

SINGAPORE

The Republic of Singapore Government Gazette

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**

SINGAPORE

The Republic of Singapore Government Gazette

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**

SINGAPORE

The Republic of Singapore Government Gazette

Director-General

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 5111
Ligne directe: (41 22) 739
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: GLI/100-1

18 September 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT GENEVA ON 12 APRIL 1979**

NOTIFICATION OF WITHDRAWAL

I have the honour to inform you that on 15 September 1997 I received a communication from the Government of Austria notifying its decision to withdraw from the above-mentioned Agreement.

In terms of Article IX, paragraph 8, the withdrawal shall take effect on 14 November 1997.

This notification is furnished in accordance with Article IX, paragraph 12, of the Agreement.

Ruggiero

Director-General

R.

97-3811

WT/Let/170

ORGANISATION MONDIALE

ORGANIZACION MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENÈVE

Référence: WLI/201

22 August 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**TRANSMISSION OF CERTIFIED TRUE COPY OF
TERMS OF ACCESSION OF LIECHTENSTEIN**

NOTIFICATION OF ACCEPTANCE

I have the honour to furnish herewith a certified true copy of the Terms of Accession of Liechtenstein to the above-mentioned Agreement.

I also have the honour to inform you that on 19 August 1997¹ I received from the Government of Liechtenstein an instrument of accession to the above-mentioned Agreement.

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for Liechtenstein on 18 September 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

¹On 24 February 1997 the Committee on Government Procurement agreed to extend the period of validity of its Decision on the Accession of Liechtenstein (GPA/3) by six months, i.e. until 27 August 1997 (GPA/M/5).

Ruggiero

Director-General

R.

97-3713

WT/Let/166

**TERMS OF ACCESSION OF LIECHTENSTEIN TO THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)**

LIECHTENSTEIN

Terms of Accession

APPENDIX I

ANNEXES 1-5 SET OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

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

List of Entities:

Government of the Principality of Liechtenstein

Note to Annex 1

The Agreement shall not apply to contracts awarded by contracting authorities in the field of drinking water, energy, transport or telecommunications.

ANNEX 2

***Sub-Central 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

Construction services (specified in Annex 5) ***Threshold:*** SDR 5,000,000

List of Entities:

1. **Public Authorities at local level**

2. **Bodies governed by public law and not having an industrial or commercial character at the local level.**

Note to Annex 2

The Agreement shall not apply to contracts awarded by contracting authorities in connection with activities in the field of drinking water, energy, transport or telecommunications.

ANNEX 3

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

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

List of Entities:

The contracting entities which are public authorities² or public undertakings³ and which have as at least one of their activities any of those referred to below:

- 1.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 (as specified under title I);**
- 2.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 (as specified under title II);**

²Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

- is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- 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.

³Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- hold the majority of the undertaking's subscribed capital; or
- control the majority of the votes attaching to shares issued by the undertaking; or
- can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

3.the operation of fixed networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);

4.the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);

5.the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title V).

I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

-Gruppenwasserversorgung Liechtensteiner Oberland

-Gruppenwasserversorgung Liechtensteiner Unterland

II. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to the "Gesetz vom 16. Juni 1947 betreffend die "Liechtensteinischen Kraftwerke" (LKWG)".

-Liechtensteinische Kraftwerke

III.Contracting entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

Liechtensteinische Post-, Telefon- und Telegrafbetriebe (PTT)

according to "Vertrag vom 9. Januar 1978 zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über die Besorgung der Post- und Fernmeldedienste im Fürstentum Liechtenstein durch die Schweizerischen Post-, Telefon- und Telegrafbetriebe (PTT).

IV. Contracting entities in the field of airport facilities

None

Notes to Annex 3

This Agreement shall not apply:

- 1.to contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in this Annex.**
- 2.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.**
- 3.to contracts for the purchase of water.**
- 4.to contracts of contracting entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Annex under I and II and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years.**
- 5.to contracts for the supply of energy or of fuels for the production of energy.**
- 6.to contracts awarded by contracting entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.**

ANNEX 4

Services

The following services from the services sectoral classification list contained in document MTN.GNS/W/120 are included:

Subject

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	752⁴
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services⁵	
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, 866⁶
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

⁴Except voice telephony, telex, radiotelephony, paging and satellite services

⁵Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services

⁶Except arbitration and conciliation services

Advertising services	871
Building-cleaning services and property management services	874, 82201-82206
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

Notes to Annex 4

The Agreement shall not apply to:

- 1. service contracts awarded to an entity which is itself a procuring entity listed in Annex 1 or 2 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.**
- 2. service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Annex 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive 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, the total turnover deriving from the provision of services by those undertakings shall be taken into account.**
- 3. contracts for the acquisition or rental, by whatever means, of land, existing buildings, or other immovable property or concerning rights thereon.**
- 4. to contracts of employment.**
- 5. for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.**

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:

General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514 + 516
Building completion and finishing work	517
Other	511 + 515 + 518

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. The Principality of Liechtenstein 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 United States of America,

-as regards the award of contracts by entities listed in Annex 3 in the following sectors:

-water: to the suppliers and service providers of Canada and the United States of America;

-electricity: to the suppliers and service providers of Canada, Japan and the United States of America;

-urban transport: to the suppliers and service providers of Canada, Israel, Japan, Korea and the United States of America

until such time as the Principality of Liechtenstein has accepted that the Parties concerned give comparable and effective access for undertakings of the Principality of Liechtenstein 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 bodies governed by public law and not having an industrial or commercial character listed in Annex 2, paragraph 2, until such time as the Principality of Liechtenstein accepts that they have completed coverage of sub-central entities;

-Canada, Japan, Korea and the United States of America 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 the law of Liechtenstein until such time as the Principality of Liechtenstein 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 entities of the Principality of Liechtenstein, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide access for suppliers and service providers to their own markets, the Principality of Liechtenstein 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 United States of America 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 United States of America 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 signatory States;**
- 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.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 the Principality of Liechtenstein in conformity with its commitments under the GATS.

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**

Daily Press: "Liechtensteiner Volksblatt", "Liechtensteiner Vaterland"

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**

**Official Journal of the European Communities (after the entry into force of the
EEA Agreement for Liechtenstein)**

(Currently no such lists exist)

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**

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

**(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 local publications or directly from the listed entities.)**

Certified true copy:

Director-General

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENÈVE

Référence: WLI/201

20 August 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATION

It is hereby certified that the modification to Appendix I of the Agreement on Government Procurement (1994), which is attached hereto, has been notified to the Committee on Government Procurement on 30 May 1997 in document GPA/W/43, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modification were received within thirty days from the date of issue of the above-mentioned document, the modification has become effective as of 29 June 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

R.

Director-General

97-3447

WT/Let/152

MODIFICATION TO APPENDIX I**Norway**

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

Paragraph 1. Delete "Hong Kong".

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 5111
Ligne directe: (41 22) 739
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

20 August 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF MODIFICATION

It is hereby certified that the modification to Appendix I of the Agreement on Government Procurement (1994), which is attached hereto, has been notified to the Committee on Government Procurement on 9 June 1997 in document GPA/W/44, in accordance with the provisions of paragraph 6(a) of Article XXIV of the Agreement. As no objections to the proposed modification were received within thirty days from the date of issue of the above-mentioned document, the modification has become effective as of 9 July 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-3448

WT/Let/162

MODIFICATION TO APPENDIX I European CommunitiesGENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE
III

Paragraph 1(b). Delete "Hong Kong".

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENÈVE

Référence: WLI/201

22 May 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**TRANSMISSION OF CERTIFIED TRUE COPY OF
TERMS OF ACCESSION OF HONG KONG**

NOTIFICATION OF ACCEPTANCE

I have the honour to furnish herewith a certified true copy of the Terms of Accession of Hong Kong to the above-mentioned Agreement.

I also have the honour to inform you that on 20 May 1997 the Government of Hong Kong deposited with me an instrument of accession to the above-mentioned Agreement.

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for Hong Kong on 19 June 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Ruggiero

Director-General

R.

97-2195

WT/Let/141

**TERMS OF ACCESSION OF HONG KONG TO THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)**

APPENDIX I

ANNEX 1

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

Supplies

Threshold: 130,000 SDR for goods and services other than construction services
5,000,000 SDR for construction services

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. Civil Aid Services
8. Civil Aviation Department
9. Civil Engineering Department
10. Civil Service Training and Development Institute
11. Companies Registry
12. Correctional Services Department
13. Customs and Excise Department
14. Department of Health
15. Drainage Services Department
16. Education Department
17. Electrical and Mechanical Services Department
18. Environmental Protection Department
19. Fire Services Department
20. Government Flying Service
21. Government Laboratory
22. Government Land Transport Agency
23. Government Property Agency

24. Government Secretariat
25. Government Supplies Department
26. Highways Department
27. Home Affairs 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
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. Royal Hong Kong Police Force (including Royal Hong Kong Auxiliary Police Force)
54. Royal Observatory
55. Social Welfare Department
56. Secretariat, Independent Police Complaints Council
57. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
58. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
59. Student Financial Assistance Agency
60. Technical Education and Industrial Training Department
61. Television and Entertainment Licensing Authority
62. Territory Development Department
63. Trade Department
64. Transport Department
65. Treasury
66. Secretariat, University Grants Committee
67. Water Supplies Department
68. Management Services Agency
69. Official Languages Agency

70. Registration and Electoral Office

ANNEX 2

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

Threshold: **200,000 SDR for goods and services other than construction 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. Airport Authority**
- 4. Mass Transit Railway Corporation**
- 5. Kowloon-Canton Railway Corporation**

ANNEX 4

Services

The following services, classified according to the United Nations Central Product Classification (CPC) Code on Goods and Services, will be covered:

CPC

1. *Computer and Related Services*

-Data base and processing services	843+844
-Maintenance and repair service of office machinery and equipment including computers	845
-Other Computer Services	849

2. *Rental/Leasing Services Without Operators*

-Relating to ships	83103
-Relating to aircraft	83104
-Relating to other transport equipment	83101+83102+83105
-Relating to other machinery and equipment	83106+83109

3. *Other Business Services*

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)

Market Research & Public Opinion Polling Services 864

Security Services 87304

Building-Cleaning Services 874

Advertising Services 871

4. *Courier Services*

5. *Telecommunications Services* (Provisions of certain types of service may require licensing under the Telecommunication Ordinance)

Value-added telecommunications services 7523, 843

Basic telecommunications services 7521, 7529

Telecommunications-related services 754

6. Environmental Services

-Sewage services	9401
-Refuse disposal services	9402

7. Financial Services ex 81

-All Insurance and Insurance-Related Services(exceptions are set out in paragraph 5 of General Conditions)

-Banking and other financial services

8. Transport Services

-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 of the CPC

Threshold. 5,000,000 SDR

**GENERAL CONDITIONS APPLICABLE TO ENTITIES AND SERVICES
SPECIFIED IN ANNEXES 1 TO 5**

1. Notwithstanding anything in the Annexes 1-5, 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

-Purchase of office or residential accommodation by the Government Property Agency.

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 radio communications 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. Hong Kong Government shall not be obliged 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 the Financial Services under Annex 4

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 on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the Annex on Financial Services in the General Agreement on Trade in Services, 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.

APPENDIX II

HONG KONG

Annex 1

**Hong Kong Government Gazette
Daily Press**

Annex 2

**Hong Kong Government Gazette
Daily Press**

Annex 3

Hospital Authority	-	Hong Kong Government Gazette
	-	Daily Press
Housing Authority	-	Hong Kong Government Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	to be notified
Mass Transit Railway Corporation	-	Daily Press
Airport Authority	-	Daily Press

APPENDIX III

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	-	Not applicable
Airport Authority	-	Not applicable

APPENDIX IV

HONG KONG

Annex 1

Hong Kong Government Gazette

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-	provided to potential suppliers upon issuance of invitations to participate	
Airport Authority-	provided to potential suppliers upon issuance of invitations to participate	

Certified true copy:

Director-General

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

26 September 1996

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**TRANSMISSION OF CERTIFIED TRUE COPY OF TERMS OF ACCESSION
OF THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA**

NOTIFICATION OF ACCEPTANCE

I have the honour to furnish herewith a certified true copy of the Terms of Accession of the Kingdom of the Netherlands with respect to Aruba.

I also have the honour to inform you that on 25 September 1996 the Government of the Kingdom of the Netherlands, for Aruba, deposited with me an instrument of accession to the above-mentioned Agreement.

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for the Kingdom of the Netherlands, for Aruba, on 25 October 1996.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

96-3967

WT/Let/111

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Terms of Accession

APPENDIX I

ANNEXES 1-5 SETTING OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

Supplies	<i>Threshold:</i> SDR 130,000
Services	<i>Threshold:</i> SDR 130,000
Works	<i>Threshold:</i> SDR 5,000,000

List of Entities:

Ministry of General Affairs;
Ministry of Public Works and Health;
Ministry of Transport and Communication;
Ministry of Welfare;
Ministry of Justice and Sport;
Ministry of Finance;
Ministry of Economic Affairs.

ANNEX 2

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

Non-applicable for Aruba (Aruba does not have any Sub-central Governments).

ANNEX 3

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

Supplies	<i>Threshold:</i> SDR 400,000
Services	<i>Threshold:</i> SDR 400,000
Works	<i>Threshold:</i> SDR 5,000,000

List of Entities:

Water en Energiebedrijf N.V. (Water and Energy Company);
Aruba Ports Authority N.V.;
Arubus N.V. (Public Transport Company);
Setar (Telecommunications Company);
Airport Authority N.V.;
Findacion Cas pa Comunidad Arubano (Public Housing).

ANNEX 4

Services

<i>List of Services</i>	<i>CPC ref #</i>
Legal services	861
Accountancy	862
Taxation services	863
Engineering services	8672
Computer services	841
Management consulting services	865
Franchising	8929
Insurance	812, 814
Banking and securities trade	811, 813
Hotel lodging services	6411
Entertainment services	9619
Recreation park and beach services	96491
Sporting services	9641
Shipping (freight and passenger transport)	72
Maritime auxiliary services: cargo handling	74
Freight transport: agency services/freight forwarding	74
Maritime auxiliary services: storage/warehousing	74
Road transport	71231, 71234, 71239

ANNEX 5

Construction Services

List of Construction Services

CPC ref #

Construction work for buildings

512

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

The Aruba Gazette "Landscourant" as well as in local newspapers

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

Non-applicable for Aruba: Aruba does not operate permanent lists of suppliers and service providers.

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

Aruban laws and legislations are published in the Aruban Gazette "Landscourant".

Certified true copy:

Director-General

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 5252
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

9 January 1996

AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994

NOTIFICATION OF ACCEPTANCES

ENTRY INTO FORCE

I have the honour to inform you that on 15 April 1994 the above-mentioned Agreement was accepted by the Government of Luxembourg.

I also have the honour to inform you that I received, on the dates indicated, instruments of ratification or acceptance of the above-mentioned Agreement from the following Governments, thereby recognizing as fully binding the signatures affixed by their plenipotentiaries on 15 April 1994:

Belgium 30 December 1994

European Community 30 December 1994

Canada 22 December 1995

"In endorsing this Agreement vis-a-vis the United States for

Annex 1 (Federal departments and agencies), Canada's commitments are made on the basis of our understanding of (1) the value of the U.S. offer at the time of signing of the Agreement in Marrakesh and (2) the value of 'small and minority business set-asides' discussed with the United States in reference to the exception taken for these programs

in their offer. Canada would further note that its commitments are put forward on the understanding that the value of U.S. contracts, otherwise subject to WTO-AGP, to which preferences for U.S. small and minority businesses are applied, is consistent with statistics recently tabled by the United States in accordance with the requirements of Chapter 10 of the NAFTA. These statistics indicate that the total value of small and minority business set-asides for U.S. departments and agencies is US\$3.0 billion. With appropriate adjustments for the higher threshold values of the WTO-AGP, that value would be approximately US\$2.4 billion."

Finland 30 December 1994

France 30 December 1994

96-0162

./.

WT/Let/51

Israel 31 December 1995

Japan 5 December 1995

Korea 22 December 1995

"In accordance with paragraph 3(a) of Article XXIV of the Agreement the Republic of Korea will delay application of the provisions of the said Agreement, except Articles XXI and XXII, to a date not later than 1 January 1997."

Norway 7 December 1994

Spain 30 December 1994

Sweden 22 December 1994

Switzerland 19 December 1995

United States 1 December 1995.

In terms of paragraph 1 of its Article XXIV, the Agreement entered into force on 1 January 1996 for all the above-mentioned Governments.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

20 December 1995

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

NOTIFICATION OF ACCEPTANCE

I have the honour to inform you that on 19 December 1995 the Government of Switzerland deposited with me an instrument of ratification of the above-mentioned Agreement, thereby recognizing as fully binding the signature affixed by its plenipotentiary on 15 April 1994.

In terms of paragraph 1 of its Article XXIV, the Agreement shall enter into force for Switzerland on 1 January 1996.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero

Director-General

WT/Let/50

95-4131

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/201

7 December 1995

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

NOTIFICATION OF ACCEPTANCES

I have the honour to inform you that on 1 December 1995 I received a communication from the Government of the United States confirming its approval of the above-mentioned Agreement, thereby recognizing as fully binding the signature affixed by its plenipotentiary on 15 April 1994.

I also have the honour to inform you that on 5 December 1995 the Government of Japan deposited with me an instrument of ratification of the above-mentioned Agreement, thereby recognizing as fully binding the signature affixed by its plenipotentiary on 15 April 1994.

In terms of paragraph 1 of its Article XXIV, the Agreement shall enter into force for the above-mentioned Governments on 1 January 1996.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero
Director-General

95-3988

WT/Let/44

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 5111
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENÈVE

Référence: WLI/201

16 May 1995

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

CERTIFICATION OF RECTIFICATIONS

It is hereby certified that the rectifications relating to Appendices I and II of the Agreement on Government Procurement (1994), which are attached hereto, have been notified to the Interim Committee on Government Procurement, in documents GPA/IC/W/8 and GPA/IC/W/10 on 15 November 1994 and 23 November 1994, respectively, in accordance with the Decision of the Interim Committee of 29 June 1994 on "Administration of Rectifications of a Purely Formal Nature to Appendices I to IV of the Agreement on Government Procurement (1994) Prior to its Entry into Force". No objections to these rectifications having been made within the prescribed time-limits, they have become effective as of 15 December 1994 and 23 December 1994, respectively.

This notification is furnished in accordance with paragraph 2 of the Decision of 29 June 1994.

R. Ruggiero
Director-General

95-1287

WT/Let/17

RECTIFICATIONS OF A PURELY FORMAL NATURE TO APPENDICES I TO IV
OF THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)
PRIOR TO ITS ENTRY INTO FORCE

Appendix I

Annex 1

NORWAY

Change "Directorate of Postal Services" and "Directorate of Public Roads" to "Norway Post" and "Public Roads Administration", respectively.

Under "**Ministry of Government Administration**", add: "Directorate of Public Construction and Property".

Appendix II**UNITED STATES**

Change present text to read:

"The Commerce Business Daily

For entities listed in Annex 2 and relevant subcentral entities listed in Annex 3, publications utilized by state governments, such as the New York Contract Reporter"

ORGANISATION MONDIALE

ORGANIZACIÓN MUNDIAL

DU COMMERCE

DEL COMERCIO

WORLD TRADE ORGANIZATION

Centre William Rappard
Rue de Lausanne 154
Case postale
CH - 1211 Genève 21

Téléphone: (41 22) 739 51 11
Ligne directe: (41 22) 739 52 52
Téléfax: (41 22) 731 42 06
Télex: 412 324 OMC/WTO CH
Télégramme: OMC/WTO, GENEVE

Référence: WLI/304

27 January 1995

AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994

NOTIFICATION OF ACCEPTANCES

I have the honour to inform you that on 15 April 1994 the above-mentioned Agreement was accepted by the following Governments:

Greece
Luxembourg.

I also have the honour to inform you that I received, on the dates indicated, instruments of ratification of the above-mentioned Agreement from the following Governments, thereby recognizing as fully binding the signatures affixed by their plenipotentiaries on 15 April 1994:

Belgium	30 December 1994
Denmark	30 December 1994
European Community	30 December 1994
Finland	30 December 1994
France	30 December 1994
Norway	7 December 1994
Spain	30 December 1994
Sweden	22 December 1994

In terms of paragraph 1 of its Article XXIV, the Agreement shall enter into force on 1 January 1996 for all the above-mentioned Governments.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Peter D. Sutherland
Director-General

95-0147
WT/Let/2

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 12

1 - 12

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
97-1141 	U	GPA/1/Add.2 Catalogue record	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Circulation and Dere [...] - Decision of 24 February 1997 Preview (HTML)	19/03/1997	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
96-2849 	U	GPA/5 Catalogue record	Committee on Government Procurement - Special or Additional Rules and Procedures on Dispute Settlement in the Agreement on Government Procurement (1994) Preview (HTML)	19/07/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
96-2446 	U	GPA/1/Add.1 Catalogue record	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Procedures for the N [...]f the Committee of 4 June 1996 Preview (HTML)	27/06/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
96-0792 	U	GPA/1 Catalogue record	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994) Preview (HTML)	05/03/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>

Pages: [previous](#) [next](#)

Displaying: 1 - 12

Query= ((@meta_Symbol (GPA/* and not IC) and @meta_Title ((rules and procedures) or procedural)))
Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]

Number of hits per page 20

Search results							
Submitted: 09/01/2006 9:32:45 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 11 KB	97-1141	GPA/1/Add.2	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Circulation and Derestriction of Documents of the Committee on Governm[...]- Decision of 24 February 1997	19/03/1997	4	U	T/PLURI/GPA/1A2.WPF
2 4 KB	96-2849	GPA/5	Committee on Government Procurement - Special or Additional Rules and Procedures on Dispute Settlement in the Agreement on Government Procurement (1994)	19/07/1996	1	U	T/PLURI/GPA/5.WPF
3 9 KB	96-2446	GPA/1/Add.1	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Procedures for the Notification of National Implementing Legislation -[...]/f the Committee of 4 June 1996	27/06/1996	3	U	T/PLURI/GPA/1A1.WPF
4 11 KB	96-0792	GPA/1	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994)	05/03/1996	6	U	T/PLURI/GPA/1.WPF
((@meta_Symbol (GPA/* and not IC) and @meta_Title ((rules and procedures) or procedural))) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]							
Result of the search: 12 (for 4 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

WORLD TRADE
ORGANIZATION

GPA/1/Add.2
19 March 1997

(97-1141)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)

Addendum

CIRCULATION AND DERESTRICTION OF DOCUMENTS OF THE
COMMITTEE ON GOVERNMENT PROCUREMENT¹

Decision of 24 February 1997^{2,3}

The Committee on Government Procurement *decides* to adopt the following procedures with respect to the circulation⁴ and derestriction of documents:

- 1) Formal documents shall be circulated to members of the Committee, to observers and to other Members of the WTO. In certain cases, the circulation of sensitive documents shall be determined on an *ad hoc* basis. The formal documents shall also be made available to Members of the WTO through the WTO Document Dissemination Facility via the Internet.
- 2) Documents circulated after the entry into force of the Agreement on Government Procurement in any GPA/- document series shall be circulated as unrestricted with the exception of documents specified in the attached Appendix, which shall be circulated as restricted and subject to derestriction, or consideration thereof, as provided. Notwithstanding the exceptions specified in the Appendix, any document that contains only information that is publicly available or information that is required to be published under the Agreement on Government Procurement shall be circulated on an unrestricted basis.

¹The Decision does not cover documents outside of a formal document series, such as a submission to a dispute settlement panel, or an interim report of a dispute settlement panel submitted to the parties thereto.

²The Decision replaces the Decisions on interim procedures, dated 27 February 1996, on the circulation and derestriction of documents contained in GPA/1, Annexes 4 and 5 respectively.

³In adopting these procedures, the Committee took note that Parties attached particular importance to the restricted nature of documents so designated, and that individual governments should proceed accordingly in their handling of such documents.

⁴The terms •circulation• and •circulated• when used in this Decision shall be understood to refer to the distribution by the Secretariat of documents to all Parties to the Agreement and to other WTO Members.

- 3) Notwithstanding the exceptions to paragraph 2 set forth in the Appendix,
- (a) any Party may, at the time it submits any document for circulation, indicate to the Secretariat that the document be issued as unrestricted, and
- (b) any restricted document circulated after the date of entry into force of the Agreement may be considered for derestriction at any time by the Committee or may be considered for derestriction at the request of any Party.
- 4) Requests for consideration for derestriction shall be made in writing and shall be directed to the Chairman of the Committee. Such requests shall be circulated to all Parties and placed on the agenda of a forthcoming meeting of the Committee for consideration. However, in order to preserve the efficiency of the work of the Committee, the Party concerned may indicate to the Secretariat that it circulate to Parties a notice advising them of the documents proposed for derestriction and the date proposed for derestriction, which shall normally be sixty days after the date the notice is circulated. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Party notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.
- 5) The Secretariat shall prepare and circulate a list of documents eligible for consideration for derestriction, indicating the proposed date of derestriction, which shall normally be sixty days after the circulation of the list. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Party notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.
- 6) If a document⁵ considered for derestriction is not derestricted because of an objection by any Party, and remains restricted at the end of the first year following the year in which an objection was raised, the document shall be considered for derestriction at that time.
- 7) The Secretariat will circulate periodically (e.g. every six months) a list of newly derestricted documents, as well as a list of all documents remaining restricted.
- 8) In the light of the experience gained from the operation of these procedures and changes in any other relevant procedures under the WTO, the Committee will review, and if necessary modify, the procedures two years after their adoption.

⁵These procedures shall apply *mutatis mutandis* to the consideration for derestriction of a portion of a document that remains restricted as a result of an objection made pursuant to paragraph 4.

APPENDIX

(a) Working documents in all GPA/- document series (i.e. draft documents such as agendas, decisions, proposals, applications for accession, Secretariat background notes as well as other working papers issued as •GPA/W/-• documents), including documents in the GPA/SPEC/- series.

Such documents shall be derestricted upon the adoption of the report or of the decision pertaining to their subject matter, or considered for derestriction six months after the date of their circulation⁶, whichever is earlier. All background notes by the Secretariat, however, shall be considered for derestriction six months after the date of their circulation.

(b) Documents relating to rectifications or modifications of Appendices to the Agreement pursuant to Article XXIV: 6 of the Agreement.

Such documents shall be derestricted upon completion of the Article XXIV:6 process through the certification of the changes.

(c) Minutes of meetings of the Committee and its subsidiary bodies.

Such documents shall be considered for derestriction six months after the date of their circulation.

(d) Documents relating to working parties or other subsidiary bodies established by the Committee including working parties on accessions.

Such documents shall be derestricted upon the adoption of the report of the working party. Prior to the adoption of the report, any such documents shall be considered for derestriction at the end of the first year following the year in which they were circulated.

(e) Documents submitted to the Secretariat by a Party for circulation if, at the time the Party submits the document, the Party indicates to the Secretariat that the document should be issued as restricted.

Such documents shall be considered for derestriction at the end of each six-month period.⁷

⁶The •date of circulation• means the date printed on the front page of a document indicating when it has been made available to Parties• delegations.

⁷Documents circulated during the period January through June would be considered for derestriction directly after the end of that period. Documents circulated during the period July through December would be considered for derestriction directly after the end of that period.

(f) Reports of panels which are circulated in accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes.⁸

Such reports shall be circulated to all Parties to the Agreement on Government Procurement and other WTO Members as restricted documents and derestricted no later than the tenth day thereafter if, prior to the date of circulation, a party to the dispute that forms the basis of a report submits to the Chairman of the Dispute Settlement Body a written request for delayed derestriction. A report circulated as a restricted document shall indicate the date upon which it will be derestricted.⁹

⁸This provision will be subject to review at the time of review of the Dispute Settlement Understanding, and will be discontinued if there is no consensus on the matter.

⁹The following standard cover note will be placed on panel reports: •The report of the Panel on [name of dispute] is being circulated to all Parties to the Agreement on Government Procurement and other WTO Members, pursuant to the DSU. The report is being circulated as an unrestricted document from [date] pursuant to the procedures for the Circulation and Derestriction of Documents of the Committee on Government Procurement [document number]. Parties to the Agreement on Government Procurement are reminded that in accordance with the DSU only parties to the dispute may appeal a panel report, an appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel, and that there shall be no *ex parte* communications with the panel or Appellate Body concerning matters under consideration by the panel or Appellate Body. •

RESTRICTED

GPA/5

19 July 1996

WORLD TRADE ORGANIZATION

(96-2849)

Committee on Government Procurement

SPECIAL OR ADDITIONAL RULES AND PROCEDURES ON DISPUTE SETTLEMENT IN THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

As agreed by the Committee at its meeting of 4 June 1996, the Chairman of the Committee on Government Procurement has forwarded the following communication dated 8 July 1996 to the Chairman of the Dispute Settlement Body.

I am writing to you in my capacity as Chairman of the Committee on Government Procurement.

According to the provisions of Article 1.2 and Appendix 1 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, the competent Body of each Plurilateral Trade Agreement shall notify any special or additional rules or procedures as regards dispute settlement to the DSB. I am writing to you in accordance with this provision.

The Agreement on Government Procurement entered into force on 1 January 1996. At its meeting of 4 June 1996, the Committee on Government Procurement requested me to notify the DSB, through you, of the following special or additional rules and procedures contained in the Agreement on Government Procurement as regards dispute settlement:

Article XXII: paragraphs 2 through 7.

RESTRICTED

GPA/1/Add.1
27 June 1996

WORLD TRADE ORGANIZATION

(96-2446)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

Addendum

PROCEDURES FOR THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Decision of the Committee of 4 June 1996

1. Parties shall submit the complete texts of their basic legislation (laws and regulations) on government procurement in the original language to the Secretariat where these texts will be open for inspection by Parties. These would include the basic legal instruments pursuant to which effect is given to the provisions of the Agreement. Each Party shall provide a summary of that legislation in a WTO language.
2. In addition, each Party shall describe in a WTO language what other legislation giving effect to the Agreement on Government Procurement exists. This need not take the form of a listing of individual texts but should include sufficient information on the nature of legislation relevant to each category of entities to facilitate another Party requesting a text of interest to it.
3. Each Party shall supply, in response to a request from another Party, a copy of any law, regulation, final judicial decision, administrative ruling or other measure relevant to the Agreement. Each Party shall notify the Committee of the coordinates of a contact point established for that purpose. Through its contact point, a Party from which a text has been requested, shall use its best endeavours to assist the requesting Party with any translation into a WTO language necessary.
4. Each Party shall provide responses to the attached checklist of issues.
5. The notifications shall be made as soon as possible, but in no case later than 31 December 1996.

ATTACHMENT
CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

- 1) Has the Agreement been transposed into national law and/or does it apply directly?
- 2) In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?
- 3) In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?
- 4) Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?
- 5) To what extent is information technology used in the process of government procurement?

II. SPECIFIC ELEMENTS

- 6) Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.
- 7) Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.
- 8) Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.
- 9) In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?
- 10) Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?
- 11) Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be •not less than X days•. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.
- 12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

III. CHALLENGE PROCEDURES - ARTICLE XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

14) To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

- How are its members selected?
- Are its decisions subject to judicial review?
- If not, how are the requirements of paragraph 6 of Article XX taken into account?

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

RESTRICTED

GPA/1
5 March 1996

WORLD TRADE ORGANIZATION

(96-0792)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

At its meeting on 27 February 1996, the Committee on Government Procurement took the following Decisions on procedural matters:

- Participation of Observers in the Committee on Government Procurement (1994) (Annex 1);
 - Accession to the Agreement on Government Procurement (1994) (Annex 2);
 - Modalities for Notifying Threshold Figures in National Currencies (Annex 3);
- Interim Procedure on the Circulation of Documents of the Committee on Government Procurement (1994), Pending a Definite Procedure (Annex 4); and
- Interim Procedure on the Derestriction of Documents of the Committee on Government Procurement (1994), Pending a Definitive Procedure (Annex 5).

ANNEX 1

PARTICIPATION OF OBSERVERS IN THE COMMITTEE
ON GOVERNMENT PROCUREMENT (1994)

Decision

1. Members of the World Trade Organization which are not Parties to the Agreement may follow the proceedings of the Committee on Government Procurement in an observer capacity.
2. Governments which are not Members of the World Trade Organization, but are in the process of, or have expressed the intent of, accepting or acceding to the WTO Agreement and which are also interested in initiating negotiations for accession to the Agreement on Government Procurement (1994) and have an interest in following the proceedings of the Committee on Government Procurement in an observer capacity, should communicate a request to the Director-General of the World Trade Organization indicating their desire to have observer status in the Committee on Government Procurement. The Committee shall decide on each request.
3. The Committee shall decide on the conditions of observership, including with respect to the provision of information by observers. Observers may participate in the discussions but decisions shall be taken only by Parties.
4. The Committee on Government Procurement may deliberate on confidential matters in special restricted sessions.
5. The Committee may invite, as appropriate, international organizations to participate in sessions of the Committee on Government Procurement in an observer capacity. In addition, requests from international organizations to participate in sessions of the Committee on Government Procurement, in an observer capacity, shall be considered on a case-by-case basis by the Committee. In such considerations, the criteria and conditions for observer status for intergovernmental organizations in the WTO shall be taken into account.
6. This Decision is without prejudice to the provisions of paragraph 2 of Article XVII of the Agreement.

ANNEX 2

ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT
(1994)

Decision

1. In accordance with paragraph 2 of Article XXIV of the Agreement on Government Procurement (1994), any government which is a Member of the WTO may accede to this Agreement on terms to be agreed between that government and the Parties.
2. To this effect, a government interested in accession shall communicate its interest to the Director-General of the WTO and, through him, to the Committee on Government Procurement and shall submit relevant information including an offer by way of appropriate Appendices containing lists of entities and services which would be covered by the Agreement, as well as lists of relevant publications, having regard to the provisions of the Agreement, in particular Article I and, where appropriate, Article V.
3. The government interested in accession shall hold consultations with the Parties to the Agreement on the terms for its accession to the Agreement.
4. With a view to facilitating accession, the Committee on Government Procurement shall establish a working party if the applicant government, or any Party to the Agreement, so requests. The working party should examine: (i) the coverage offer made by the applicant government; and (ii) relevant information pertaining to export opportunities in the markets of the Parties, taking into account the existing and potential export capabilities of the applicant government and export opportunities for the Parties in the market of the applicant government.
5. Upon a decision by the Committee on Government Procurement agreeing to the terms of accession including the lists of entities and services as well as of relevant publications of the applicant government, the applicant government shall deposit with the Director-General of the WTO an instrument of accession which states the terms so agreed. The applicant government's lists of entities, services and publications in their authentic WTO language(s) shall be appended to the Agreement.

ANNEX 3

MODALITIES FOR NOTIFYING THRESHOLD FIGURES IN NATIONAL CURRENCIES

Decision

General

Each Party will calculate and convert for itself the value of the thresholds contained in its Appendix I into its own national currency, it being understood that these calculations will be based on the conversion rates published by the IMF in its monthly •International Financial Statistics• (for the EC, the Member States• currency equivalents of the ECU for determining the value of public contracts are calculated and published by the EC Commission). Parties will notify without delay to the Committee the method and result of their calculation, for possible examination and challenge in the Committee.

Basis for calculation¹

The conversion rates will be the average of the daily values of the respective national currency in terms of the SDR over the two-year period preceding 1 October or 1 November of the year prior to the thresholds in national currency becoming effective which will be from 1 January. For Israel and Japan the conversion rate will be established in the same way as above but the relevant date for the calculation will be 1 January (rather than 1 October or 1 November) and the newly-established conversion rate will take effect on 1 April.

Period of validity of national thresholds

Thresholds expressed in national currencies will be fixed for two years, i.e. calendar years for all Parties except Israel and Japan, where the fiscal year (1 April-31 March) will be used.

Safeguard mechanism

If a major change in a national currency vis-à-vis the SDR during a year were to create a significant problem with regard to the application of the Agreement, the matter will be considered in the Committee.

¹It is understood that the EC calculates its thresholds based on a unilateral reduction of 13 per cent in the thresholds applicable to the EC (pursuant to the relevant decision by the Committee under the Tokyo Code of 20 May 1987, in furtherance of the panel decision on Value-Added Tax and Threshold (GPR/21, GPA/IC/W/2, pages 3 and 4).

ANNEX 4

INTERIM PROCEDURE ON THE CIRCULATION OF DOCUMENTS OF THE
COMMITTEE ON GOVERNMENT PROCUREMENT (1994), PENDING A
DEFINITIVE PROCEDURE

Decision

Formal documents shall be circulated to members of the Committee and to observers and shall be available, on request, to Members of the WTO. In certain cases, the circulation of sensitive documents shall be determined on an *ad hoc* basis.

ANNEX 5

INTERIM PROCEDURE ON THE DERESTRICTION OF DOCUMENTS OF
THE COMMITTEE ON GOVERNMENT PROCUREMENT (1994), PENDING A
DEFINITIVE PROCEDURE

Decision

The Committee decides that documents pertaining to its work and that of its subsidiary bodies shall be derestricted in accordance with the following procedure:

- (a) the Secretariat will prepare a list of such documents proposed for derestriction, which will include decisions, Secretariat background notes, and working papers that do not include details of individual country positions or proposals;
- (b) this list will be circulated to all participants;
- (c) documents on the list will be derestricted 60 days after their circulation unless a participant has requested that a document remain restricted;
- (d) the Secretariat will issue a list after the date fixed for derestriction, specifying the documents derestricted.



ON THIS PAGE: [Notifications by country](#) [Notifications and reviews chronologically](#)

[home](#) > [trade topics](#) > [govt procurement](#) > [plurilateral agreement](#) > [notification](#)



GOVERNMENT PROCUREMENT: THE PLURILATERAL AGREEMENT

Notification of national implementing legislation

Parties shall submit the complete texts of their basic legislation (laws and regulations) on government procurement in the original language to the Secretariat where these texts will be open for inspection by Parties. These would include the basic legal instruments pursuant to which effect is given to the provisions of the Agreement.

> Consult the Guide to [downloading files](#).

N.B.:

You should download these documents rather than calling them into view through the browser since the formatting may change (eg. paragraph numbering) when viewed through the browser.

Notifications by country [back to top](#)

> [help](#) with downloading these documents

	Notifications	Reviews
Canada	27 Mar 1997 – GPA/13	18 Jun 2001 – GPA/51
European Communities	28 Jan 1998 – GPA/20	12 Jan 2000 – GPA/32
Iceland	07 Oct 2002 – GPA/69	
Hong Kong, China	07 Apr 1999 – GPA/27	18 Jun 2001 – GPA/54
Israel	05 May 2000 – GPA/34	18 Oct 2001 – GPA/59
Japan	15 Apr 2002 – GPA/67 20 Jun 2000 – GPA/37	18 Oct 2001 – GPA/61
Korea	09 Jun 1997 – GPA/12/Rev.1 11 Feb 1997 – GPA/12	15 Mar 2001 – GPA/47
Liechtenstein	19 Dec 2000 – GPA/46	10 Oct 2001 – GPA/60

Norway	10 Jan 1997 – GPA/10	18 Jun 2001 – GPA/53
Singapore	04 Oct 2000 – GPA/39/Add.1 22 Aug 2000 – GPA/39	18 Jun 2001 – GPA/52
Switzerland	15 Sep 1999 – GPA/15/Add.1 30 July 1997 – GPA/15	12 Jan 2000 – GPA/33
United States	15 July 1998 – GPA/23	15 Jun 2001 – GPA/50

Notifications and reviews chronologically [back to top](#)

In reverse chronological order (the newest appear first).

Search Documents Online

General documents on government procurement have the code GPA/* (where * takes additional values).

This link open a new window: allow a moment for the results to appear.

- **Notifications and reviews of national implementing legislation**

(Document code GPA/* and keyword "national implement* legislation")

> [search](#) > [help](#)

> [Procedures for the Notification of National Implementing Legislation](#) –

Decision of the Committee of 4 June 1996 (Document code GPA/1/Add.1),

download in WordPerfect format, 3 pages; 107 KB)

You can perform more sophisticated searches from the [Documents Online search facility](#) (opens in new window) by defining multiple search criteria such as document code, full text search or document date.

contact us : World Trade Organization, rue de Lausanne 154, CH-1211 Geneva 21, Switzerland

RESTRICTED

WORLD TRADE
ORGANIZATION

GPA/13

27 March 1997

(97-1278)

Original: English

Committee on Government Procurement

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Canada

The attached communication has been received from Canada in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

SUMMARY OF LEGISLATION

1. Basic Legislation Giving Effect to the Agreement

Bill C-57, *An Act to Implement the Agreement establishing the World Trade Organization* (the WTO Implementation Act), entered into force on 1 January 1995. The WTO Implementation Act accomplished all that was necessary, by way of legislation, to ensure that Canada's obligations under the Agreement on Government Procurement (AGP) can be met. Section 3 provides that the purpose of the WTO Implementation Act is to implement the Agreement Establishing the World Trade Organization, including the agreements set out in Annexes 1A, 1B, 1C, 2 and 3 thereof and the agreements set out in Annex 4 thereof that have been accepted by Canada (collectively, the WTO Agreement). Section 4 provides that the WTO Implementation Act is binding on the Government of Canada.

Part I of the WTO Implementation Act contains general provisions applicable to implementation of the WTO Agreement. Section 8 provides that the WTO Agreement is approved. Sections 9 to 13 empower the Federal Cabinet to take various kinds of action in furtherance of administering Canada's activities under the WTO Agreement.

2. Additional Legislation Giving Effect to the Agreement

Part II of the WTO Implementation Act also provides for related and consequential amendments to other federal legislation required to give effect to the WTO Agreements, including the AGP.

Section 116 of the WTO Implementation Act provides for amendments to the *Financial Administration Act* that permit the Federal Cabinet to give a directive to any parent crown corporation for the purpose of implementing the WTO Agreement. This enables the Federal Cabinet to require the government enterprises listed in Canada's Annex 3 of Appendix I of the AGP to comply with the requirements of the AGP.

Sections 40 to 42 and 44 to 46 of the WTO Act provide for a number of minor amendments to the *Canadian International Trade Tribunal Act*. More extensive amendments of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* were undertaken in order to empower the Canadian International Trade Tribunal (the •Tribunal•) to conduct an inquiry into a complaint regarding any aspect of the procurement process in respect of a contract for the procurement of goods or services, or any combination of goods and services, described in Article I of the AGP. Prior to these amendments, the Tribunal had jurisdiction to conduct an inquiry for any such contract described in Article 1001 of the North American Free Trade Agreement (NAFTA) or in Article 502 of the Agreement on Internal Trade (AIT).

The *Canadian International Trade Tribunal Rules* govern the proceedings, practice and procedures of the Tribunal in dealing with procurement complaints. The rules already provided for procurement complaints under the NAFTA and the AIT when the AGP entered into force and did not require amendment.

3. Effect of the Legislative Changes

The combined effect of the WTO Implementation Act and the amendments to the *Canadian International Trade Tribunal Procurement Inquiry Regulations* is:

- (i) to require all government entities and enterprises listed in Canada's Annex 1 and Annex 3 of Appendix I of the AGP to abide by the provisions of the AGP; and
- (ii) to empower the Tribunal to conduct an inquiry into any complaint that a covered government entity or enterprise has failed to abide by the provisions of the AGP and to recommend a remedy for any complaint that it finds to be valid, including awarding a contract or payment of compensation, as appropriate.

Government entities that are subject to the AGP are expected to carry out their procurement activities in accordance with the provisions of the AGP, as well as the NAFTA and the AIT. Accordingly, the Government of Canada uses the Open Bidding Service (OBS), an internationally accessible electronic database, and publishes a bulletin called Government Business Opportunities which contains most of the opportunities listed on the OBS. Each notice contains a field for Agreement Type which identifies all applicable trade agreements. Tendering procedures and awarding of contracts are also carried out in accordance with the requirements of any applicable trade agreements. Domestic suppliers and foreign suppliers alike may file a complaint with the Tribunal if they believe that a government entity has failed to comply with the requirements of any applicable trade agreement.

4. Copies of Relevant Legislation

Copies have been provided to the WTO Secretariat of:¹

- (i) the preamble, sections 1 to 13, and sections 40 to 45 of the *World Trade Organization Implementation Act*, S.C. 1994, C. 57;
- (ii) sections 1 to 3, 13, 16, 17, 30.1, 30.11 to 30.19, 31 to 37, 39, 40 and 43 to 48 of the *Canadian International Trade Tribunal Act*, R.S.C. 1985, C. 47;
- (iii) *Canadian International Trade Tribunal Procurement Inquiry Regulations* (unofficial consolidation); and
- (iv) sections 1 to 29 and 93 to 108 of the *Canadian International Trade Tribunal Rules*, SOR/91-409, SOR/93-601.

¹Available for consultation in office no. 3012.

CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1) *Has the Agreement been transposed into national law and/or does it apply directly?*

Bill C-57, *An Act to Implement the Agreement Establishing the World Trade Organization*, brought the AGP into force for Canada on 1 January 1996. Certain amendments to the *Financial Administration Act*, the *Canadian International Trade Tribunal Act* and the *Canadian International Trade Tribunal Procurement Inquiry Regulations* were required to implement the AGP into Canadian law.

2) *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

n.a.

3) *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

n.a.

4) *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

n.a.

5) *To what extent is information technology used in the process of government procurement?*

The Government of Canada uses the Open Bidding Service (OBS), an internationally accessible electronic database. The Government also publishes a bulletin called Government Business Opportunities (GBO) which contains most of the opportunities listed on the OBS. Most bidding opportunities for goods and services valued at over CAN \$25,000 are advertised on the OBS, as well as construction, maintenance, architecture, engineering and leasing opportunities over CAN \$60,000, communications professional services valued at over CAN \$50,000 and printing requirements valued at over CAN \$10,000. All procurement covered by the WTO Agreement is advertised on the OBS and in the GBO. Each notice contains a field for •Agreement Type• which identifies all applicable trade agreements, including the AGP, for that requirement. Canada has submitted a full explanation of the use of information technology in procurement to the WTO.²

²GPA/W/24/Add.2

II. SPECIFIC ELEMENTS

6) Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.

The WTO Implementation Act does not contain specific provisions that reflect the national treatment and non-discrimination commitments of Article III. Rather, it approves the Agreement Establishing the World Trade Organization, including the agreements set out in Annexes 1A, 1B, 1C, 2 and 3 thereof and the agreements set out in Annex 4 thereof that have been accepted by Canada (i.e., the AGP, among others). It also provides for related and consequential amendments to other federal legislation required to give effect to the various agreements, including the AGP.

The *Canadian International Trade Tribunal Act* (CITT Act) and the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (CITT Regulations) were amended to empower the Canadian International Trade Tribunal (Tribunal) to conduct an inquiry into a complaint into any aspect of the procurement process in respect of a contract for the procurement of goods or services, or any combination of goods and services, described in Article I of the AGP. Prior to these amendments, the Tribunal had jurisdiction to conduct an inquiry for any such contract described in Article 1001 of the NAFTA or in Article 502 of the AIT.

Section 30.14 (2) of the CITT Act provides:

(2) At the conclusion of an inquiry, the Tribunal shall determine whether the complaint is valid on the basis of whether the procedures and other requirements prescribed in respect of the designated contract, or the class of contracts to which it belongs, have been or are being observed.

Section 11 of the CITT Regulations provides:

11. Where the Tribunal conducts an inquiry into a complaint, it shall determine whether the procurement was conducted in accordance with the requirements set out in whichever one of the NAFTA, the Agreement on Internal Trade or the Agreement on Government Procurement applies.

Thus, alleged failure to accord national treatment or non-discrimination as required by Article III of the Agreement would be a matter for the Tribunal to consider in determining whether a complaint is valid.

7) Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.

In accordance with Article IX:2 of the Agreement, all of the entities covered by the Agreement are permitted to publish an invitation to participate in the form of a notice of proposed procurement.

8) Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.

n.a.

9) *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the case of selective tendering procedures, the procuring entity decides whether to use open or selective tendering procedures depending on the nature of the requirement.

10) *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

All of the entities covered by the Agreement are permitted to conduct negotiations on procurements that are covered by the Agreement. The negotiations must be carried out according to the provisions set out in Article XIV of the Agreement.

11) *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be •not less than X days•. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

Consistent with our international agreements, the period for the receipt of tenders varies from 7 to 40 days from the date of publication, depending upon the relevant legislation or policy.

Time limits for delivery are established based on the requirement and must be consistent with the provisions set out in Article XI of the Agreement.

12) *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

Tenders for AGP-covered procurement may be submitted in English or French, Canada's two official languages.

III. CHALLENGE PROCEDURES - ARTICLE XX

13) *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

A copy of the publication Procurement Review Process - A Descriptive Guide, January 1996, has been provided to the WTO. This guide describes Canada's challenge procedures.

14) *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is •not less than 10 days•. What are the limits in domestic legislation?*

A complaint must be filed within 10 working days after the day on which the basis of the complaint became known or reasonably should have become known to the

potential supplier. A potential supplier who has made an objection regarding a procurement to the relevant government institution, and is denied relief by that government institution, may file a complaint with the Tribunal within 10 working days after the day on which the potential supplier has actual or constructive knowledge of the denial of relief, provided that the objection was made within 10 working days after the day that the basis for the objection became known or reasonably should have become known.

The Tribunal can extend the time limit to a maximum of 30 days if it determines that the failure to file the complaint in time was attributable to a cause beyond the control of the potential supplier or that the complaint concerns an aspect of the procurement process of a systemic nature.

(ii) What body is responsible for the challenge procedures? Is this a •court• or an •impartial and independent review body•? If the latter:

The Canadian International Trade Tribunal is responsible for determining the validity of procurement complaints. It is a quasi-judicial tribunal and, as regards certain matters, including the attendance and examination of witnesses, the production of documents and the enforcement of its orders, has the powers of a superior court of record. The Tribunal is an impartial and independent review body for the purpose of determining the validity of procurement complaints.

- *How are its members selected?*

The Tribunal is comprised of a Chairman, two Vice-Chairmen, up to six other permanent members and up to five temporary members, all of whom are appointed by the Federal Cabinet. Permanent appointments are for a five-year term. The Chairman may assign one member of the Tribunal to deal with a procurement complaint. A member so assigned has all of the Tribunal's powers, duties and functions in relation to the complaint.

- *Are its decisions subject to judicial review?*

Yes.

-If not, how are the requirements of paragraph 6 of Article XX taken into account?

n.a.

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

The Tribunal determines the validity of procurement complaints by reference to the standards set out in the AGP, the NAFTA and the AIT. See section 11 of the Regulations, reproduced as part of Canada's response to question 6.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

Any party to a procurement complaint proceeding may request that the Tribunal consider the feasibility of using the •express option• procedure which is designed to bring about the resolution of a complaint within 45 days instead of the usual 90-day time-frame.

*-Do these measures include the possibility to suspend the procurement process?
On what conditions?*

The Tribunal may order the government institution responsible for the procurement to postpone the awarding of the contract until the Tribunal determines the validity of the complaint. The Tribunal shall rescind such an order if, within seven working days of the making of the order, the government institution certifies in writing that the procurement is urgent or that a delay in awarding the contract would be contrary to the public interest. The Tribunal has no power to suspend a contract that has already been awarded.

(v)How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

Where the Tribunal determines that a complaint is valid, it may recommend such remedy as it considers appropriate, including any one or more of the following:

- (a)that a new solicitation for the contract be issued;
- (b)that the bids be re-evaluated;
- (c)that the contract be terminated;
- (d)that the contract be awarded to the complainant; or
- (e)that the complainant be compensated by an amount specified by the Tribunal.

The government institution involved in the procurement would be required to implement the Tribunal's recommendations to the greatest extent possible. If the government institution does not intend to fully implement the Tribunal's recommendations, it must notify the Tribunal of the reasons for not doing so.

There is no prescribed limitation on the kinds of losses or the total amount that the Tribunal can recommend as compensation. The Tribunal tends to rely on common law principles applicable to assessment of damages. The Tribunal may award the complainant the reasonable costs of responding to a bid solicitation, independently of any amount that it recommends as compensation.

(vi)Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

See Appendix 1 and Appendix 2 of the publication Procurement Review Process - A Descriptive Guide.

(vii)What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

There is no fee for filing a complaint with the Tribunal and parties may file materials and appear before the Tribunal without being represented by a lawyer. The complainant would have to bear any legal expenses that it does incur which it *may* recover (in whole or in part) under an award of costs granted in the discretion of the Tribunal. Similarly, a complainant *may* be liable to pay an award of costs in favour of the relevant government institution and any intervening party if the Tribunal dismisses the complaint during the course of the proceedings or ultimately determines that the complaint is invalid.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

CANADA

The present document reproduces the questions put to the delegation of Canada and the responses given and comments made during the review of national implementing legislation at the Committee's meeting of 5 October 1999.¹ Canada's notification of its national implementing legislation in accordance with the Committee's Decision in GPA/1/Add.1 has been circulated in document GPA/13, dated 27 March 1997.

**REPLIES TO THE QUESTIONS FROM THE EUROPEAN COMMUNITY; HONG KONG,
CHINA; SWITZERLAND AND THE UNITED STATES**

I. GENERAL

Question from the United States

1. *Are the requirements of the GPA simply incorporated by reference rather than being specifically implemented through separate Canadian legislation, regulations or other policy instruments?*

Bill C-57, *An Act to Implement the Agreement establishing the World Trade Organization* (the WTO Implementation Act), entered into force on 1 January 1995. The WTO Implementation Act accomplished all that was necessary, by way of legislation, to ensure that Canada's obligations under the Agreement on Government Procurement (GPA) can be met. Section 3 provides that the purpose of the WTO Implementation Act is to implement the Agreement Establishing the World Trade Organization, including the agreements set out in Annexes 1A, 1B, 1C, 2 and 3 thereof and the agreements set out in Annex 4 thereof that have been accepted by Canada (collectively, the WTO Agreement). Section 4 provides that the WTO Implementation Act is binding on the Government of Canada.

Part I of the WTO Implementation Act contains general provisions applicable to implementation of the WTO Agreement. Section 8 provides that the WTO Agreement is approved. Sections 9 to 13 empower the Federal Cabinet to take various kinds of action in furtherance of administering Canada's activities under the WTO Agreement.

Part II of the WTO Implementation Act also provides for related and consequential amendments to other federal legislation required to give effect to the WTO Agreements, including the GPA.

¹ The minutes of this meeting have been circulated in document GPA/M/12.

Section 116 of the WTO Implementation Act provides for amendments to the *Financial Administration Act* that permit the Federal Cabinet to give a directive to any parent crown corporation for the purpose of implementing the WTO Agreement. This enables the Federal Cabinet to require the government enterprises listed in Canada's Annex 3 of Appendix I of the GPA to comply with the requirements of the GPA.

Sections 40 to 42 and 44 to 46 of the WTO Act provide for a number of minor amendments to the *Canadian International Trade Tribunal Act*. More extensive amendments of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* were undertaken in order to empower the Canadian International Trade Tribunal (the "Tribunal") to conduct an inquiry into a complaint regarding any aspect of the procurement process in respect of a contract for the procurement of goods or services, or any combination of goods and services, described in Article I of the GPA. Prior to these amendments, the Tribunal had jurisdiction to conduct an inquiry for any such contract described in Article 1001 of the North American Free Trade Agreement (NAFTA) or in Article 502 of the Agreement on Internal Trade (AIT).

The *Canadian International Trade Tribunal Rules* govern the proceedings, practice and procedures of the Tribunal in dealing with procurement complaints. The rules already provided for procurement complaints under the NAFTA and the AIT when the GPA entered into force and did not require amendment.

Question from the European Community

2. *As regards the very qualification of government procurement in Canada, public service contracts are not subject to any well-defined set of rules and the terms of access for foreigners are not specified either. The awarding of public service contracts by means of concession, leasing, state-owned concern, etc. is neither very developed nor very formalized. Apart from the so-called BOT formula (the nearest to the concession formula), there are no model contracts nor is there any differentiation from government procurement proper or from administrative contracts of other kinds. Ad hoc rules normally prevail (enabling, in the case in question, foreign candidates to have access to the tendering procedures). Despite the likely prospect of a proliferation of public service contracts at the federal, provincial and local levels, Canada has no rules regarding non-discrimination against foreigners nor regarding transparency and publicity when it comes to the implementation of procedures. What are its intentions, therefore, at both the internal and international levels?*

We are unable to discern from the above a question related to Canada's implementing legislation for the WTO Agreement on Government Procurement. As stated in the Checklist of Issues at paragraph 1:

"Bill C-57, *An Act to Implement the Agreement Establishing the World Trade Organization*, brought the GPA into force for Canada on 1 January 1996. Certain amendments to the *Financial Administration Act*, the *Canadian International Trade Tribunal Act* and the *Canadian International Trade Tribunal Procurement Inquiry Regulations* were required to implement the GPA into Canadian law."

In addition as per paragraph 6:

"The *WTO Implementation Act* does not contain specific provisions that reflect the national treatment and non-discrimination commitments of Article III. Rather, it approves the Agreement Establishing the World Trade Organization, including the agreements set out in Annexes 1A, 1B, 1C, 2 and 3 thereof and the agreements set out in Annex 4 thereof that have been accepted by Canada (i.e. the GPA, among others). It also provides for related and consequential amendments to other federal legislation required to give effect to the various agreements, including the GPA.

The Canadian International Trade Tribunal Act (CITT Act) and the Canadian International Trade Tribunal Procurement Inquiry Regulations (CITT Regulations) were amended to empower the Canadian International Trade Tribunal (Tribunal) to conduct an inquiry into a complaint into any aspect of the procurement process in respect of a contract for the procurement of goods or services, or any combination of goods and services, described in Article I of the GPA. Prior to these amendments, the Tribunal had no jurisdiction to conduct an inquiry for any such contract described in Article 1001 of the NAFTA or in Article 502 of the AIT."

Section 30.14 (2) of the CITT Act provides:

"At the conclusion of an inquiry, the Tribunal shall determine whether the complaint is valid on the basis of whether the procedures and other requirements prescribed in respect of the designated contract, or the class of contracts to which it belongs, have been or are being observed."

Section 11 of the CITT Regulation provides:

"Where the Tribunal conducts an inquiry into a complaint, it shall determine whether the procurement was conducted in accordance with the requirements set out in whichever one of the NAFTA, the Agreement on Internal Trade or the Agreement on Government Procurement applies.

Thus, alleged failure to accord national treatment or non-discrimination as required by Article III of the Agreement would be a matter for the Tribunal to consider in determining whether a complaint is valid."

Therefore, when a procurement is covered by the WTO Agreement on Government Procurement, procuring authorities follow the law, which in this case means all of the requirements of the Agreement on Government Procurement. We strongly disagree with the unsubstantiated assertions in this question.

II. SCOPE AND COVERAGE

Question from the United States

1. *Canada has not responded in substance to questions 2, 3, 4 and 8 of the Checklist of Issues and other questions relating to covered sub-central entities. However, in Annexes 2 and 3 of the GPA, Canada agreed to "cover entities in all ten provinces on the basis of commitments obtained from provincial governments" and to specify "coverage of Sub-central Enterprises for Goods, Services and Construction Services....within eighteen months after the conclusion of the new Government Procurement Agreement." Nine Federal enterprises are specifically covered in Annex 3. In this context, please provide substantive responses to questions 2, 3, 4, 8, 9, 10 and 11 of the Checklist, and to the United States' question 6, below, with respect to covered sub-central entities, including the Federal enterprises listed in Annex 3.*

General Note 6 of Canada's offer states the following:

"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."

Mutually acceptable commitments were not negotiated with other Parties in the 18-month period between April 1994 and October 1995. As a result, Canada did not confirm any specific commitments in October 1995 (nor have we since that time).

As declared by the Canadian Statement to the WTO Agreement on Government Procurement on 25 October 1995, "Canada is prepared to table an offer at the sub-central level if, and only if, members are prepared: (1) to include sectors of priority to Canadian suppliers, for example, in the steel and transportation areas; and (2) to agree to circumscribe the use of small business and other set asides in a manner that, while not precluding their use, would provide an acceptable security of access to suppliers from all members of this committee."

Therefore, these questions are not applicable.

Question from the European Community

2. *Canada has stated that "it is prepared to table an offer at the sub-central level if Members are prepared: (1) to include sectors of priority to Canadian suppliers, for example, in the steel and transportation areas; and (2) to agree to circumscribe the use of small business and other set asides in a manner that, while not precluding their use, would provide an acceptable security of access to suppliers from all Parties." The European Community has opened the transport sector to certain GPA Parties and does not have any preferences for small and medium sized enterprises. Could Canada please explain the apparent inconsistency in its position given that it has refused to enter into negotiations with the European Community with respect to entities at the sub-central level?*

Canada's position of linking the tabling of its schedule at the sub-central level to achieving increased market access in sectors of priority interest to Canadian suppliers and improving security of market access through circumscribing the use of small business and other set-aside exceptions under the Agreement, remains unchanged.

The discriminatory and restrictive nature of Small Business Set-Asides and Buy American stem from US procurement policies at the national level. They are applied by States and municipalities in their procurement when federal funding is provided, particularly in the transportation and highways sectors. Therefore, US federal government policies must be addressed to assure market access and non-discriminatory treatment for suppliers to US State and municipal governments.

Question from the European Community

3. *The application of non-discrimination rules to the sub-federal levels poses a problem. The Canadian provinces, subject as they are to the Agreement on Internal Trade (AIT), are not aware of (and do not accept) any obligation with regard to NAFTA and a fortiori to the ADP. In particular, national preference rules (allowing a price difference of up to ten per cent to be taken into account) apply in Quebec, Ontario and British Columbia. At the local level, the organization of which (municipalities, health system and educational system) falls exclusively within the competence of the provinces, this ignorance is even greater and localism is even stronger, to the detriment of both the rest of Canada and the rest of the world. At the sub-federal level, therefore, Canada is not complying with the obligations stemming from the AGP. When does it intend to do so?*

Please see the response to the Questions from The United States No. 1 on scope and coverage, above.

III. TENDERING PROCEDURES

Question from Hong Kong, China

1. *With regard to the reply to question 9 in the Checklist of Issues, in some cases, procuring entities may need to pre-qualify the suppliers before inviting them to participate in a tender. Does Canada consider this as a form of selective tendering?*

Canada follows the provisions of the WTO Agreement on Government Procurement with regard to the issue of selective tendering. Procuring entities may choose to use selective tendering procedures where they believe a pre-qualification process is required prior to inviting suppliers to participate in a tender.

Question from Switzerland

2. *With regard to selective tendering procedures (Question 9 in the Checklist of Issues), it is mentioned that the procuring entity decides whether to use open or selective tendering procedures depending on the nature of the requirement. In the case of selective tendering, is there any rule requiring for minimal number of bidders in the second stage of the procedures? To what extent are entities allowed to use permanent or source lists of suppliers? Do potential suppliers and service providers have, at any time, the possibility to ask for inclusion in the list? Is the decision to refuse acceptance of a supplier contestable?*

In the case of selective tendering, there is no specific rule regarding the minimum number of bidders in the second stage of the procedures. The decision to use a permanent list is made by the procurement organization on a case-by-case basis. In accordance with Article VIII(d), potential suppliers have the opportunity to request inclusion in a list of permanent suppliers at any time. Any aspect of the procurement process may be challenged, including the refusal to accept a supplier on a list.

Question from the United States

3. *Please explain how Canada determines when the use of limited tendering procedures is permitted. Are there specific laws or regulations that define when such procedures may be used? How does Canada ensure that limited tendering procedures are 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 to the GPA?*

Limited tendering procedures are used as permitted within the GPA. In accordance with Article VII, limited tendering procedures are allowed only under the conditions specified in Article XV:1 (a) through (j). Canada ensures a high level of transparency for limited tendering by publishing Advance Contract Award Notices. This gives potential suppliers a chance to challenge the government's decision to approach only one source.

Question from the United States

4. *Canada's response to question 11 of the Checklist states that the period for the receipt of tenders varies from 7 to 40 days, depending upon the relevant legislation of policy. Please elaborate upon this and specify the legislation, regulations or other policy instruments which set out the conditions for the use of the different time limits. Under what conditions, if any, are entities permitted to establish time periods for bidding that are shorter than those provided for in Article XI:2 of the GPA?*

All notice periods for open and selective tendering are established in accordance with the provisions of the WTO Agreement on Government Procurement.

Even when limited tendering is used, procurement authorities are encouraged to publish a notice, in the form of a limited tendering notice known as an Advance Contract Award Notice (ACAN), which is advertised on MERX and in the GBO (Government Business Opportunities) Bulletin. The ACAN, which is used only for limited tendering, is posted for seven working days. This gives potential suppliers an additional chance to challenge the government's decision to approach only one source. Potential suppliers have 15 calendar days in which to challenge the award.

Question from the European Community

5. *The rules applicable to federal government procurement limit the possibilities of verifying whether there is any discrimination in the contracts awarded by the federal administration. The possibilities of avoiding tendering procedures are many. The European Community would like to have some clarification, in particular, of the utilisation of Chapter 8 of the Government Contracts Regulations of 23 June 1994:*

- *What is the proportion of non-competitive contracts in federal purchases (the subject of this chapter)?*
- *What is the actual distribution among the various cases of non-competitive procedures provided for in Article 5002 of these Regulations?*
- *How frequently are contracts concluded without prior notice of putting out to tender (case of minimum advertising of the public purchase) and what is the actual distribution between the cases provided for in Articles 8007 and 8008 of these Regulations?*

We are unable to locate a document titled Government Contracts Regulations of 23 June 1994 with the Chapter and Article system described above.

As stated in response to Question 1 of the European Community, procuring authorities follow the law. Where procurement is covered by the WTO Agreement on Government Procurement, they only use the limited tendering reasons specified in Article XV of the WTO Agreement on Government Procurement. Please note that the 1996 statistics that Canada has deposited provide the information required by Article XIX:5 of the WTO Agreement on Government Procurement on limited tendering by reason.

Question from the European Community

6. *The situation of public corporation contracts is also ambiguous. They are not subject to the government procurement regulations proper but to a much vaguer obligation to have recourse to competitive procedures. The Agreement on Internal Trade (AIT) applies in part only to these corporations (energy, in particular, is excluded although Hydro-Quebec, for instance, is the fifth largest public buyer in North America), while the NAFTA rules, which apply only to federal-level public corporations, fix liberalization thresholds that are even higher than those for procurement proper. In a context in which public services are administered more and more frequently by bodies other than central government entities (e.g. air transport), what status does Canada intend to give to purchases by public corporations at all levels?*

Please see the response to Section III "Questions from The United States" No. 1 on scope and coverage, above.

IV. VALUATION OF CONTRACTS

Question from the United States

1. *Please explain how Canada ensures, in accordance with Article II:3 of the GPA, that individual procurement requirements are not divided in such a way as to avoid application of the Agreement.*

The valuation of contracts is conducted in accordance with the GPA including adherence to Article II:3. As such, the valuation method selected by the entity is not used, nor is any procurement requirement divided, with the intention of avoiding the application of the GPA.

V. TRANSPARENCY PROCEDURES AND APPLICATION OF INFORMATION TECHNOLOGY

Questions from Switzerland

1. *Regarding invitation to participate in Question 7 in the Checklist of Issues, it is mentioned that all of the entities covered by the Agreement are permitted to publish an invitation to participate. In the case of publishing an invitation in the form of a notice of proposed procurement, how are the requirements of Article IX:6 relating to the provision of information met? Is it possible to challenge the published note?*

Invitations to participate are published in the Government Business Opportunities (GBO) and are also advertised on MERX, which provides Canada's government electronic tendering service. All information requirements of Article IX:6 are contained in the notice of proposed procurement. Any aspect of the procurement process may be challenged, including the published note.

Information concerning MERX, is available at the following website address:
www.merx.cebra.com.

Question from Switzerland

2. *Is there any contact point providing information on procurement matters for suppliers and service providers from Parties to the GPA?*

Information on procurement matters is accessible through the following Federal government websites:

Contracts Canada

www.contractsCanada.gc.ca

Treasury Board Secretariat

www.tbs-sct.gc.ca

MERX electronic tendering service

www.merx.cebra.com

The Contracts Canada website provides information for suppliers on how to do business or to sell to the Canadian government. The treasury Board Secretariat website provides information on government procurement policy. The MERCX website contains notices on government procurement. The three websites are linked.

Question from Hong Kong, China

3. *It is mentioned in the reply to Question 5 in the Checklist of Issues that all procurements covered by the WTO GPA are advertised on the Open Bidding Service and Government Business Opportunities. Does Canada have any plans to receive bids through these two systems or otherwise by electronic means?*

Canada does not have a policy on receipt of bids electronically. Canada does receive some bids or portions of bids electronically on a case-by-case basis. Canada has no plans to use the electronic tendering system for this purpose.

The Government Electronic Tendering Service is operated by the MERX system, which provides both the electronic and paper publications (Government Business Opportunities). The Open Bidding Service (OBS), operated by ISM Inc., was formerly used at the government electronic tendering service.

The Internet website of the Government Electronic Tendering Service provided by MERX is: www.merx.cebra.com.

VI. BID CHALLENGE PROCEDURES AND ENFORCEMENT

Question from Hong Kong, China

1. *The Canadian International Trade Tribunal is responsible for determining the validity of procurement complaints. Its name, however, suggests that it may cover more than bid challenges under the GPA, but other forms of international trade disputes as well. Could Canada clarify the ambit of the Canadian International Trade Tribunal?*

The Canadian International Trade Tribunal (CITT) is an independent quasi-judicial body and is not part of any federal government department or agency. It carries out its responsibilities in an open, fair, and impartial manner.

The Tribunal reports to Parliament through the Minister of Finance. Several acts of Parliament give the Tribunal powers to carry out its mandate. The primary sources of Canadian law governing the work of the Tribunal are as follows:

- the Canadian International Trade Tribunal Act (CITT Act) and its Regulations;
- the Canadian International Trade Tribunal Rules;
- the Special Import Measures Act (SIMA) and its regulations;
- the Customs Act and the Customs Tariff; and
- the Excise Act.

The Tribunal's mandate covers both judicial and advisory functions. It:

- conducts inquiries into whether dumped or subsidized imports have caused, or are threatening to cause, material injury to a domestic industry;
- hears and decides appeals of Revenue Canada decisions made under the Customs Act, the Excise Tax Act and SIMA;
- conducts inquiries and provides advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance;
- investigates requests from Canadian producers for tariff relief on imported textile inputs that they use in their production operations;

- conducts safeguard inquiries into complaints by domestic producers that increased imports are causing, or are threatening to cause, serious injury to domestic producers; and
- conducts inquiries into complaints by potential suppliers concerning procurement by the federal government that is covered by NAFTA, the WTO Agreement on Government Procurement (GPA) and the Agreement on Internal Trade (AIT).

Information relating to the Canadian International Trade Tribunal is available on the official website of the Tribunal. The CITT site address is: www.citt.gc.ca.

Question from Switzerland

2. *In the reply to question 14(v) in the Checklist of Issues, it is mentioned that the government institution required to implement the Tribunal's recommendations, if intending not to fully implement them, must notify the Tribunal of the reasons for not doing so. This wording suggests that the recommendations of the Tribunal are not of a binding character. Could Canada clarify the discretion left to the procuring government entity?*

A determination made by the Tribunal may consist of recommendations to the government institution (such as re-tendering, re-evaluation or providing compensation). The Tribunal may also award reasonable costs to a complainant to cover expenses for bid preparation and for the bid challenge. The Tribunal may also award costs incurred in participating in proceedings relating to a complaint. The government institution and all other parties are notified of the Tribunal's decision.

Recommendations made by the Tribunal in its determination are to be implemented to the greatest extent possible. In the event the government institution involved in the procurement cannot implement the recommendations of the Tribunal, it must notify the Tribunal of the reasons for not doing so. A decision not to implement on the part of the government institution can be appealed to the Federal Court. The Federal Court has indicated that the provisions regarding implementation of the recommendations of the Tribunal are intended to make non-compliance "an unusual occurrence".

Question from Switzerland

3. *Is there any institution or body (besides the CITT) monitoring the enforcement of the GPA? Could Canada explain the kinds of action the Federal Cabinet is empowered to take in furtherance of administering Canada's activities under the WTO Agreement?*

The Canadian International Trade Tribunal (CITT) does not monitor the enforcement of the GPA. The Tribunal receives complaints from potential suppliers regarding the federal government procurement process. Once the Tribunal has received a complaint, it then determines whether the government institution responsible for the procurement under review has met the requirements of international and national trade agreements and Canadian legislation. Decisions of the Tribunal may be appealed to the Federal Court of Canada.

With respect to the Federal Cabinet, the Prime Minister appoints the Cabinet from amongst elected Members of Parliament of his or her party. Each Cabinet Minister is given responsibility for a department of the government. Ministers represent their portfolios in the House of Commons and table legislation affecting their departments as necessary. They are accountable to the House for all actions carried out in their name or by their department because, under Canada's Constitution, this is where elected officials are made responsible to the citizens of Canada.

Further information on the structure of the Canadian government and its executive branch is available at the Parliamentary Internet: www.parl.gc.ca.

Question from the United States

4. *Please indicate whether Canada's responses to the questions contained in Section III of the Checklist (Challenge Procedures) apply to covered sub-central entities, including the Federal enterprises listed in Annex 3. If not, please provide responses to those questions, and to the United States' questions 6 and 7 below, with respect to covered sub-central entities.*

Please see the response to Questions from The United States" No. 1 on scope and coverage, above.

Question from the United States

5. *Canada's response to the availability of challenge procedures as set forth in paragraph 3 of Article XX of the GPA cites the "Procurement Review Process - A Descriptive Guide", January 1996, as being provided to the WTO. Please describe how this guide and other forms of Canada's challenge procedures are disseminated to the public.*

The guide titled "Procurement Review Process - A Descriptive Guide" along with other documents outlining the details of Canadian challenge procedures are widely disseminated and are accessible through the Internet at the official website of the Canadian International Trade Tribunal. The CITT site address is: www.citt.gc.ca.

Other documents relating to Government procurement such as "Information of Procurement Review" and "Canadian International Trade Tribunal - Procurement Cost Guidelines" are also available on the CITT website.

Tribunal documents are also available through the CITT's Factsline which is accessed via a telecopier telephone or by contacting the Tribunal directly and requesting the desired publication.

Question from the United States

6. *Canada states that rapid interim measures are available to correct breaches of the GPA and that those measures include the possibility of suspension of the procurement process, unless a government entity certifies in writing that "the procurement is urgent or that a delay in awarding the contract would be contrary to the public interest." Please explain how those exceptions ("urgent" and "contrary to the public interest") are defined in Canada's applicable laws, regulations and other policy instruments, and whether the certification (of urgency or need for a delay) is subject to internal review or whether it is a unilateral decision.*

The terms "urgent" and "contrary to the public interest" are contained in the Canadian Trade Tribunal Act Article 30.1 (3) subsection 4. In the event that the government procuring entity believes that the "the procurement is urgent or that a delay in awarding the contract would be contrary to the public interest" and makes certification to that effect in writing to the Tribunal, then the Tribunal will accept the certification of the procuring entity.

Question from the United States

7. *In response to the question on rapid interim measures available to correct breaches of the Agreement, Canada stated that “[a]ny party to a procurement complaint proceeding may request that the Tribunal consider the feasibility of using the ‘express option’ procedure...” Please explain what factors may be taken into account in considering the feasibility of such rapid interim measures.*

As stated in Canada's Checklist of Issues, the accelerated procedure or the 'express option' may be warranted in reviewing possible breaches to the Agreement. Any party may request the use of the express option, provided that the request is made in writing and submitted to the Tribunal no later than three days from the filing of the complaint. The Tribunal will decide within two days of receiving the request whether the case is suitable for the express option, taking into consideration the reasons for the request, the complexity of the case and the workload of the Tribunal.

When the express option is used, the normal time-limits for submission of the various reports and comments and issuance of the Tribunal's determination are compressed. Under the express option, the Government Institution Report must be filed within ten days of the government institution being notified by the Tribunal that the express option will be used. The complainant's and intervener's comments on the Government Institution Report must be filed with the Tribunal within five days of the report being sent to the complainant by the Tribunal, and the Tribunal's determination must be issued within 45 days of the filing of the complaint.

Question from Switzerland

8. *Is there any practice establishing a tool for the rapid and informal solution of problems encountered by suppliers and service providers in getting access to public contracts outside judicial review?*

With respect to the question of a rapid and informal solutions, a potential supplier or service provider with an objection is encouraged initially to try to resolve the issue with the government institution responsible for the procurement. If this process is not successful or a supplier chooses to deal directly with the Tribunal, the supplier may do so by filing a written complaint in accordance with CITT's regulations. As stated in the Regulations Respecting Canadian International Trade Tribunal Inquiries into Potential Suppliers' Complaints Concerning Government Procurement, Article 6(2):

"A potential supplier who has made an objection regarding a procurement relating to a designated contract to the relevant government institution, and is denied relief by that government institution, may file a complaint with the Tribunal within ten working days after the day on which the potential supplier has actual or constructive knowledge of the denial of relief, if the objection was made within ten working days after the day on which its basis became known or reasonably should have become known to the potential supplier."

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the European Community

The following communication has been received from the Permanent Delegation of the Commission of the European Community in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

I. SUMMARY OF THE EC LEGISLATION ON PUBLIC PROCUREMENT

I.1 EC Level

(i) At **EC level**, general public procurement rules stem from the Rome Treaty. These rules have been completed by several Community Directives, specially with respect to procedural requirements.

The main EC Treaty articles having consequences for public procurement are Articles 6 (non-discrimination on grounds of nationality principle), 30 to 36 (the ban on quantitative restrictions on imports and all measures having equivalent effect), 52 & seq. (the right to establishment in the territory of another member State) and 59 & seq. (freedom to provide services).

Secondary legislation applies these general principles to concrete matters. Thus, there is a group of Council Directives laying down certain common rules with respect to Public Procurement. These directives need implementation at national level and their purpose is to coordinate the procedures to be followed in member States whenever a contract is to be awarded whose value exceeds a certain threshold.

The GPA was transposed into EC law by Council Decision N° 94/800/EC of 22 December 1994 (see section 4 below).

To a large extent, EC rules coincide with the GPA rules on public procurement. Some minor amendments are in the process of being adopted to align the EC directives with the GPA rules where differences would create reverse discrimination against EC suppliers.¹

For contracts below the thresholds, national rules are not bound by the EC directives, nor by the GPA, though the general rules of the Treaty still apply. This means that, below thresholds, national rules are not uniform, so that each member State has its own public procurement rules which must only respect the general principles laid down in the Treaty, in particular non-discrimination in respect of goods and services.

¹ See Council and Commission Common Position, OJ C111, 09.04.1997.

The directives fall into two groups, those governing the traditional areas of public procurement (Public Authorities directives or traditional sectors directives), and those dealing with water, energy, transport and telecommunications (Utilities directives or "excluded" sectors directives). Each group is completed by a Remedies directive. Although they differ in a number of respects, both groups apply the following principles: a ban on discrimination; open access to all EC suppliers, transparency of award procedures; a precise indication of which of the permissible award procedures has been chosen; compliance with technical requirements and transparency of the procedures for selecting contractors and awarding contracts, through the use of objective criteria which must be known beforehand.

(ii) The public authorities directives

Contracting authorities in the sense of these directives are the State, Regional or Local authorities, and bodies governed by public law. These authorities are covered in Annexes 1 and 2 of Appendix I of the GPA.

- Council Directive N° 93/36 coordinating procedures for the award of public supply contracts (The Public Supplies Directive).
- Council Directive N° 93/37 concerning the coordination of procedures for the award of public works contracts (the Public Works Directive). This directive covers contracts between a contractor and a contracting authority concerning the execution or both the execution and design of works related to building or civil engineering activities, in addition to ancillary supplies and services contracts necessary for their execution.
- Council Directive N° 92/50 relating to the coordination of procedures for the award of public service contracts (the Public Services Directive). This directive covers all contracts between a contracting authority and a service supplier which are not yet covered by other existing public procurement directives. Services are divided into two categories, priority services for which there is a complete set of rules, and other services for which the requirements are much less (see Articles 8-10). Priority services are listed in Annex IA of the directive. All the services listed in Annex 4 to Appendix I of the GPA are included in this category of priority services.
- Council Directive N° 89/665 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, and public services (the Remedies Directive). This directive obliges member States to ensure adequate procedures, including the authorization of competent review bodies to take the necessary measures to ensure effective remedies for undertakings lessed by infringements of Community law.

(iii) Utilities directives

- Council directive N° 93/38 coordinating the procurement procedures of the entities operating in the water, energy, transport and telecommunications sectors (the Utilities Directive). This directive governs those contracts of authorities and public undertakings operating in the so-called "former excluded sectors" and other contracting entities operating on the basis of special or exclusive rights granted by a competent public authority. Therefore, this directive is relevant for contracts awarded by the contracting entities listed in Annex 3 to Appendix I of the GPA and which operate in the water, electricity, airports, ports and urban transport sectors. Rules

applying to those sectors are more flexible than those for the traditional public procurement sectors.

- Council directive 92/13 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (the Remedies Utilities Directive). This directive also obliges inter alia member States to establish adequate procedures to ensure effective remedies for infringements of Community law in the sectors concerned.

(iv) A **booklet** describing the EC rules governing the procedure in the award of public procurement contracts is attached.

I.2 Member State Level

At **member State level**, national legislation has implemented both GPA and EC rules.

(A) Austria. Procurement regulations above the thresholds for Central Government Entities are specified in the Federal Act "*Bundesvergabegesetz* 1997". Each of Austria's nine states ("Bundesländer") has adopted its own procurement act. The revised *Bundesvergabegesetz* implements the obligatory use of "ONORM A-2050" below the thresholds.

(B) Belgium. Legislation on public procurement of goods, works and services falls within the competences of the federal authorities, which have enacted an Act and implementing regulations (*arrêtés royaux*). This legislation applies to any public contract, regardless of its value, if they have a pecuniary interest.

Those texts are:

- *Law of 24 December 1993 on public procurement and certain works, services and supplies contracts, including Royal Order of 10 January 1996 amending Title IV of Book I of that Law;*
- *Royal Order of 8 January 1996 on public procurement of works, supplies and services and on public works concessions;*
- *Royal Order of 10 January 1996 on public procurement of works, supplies and services in the water, energy, transport and telecommunications sectors.*

(D) Germany. The basis of the German procurement law is article 57a to 57c of the *Haushaltsgrundsatzgesetz* (Budgetary principle law). Article 57a defines the group of contracting authorities. Articles 57b and c are concerned with the review procedures used in cases of violation of procurement provisions. The contract award regulations that German contracting authorities must comply with are the following: *Verdingungsordnung für Leistungen*, VOL/A (Code for Awarding Public Supplies Contracts including services which are supplied commercially, but excluding public works contracts); *Verdingungsordnung für Bauleistungen*, VOB/A (Code for awarding public works contracts). Each code is divided into 4 sections. VOL/A: the first section contains provisions for national awards of supplies and services contracts below the EC thresholds; the second section contains provisions which implement the regulations of the EC public supplies Directive 93/36 and the EC public services Directive (92/50) as regards commercial and industrial services. Contracting authorities must comply with this section if the contract exceeds the EC thresholds; the third section contains provisions applicable to public contracting entities operating in the water, energy, transport and telecom sector according to the EC Utilities Directive 93/38; the fourth section contains the

implementation of the EC Utilities Directive for private contracting authorities. The VOB/A is similarly divided: first section, national regulations for the awards of public works contracts below the EC thresholds; second section, regulations which implement the EC public works Directive 93/37 and therefore are relevant to contracts above the EC threshold; third section, provisions which implement the EC Utilities Directive concerning public contracting authorities; fourth section, implementation of the EC utilities Directive for private contracting authorities. The *Verdingungsordnung für freiberufliche Leistungen* (VOF) contains the contract award regulations of the EC-Directive 92/50 for services which are provided by free-lancers.

(DK) Denmark. All directives have been implemented in Danish legislation. The basis for so doing is the Ministry of Housing and Building's Consolidation Act N° 600 of 30 June 1992, which enables the competent ministries to implement public procurement directives by ministerial orders. The specific implementing measures are the following: Ministerial order N° 201 of 27 March 1995 on the award of public works contracts in the European Communities (Directive 93/37); Ministerial order N° 510 of 16 June 1994 on coordination of procedures for public supplies (Directive 93/36); Ministerial order N° 415 of 22 June 1993 on the coordination of procedures for the award of contracts for public procurement of services within the European Communities (Directive 92/50); Ministerial order N° 558 of 24 June 1994 on tendering of purchases within water and energy supply as well as transport and telecommunications in the European Community (Directive 93/38 as far as works contracts are concerned, also implements the provisions of Directive 92/13 concerning attestation); Ministerial order N° 557 of 24 June 1994 on tendering of purchases within water and energy supply as well as transport and telecommunications in the European Communities (Directive 93/38 as far as supplies and services are concerned, also implements the provisions of Directive 92/13 concerning attestation); Consolidation Act N° 1166 of 20.12.1995 on the Review Board for Tenders (Tendering of works and supplies in the European Communities) combined with ministerial order N° 26 of 23 January 1996 on the Review Board for Tenders implement both Directive 89/665 and Directive 92/13).

The following regulations apply in Denmark also to contracts of a value inferior to the thresholds: Circular of 14 April 1989 issued by the Housing and Building Agency which prescribes that State construction contracts and construction contracts subsidized by the State shall be subject to a public tender; Circular of 1 March 1994 issued by the Ministry of Finance which imposes an obligation on central government institutions to undertake a market testing on a regular basis with a view to a possible contracting out of a given activity.

(E) Spain. Basic legislation. Law 13/1995 (18 May) of Public Procurement. Its scope covers the State, the Regions, the Local administration, the autonomous bodies and the entities subject to public law which have their own legal personality and are linked to any Public administration which have been created to satisfy the general interest or whose activity is mostly financed by public administrations, or whose direction is controlled by public administrations, or whose direction bodies are composed in their majority by persons appointed by public administrations or other entities of public law. Royal Decree 390/1996 (1 March), implementing the Law 13/1995. Also relevant are: Law 30/1992 (26 November) on the Legal regime of the Public Administrations and on the Common administrative procedure; Law 7/1985 (2 April) on the Local administration. Furthermore, there are some specific regulations enacted by the Regions.

(EL) Greece. As concerns contracts for supplies the value of which is lower than the threshold established by Directive 93/36, Greece applies Law N° 2286/94 and the Regulation of public procurement (Presidential Decree 394/96) implementing the general provisions of the Treaty. In most cases, an open or restricted tendering procedure takes place and in exceptional cases a negotiated procedure. For supplies contracts equal to or exceeding ECU 137_000 in value, for the entities of Annex 1 and ECU 200,000 in value for all the other entities of public sector, Greece applies the treaty and Directive 93/36 as incorporated in the Hellenic Legislation through consecutive presidential

Decree 370/95. As concerns contracts for public works the value of which is lower than the threshold established by Directive 93/37, Greece applies Law N° 1418/84 (as modified notably by Law N° 2299/94, Law N° 2308/95, Law N° 2372/96 and by Presidential Decrees) implementing the general provisions of the Treaty. In most cases, an open or restricted tendering procedure takes place and - in exceptional cases - a negotiated procedure. For those public works contracts equal to or exceeding ECU 5 million in value, Greece applies the Treaty and Directive 93/37 as incorporated in the Hellenic legislation through consecutive presidential Decrees (notably 23/93 and 85/95). For all contracts for design and construction of public works, tendering and monitoring is carried out at three levels: central, peripheral and local level. As regards public services contracts, a legislation of a systematic and general nature is presently absent, pending the incorporation of Directive 92/50 into the Hellenic legislation. For the public services contracts with a value lower than the threshold of ECU 200.000, Greece applies Law N° 2362/95 (Arts. 8 & 23) which provides for public tendering. As an exception, the public procurement of services after a simpler procedure or a negotiated procedure is allowed. There also exists a special legislation for public works design contracts, which, however, has to be modified, pending the incorporation of the 92/50 Directive. The processes for public procurement of services for the entities operating in the utilities sectors, will be provided for in the forthcoming legislation incorporating Directive 93/38.

(F) France. Every contract awarded by the State, the territorial subdivisions and the public bodies must follow the rules established by the Code on Public Procurement, which comprises all the texts concerning the award of public contracts. Those rules are similar to those of the EC directives. The Code establishes the general principle of freedom of access for candidates to public contracts, and that of equality of treatment for both candidates and tenders. It sets out that contracts are awarded, in general, after a call for tenders, and limits the cases in which a negotiated procedure can be used.

(I) Italy. The Italian regime in force concerning public procurement has been regulated by four Legislative Decrees, that is to say, laws delegated from Parliament to Government. The first, Legislative Decree of 19 December 1991, N° 406 transposed the Works Directive. In addition, a Law of 11 February 1994, N° 109 (so-called Merloni Act) is also relevant to works. The second, Legislative Decree of 24 July 1992, N° 358 transposed the Supplies Directive. The third, Legislative Decree of 17 March 1995, N° 157 transposed into Italian legislation the Services Directive 92/50. The fourth, Legislative Decree of 17 March 1995, N° 158 transposed the Directives 90/531 and 93/38, concerning the so-called excluded sectors.

Furthermore, as regards remedies, there are some provisions applicable in other laws. Law N° 1034 of 6 December 1971, Law N° 142 of 19 February 1992 and the Civil Code.

(IRL) Ireland. There is no body of law governing public procurement in Ireland law except for that provided for under European Community, WTO and other international obligations. Ireland has implemented into law all EU public procurement Directives by means of secondary legislation, that is by way of "Statutory Instruments" which transpose the Directives directly into Irish law.

With respect to contracts below EU thresholds, there are no legally binding regulations but there are national government guidelines which public authorities are bound to follow. The national guidelines are published by the Department of Finance and were last issued in 1994. The guidelines sets out the requirements for dealing with sub-threshold and above-threshold EU contracts. The Guidelines apply to "Government Departments, local and regional authorities and other bodies dependent on State funding, in the award of public sector contracts (including the acquisition, letting and disposal of public property)". In addition, it is pointed out that commercial and non-commercial State bodies should comply with the broad principles of Government contracts procedures and that tax clearance procedures are obligatory in all cases. Although these guidelines do not have formal force of law, failure to apply them may obviously attract the censure of the Department of Finance, Parliament, auditors and the Media. In addition, purchasers are aware of the argument that failure to

comply with the guidelines may be a breach of a representation or contractual obligation, to the effect that the purchaser will apply the proper published guidelines in consideration of the tenderer submitting his tender.

(L) Luxembourg. The main law is the Act concerning public supply and public works contracts (04.04.1974), based on the non-discrimination principles of the Treaty of Rome. EC directives have been implemented by special Regulations: one for the classical sectors (27.01.1994, as amended 31.05.1996), and one for the utilities (02.02.1996). An Act of 21.12.1989 transposed the remedies directive, which will be amended in what refers to the utilities remedies directive.

(NL) Netherlands. The EC directives have been implemented in The Netherlands through the *Raamwet EEG-voorschriften aanbestedingen* of March 13, 1993 (Staatsblad 1993, 212), entry into force 12 April 1993 (Framework legislation EEC regulation). Under this framework law there are the following two decrees for the relevant sectors:

- *Besluit aanbestedingen nutssector* (Staatsblad 1993, 305), entry into force 21 April 1993 (Decree on procurement in the sector of utilities). This decree applies to procurement in the sector of utilities.
- *Besluit overheidsaanbestedingen* (Staatsblad 1993, 305, as amended in 1994, Staatsblad 1994, 379), entry into force 1 July 1993 (Decree on government procurement). This decree applies to procurement of products, services and construction services.

The implementation is effected by a reference in the national legislation to the provisions of the EC directives which have to be applied.

Additionally, the *Uniform Aanbestedingsreglement EG 1991* (UAR-EG, Staatscourant 228, 1991, as amended in 1995, Staatscourant 1995, 103) (Harmonised regulation on EC procurement) contains standard conditions and procedures for the central government with respect to construction services.

The two EC directives on remedies (89/665 and 92/13) are covered by existing national legislation (Civil Code). Therefore, no specific national legislation implementing these directives was needed.

(P) Portugal. Rules governing public procurement in Portugal are the Decreto-Lei N° 55/95 as modified by Decreto-Lei N° 80/96. The Decreto-Lei N° 64/94 governs the procurement of computer-related goods and services. The Decreto-Lei N° 405/93 refers to works.

(S) Sweden. Sweden has incorporated all the relevant EC directives in its Law on public procurement (*Lagen (1992:1528) om Offentlig Upphandling, LOU*), which has been revised accordingly (1993:1468) and reprinted in the register of promulgated laws (*Svensk Författningssamling, SFS*). The law has been additionally revised through amendments 1994:614, 1995:704 and 1996:433. Further amendments to the LOU and specific detailed regulations will enter into force on 1 January 1998. The LOU applies to the same procuring entities and covers all types of procurement (supplies, public works and services contracts) that are subject to Community legislation.

(SF) Finland. The Public Procurement Act (1505/92, of 23.12.1992, amend. 1523/94 of 29.12.1994) is a general framework-law that applies to almost all purchase, rental or corresponding transactions in respect of goods and services, or for tenders administered by the State authorities, local authorities or other contracting entities referred to in the Act. The contracting entities covered by the Act shall observe the Act in their procurement with the view to promoting competition and ensuring proper and non-discriminatory treatment of those who participate in a tendering procedure. Within all

fields other than the utilities sector (water, energy, transport and telecommunications sector) the Act applies to procurements below the threshold values as well as to procurements in excess thereof.

There are also two implementing orders: order on the procurement of supplies, services and works in excess of threshold value (24.02.1995/243) and Order on the procurement in excess of threshold value by entities operating in the water, energy, transport and telecommunications sector (28.06.1994/567, amended 24.02.1995/244).

(UK) United Kingdom. The UK has implemented all the EC public directives by secondary legislation as follows: for public authorities, for supplies, Statutory Instrument (SI) 1995/201 implements 93/36/EEC, for works, SI 1991/2680 implements 93/37/EEC, for services, SI 1993/3228 implements 92/50/EEC; for utilities, 1996/2911 implements 93/38/EEC.

It should be noted that each of the above Statutory Instruments also implement the relevant enforcement rules. So the three SIs for the public sector (1995/201, 1991/2680 and 1993/3228) also implement 89/665/EEC the Compliance directive and for the utilities 1996/2911 implements 92/13/EEC, the Remedies directive.

In addition to these laws, the basic UK policy approach, which covers below threshold procurement as well, is set out in 'Public Purchasing Policy: Consolidated Guidelines,' (HM Treasury 1988). These provide that government purchasing should be conducted on the basis of achieving value for money through competition, which would not permit discrimination on grounds of nationality.

II. OTHER LEGISLATION GIVING EFFECT TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Not applicable.

III. CONTACT POINT

Requests from another Party concerning the EC legislation shall be addressed to:

The European Commission
Directorate General for Internal Market and Financial Services
Unit XV/B/5 - Public Procurement: International Relations and Economic Aspects
200, Rue de la loi
B-1049 Bruxelles
Belgium

Tel: + (32 2) 296.58.26
Fax: + (32 2) 295.01.27
E-mail: Auke.Haagsma@dg15.cec.be

IV. RESPONSES TO THE CHECKLIST OF ISSUES

IV.1 General Elements

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

The Agreement was transposed into EC law by Council Decision N° 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994). See OJ L336 pages 1 and 273, of 23.12.1994.

It was completed by Decision N° 95/215/EC of 29 May 1995 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United States of America. See OJ L134 page 25, of 20.6.1995.

A Communication was also made to explain that art. 36 of Directive 93/38 establishing a Community preference has been waived as a consequence of the entry into force of the GPA for those fields covered by the GPA. See OJ C 332/9, of 9.12.1995.

Under EC law no further legal instruments are required to ensure full application of such agreement. In other words, following Council's Decision, the GPA forms an integral part of the EC law. All covered contracting entities have to comply with the requirements of the GPA, as is the case for the requirements of the Directives.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

National laws need to be adapted to the requirements of the Agreement as incorporated by Council Decision 94/800. This is done either at federal/central level or at sub-central level depending on the internal allocation of powers in each member State.

It must be noted that within the EC, federal/central level includes entities from the EU (Council and Commission) as well as entities at central and federal level of the different member States.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities apply the legislation provided by the federal/central or sub-central level.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The so-called Public Authorities Directives (see subchapter I.1, *supra*) apply both to the central/federal and sub-central levels. Therefore, rules are identical.

As for Annex 3 entities, they follow the rules of the Utilities Directive, which might slightly differ from the traditional Directives in some points. In particular, utilities have a free choice between open, restricted and negotiated procedures provided that a call for competition has been made through publication in the Official Journal. For Annex 1 and 2 entities, the use of the negotiated procedure, even with prior call for competition, is more restricted.

Another important difference is that unlike the traditional directives, the Utilities Directive does not lay down any qualitative selection criteria and thus allows contracting entities some discretion here. However, the criteria adopted must be objective and made available to all interested firms.

5. *To what extent is information technology used in the process of government procurement?*

Notices above the relevant thresholds set out in the GPA and in the EC Directives must be published in the Official Journal of the European Communities (Supplement "S"). The Official

Journal (Supplement "S") is published in paper version and, from January 1997, in CD-Rom. In addition, notices are included in an electronic database: Tenders Electronic Daily, known as TED.

TED is the on-line version of the printed "Supplement S to the Official Journal". Similarly to the Official Journal, TED is updated five times per week. It is produced by the Office for Official Publications of the European Communities, hosted by the European Commission Host Organisation (ECHO) and offered in many countries via Official Gateways. At present, in addition to the former connection procedures, a user-friendly graphical interface allows users to connect to the ECHO databases using a "Windows" environment ("Windows access to Central Host"). Watch-ECHO can be downloaded from the Internet (<http://www2.echo.lu/echo/en/menuecho.html>).

Furthermore, the Commission services are currently working on a pilot project named SIMAP (Information system for public procurement) which intends to create an EU-wide electronic public procurement network aiming to make the process more efficient, more reliable, less time-consuming, and ultimately more cost effective, both for procurers and suppliers. The Internet Homepage can be visited at: <http://simap.eu.int>.

IV.2 Specific Elements

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

There are no discriminatory provisions in the EC law against third country suppliers or products other than those contained in Directive 93/38 (utilities directive). Furthermore, to the extent that the GPA is part of the EC law, pursuant to Decision 94/800, all relations between contracting entities and GPA countries' suppliers are governed by this decision.

Article 36 of the so-called Utilities Directives allows contracting entities to reject a tender if the proportion of non-Community products contained exceeds 50 per cent of the total value of the products constituting the tender. In presence of two equivalent tenders, rejection is compulsory. They are considered to be equivalent if the price difference does not exceed 3 per cent between tenders containing Community or non-Community products as described above.

This article only applies to entities covered by Annex 3 to Appendix I of the Agreement. However, the provisions of this article are automatically disapplied in case that an Agreement ensures comparable and effective access for Community suppliers. This is particularly the case of the GPA. A communication clarifying this issue was published in the Official Journal C332 page 9, of 9.12.1995.

See also Council Decision N° 94/800/EC, of 22.12.1994 referred to in answer to question N° 1.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

EC Directives provide for the publication of notices of proposed procurement. We can distinguish the traditional sectors from the utilities.

For the traditional sectors (entities listed in Annex 1 and 2 of the GPA), Contracting authorities shall make known, by means of a notice, their intention to award a contract. This notice shall be sent to the Office for Official Publications of the European Communities, which shall publish it not later than 12 days after its dispatch (5 days in accelerated procedures). Notices shall be drawn up in accordance with the models given in the Annexes to the relevant directives, and shall specify the

information requested in those models. Notices are published in full in the Official Journal of the European Communities (supplement S) and in the TED data base in the original language, which alone is authentic. A summary of the important elements of each notice is published in the other official languages of the Community, the original text alone being authentic. At present, the official languages of the Community are: Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

In the utilities sectors (entities covered under Annex 3), a call for competition is published in full in the original language in the O.J. of the E.C. and in the TED data bank. A summary of the important elements of each notice is published in the other official languages of the Community, the original text alone being authentic. Notices are sent to the Office for Official Publications of the European Communities, which publishes them not later than 12 days after dispatch (5 days in accelerated procedures).

Calls for competition may adopt four different forms: a notice stating the intention to award a particular contract; a periodic indicative notice to which undertakings can express their interest (in that case, it must have been published not more than 12 months prior to the date on which the invitation to confirm the interest is sent, there is no further publication of a notice of a call for competition); a notice on the existence of a qualification system; or a notice of a call for competition in the case of design contests.

Moreover, electronic standard forms are currently being used for transmission of notices to the Office of Publications. However, the use of standard forms is not yet mandatory.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

As regards the traditional sectors (Annexes 1 and 2), in addition to invitation to tender notices, pre-information notices are published. These are however purely for information and cannot be used as a call for competition. In works contracts, contracting authorities publish indicative notices containing the essential characteristics of the works contracts which they intend to award. This notice is published in full in all the official languages of the Community, the original text alone being authentic. In other services and in supplies contracts, contracting authorities shall make known, by means of an indicative notice to be published as soon as possible after the beginning of their budgetary year, the intended total procurement which they envisage awarding during the subsequent 12 months where the total estimated value is not less than ECU 750,000.

As regards utilities, (Annex 3 entities), see the answer to question 7.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the case of Annex 3 entities, contracting entities which so wish may establish and operate a system of qualification of suppliers, contractors and service providers. An informative notice is published in the Official Journal of the European Communities. The system operates on the basis of objective criteria and rules. Updating of criteria and rules is possible. Refusal of qualification or bringing the qualification to an end must be reasoned and applicants or services providers should be notified.

Where a qualification system exists and a Qualification Notice is used as the sole "call for competition", the selection of candidates for bidlists for specific contracts must derive from those suppliers or contractors qualified under the system.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

In the case of entities covered by Annexes 1 and 2 of the GPA, Contracting Authorities are entirely free to opt between open or restricted procedures. However, the option of negotiated procedures, with or without prior publication of a contract notice, is limited to particular situations:

- with prior publication of a contract notice:
 - in case of irregular tenders in response to an open or restricted procedure or in the case of tenders which are unacceptable under national provisions insofar as the original terms for the contract are not substantially altered (supplies, works, services);
 - when the works involved are carried out for the purpose of research, experiment, or development (works);
 - in exceptional cases, when the nature of the works/services or the risks attaching thereto do not permit prior overall pricing (works, services);
 - when the nature of the services to be procured is such that contract specifications cannot be established with sufficient precision to permit the award of the contract by using open or restricted procedures (services);
- without prior publication of a contract notice:
 - in the absence of tenders or appropriate tenders in response to an open or restricted procedure insofar as the original terms for the contract are not substantially altered (supplies, works, services);
 - when the products involved are manufactured for the purpose of research, experiment, study or development (supplies);
 - when for technical or artistic reasons, or for reasons connected with protection of exclusive rights, there is only one supplier or contractor (supplies, works, services);
 - when the contract follows a design contest and must be awarded to the successful candidate or one of the successful candidates (services);
 - when it is strictly necessary for reasons of extreme urgency brought about by events unforeseeable (supplies, works, services);
 - in case of additional deliveries by the original supplier, justified by the risk of technical incompatibility or disproportionate technical difficulties (supplies);
 - for additional works/services (up to a limit of 50 per cent of the amount of the main contract) becoming necessary for the carrying out of the work/for the performance of the service through unforeseen circumstances, if the non-separation is justified by technical or economic reasons (works, services);

- for new works/services consisting of the repetition of similar works/services entrusted to the contractor/service provider to which the same contracting authorities awarded an earlier contract, under certain conditions (works, services).

In the case of entities covered by Annex 3, Contracting entities may choose any of the procedures (open, restricted and negotiated) provided that a call for competition has been made (see answer to question 7). This prior call for competition can be avoided under some circumstances:

- in the absence of tenders or suitable tenders in response to procedure with a prior call for competition provided that the original contract conditions have not been substantially changed;
- when the contract is purely for the purpose of research, experiment, study or development, under certain conditions;
- when for technical or artistic reasons, or for reasons connected with protection of exclusive rights, there is only one supplier or contractor;
- when it is strictly necessary for reasons of extreme urgency brought about by events unforeseeable by the contracting entities;
- in case of additional deliveries by the original supplier, justified by the risk of technical incompatibility or disproportionate technical difficulties (supplies);
- for additional works/services becoming necessary for the carrying out of the work/for the performance of the service through unforeseen circumstances, if the non-separation is justified by technical or economic reasons (works, services);
- for new works consisting of the repetition of similar works entrusted to the contractor to which the same contracting authorities awarded an earlier contract, under certain conditions (works);
- for supplies quoted and purchased on a commodity market;
- for contracts to be awarded on the basis of a framework agreement (agreement the purpose of which is to establish the terms governing the contracts to be awarded during a given period);
- for bargain purchases (particularly advantageous opportunity available for a very short space of time at a price considerably lower than normal market prices);
- for purchases of goods under particularly advantageous conditions from either suppliers winding up their business activities or the liquidators for a bankruptcy (or similar);
- when the service contract follows a design contest and must be awarded to the successful candidate or one of the successful candidates (services).

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be “not less than X days”. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time-limits which have been established.*

As for the entities covered by Annex 1 and 2 of the GPA, (the traditional sectors) time-limits are as follows:

- In open procedures, the deadline established by the authority for receipt of the tenders cannot be less than 52 calendar days from the date of dispatch of the notice for publication. This time-limit may be reduced (only for works and services) to 36 days if a prior information notice has been published.
- In restricted and negotiated procedures, the bid is preceded by a request from the contractor to be invited to participate in the tender. The time-limit for receipt of requests to participate fixed by the contracting authorities shall be no less than 37 days from the date of dispatch of the notice. The time-limit for receipt of tenders may not be less than 40 days from the date of dispatch of the written invitation in the case of restricted procedures. This time-limit can be reduced to 26 days if a prior information notice has been published. In case of justified urgency, those time-limits may be reduced to not less than 15 days for the receipt of request, and not less than 10 days for the receipt of tenders.

As for the entities covered by Annex 3 of the GPA (utilities operating in some sectors) time-limits are as follows:

- In open procedures, the time-limit for the receipt of tenders is the same as for the traditional sectors: 52 days (36 if pre-information).
- In restricted and negotiated procedures, timing is different. The time-limit for receipt of requests to participate shall, as a general rule, be at least 5 weeks from the date of dispatch of the notice or invitation and shall in any case not be less 22 days (or 15 under certain conditions). The time-limit for receipt of tenders may be fixed by mutual agreement between the contracting entity and the selected candidates, provided that all tenderers are given equal time to prepare and submit tenders. If that kind of agreement is not reached, the contracting entity shall fix a time-limit which shall, as a general rule, be at least 3 weeks and shall in any case not be less than 10 days from the date of invitation to tender.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1 to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

The language to be used in public procurement procedures is a matter to be decided by each member State. It must be highlighted that six member States have a WTO language as an official language (Belgium, France, Ireland, Luxembourg, Spain and the United Kingdom).

IV.3 Challenge Procedures - Article XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The rule is that any potential contractor who considers that he has been injured by an unlawful decision on the part of a contracting authority may seek review. There are two levels of remedies available: national procedures and EC level control.

(i) Regarding **national remedies**, the Community has adopted two directives (the so-called Remedies Directives, see *supra* chapter I.1) aiming to coordinate the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures. According to the general aim of these directives, member States shall take the measures necessary to ensure that decisions taken by contracting entities may be reviewed effectively on the ground that such decisions have infringed Community law in the field of procurement or national rules implementing that law as regards contract award procedures falling within the scope of the Public Authorities Directives or the Utilities Directive. The objective is to ensure that everyone everywhere has the same rights concerning the review procedures.

These directives provide for the establishment in every member State of courts or other legally authorised bodies with real powers to settle the conflicts which might arise between contracting entities and firms, suppliers of services or individuals. This means that in every member State there is some legally authorised body able to resolve conflicts in the field of public procurement. Nevertheless, the nature of the jurisdiction may differ from one member State to another, as well as the remedies available. Review bodies of first instance might not be necessarily judicial in character, although their decision should always be reasoned. However, in such a case, their decision must be subject to judicial review or review by another body which is a court or tribunal within the meaning of article 177 of the Treaty, and independent of both the contracting entity and the review body. This independent body shall take its decisions following a procedure in which both sides are heard, and these decisions shall, by means determined by each member State, be legally binding.

Review procedures are available at least to any person having or having had an interest in obtaining a particular contract and who has been or risks being harmed by an alleged infringement.

Member States must ensure that the review bodies have a minimum number of powers.

- Review of contracting entities' action

In the case of the conflicts arising under the Public Authorities Directive (i.e. entities covered by Annexes 1 and 2 of the Agreement), member States shall ensure that the review bodies have the power to intervene directly in the contracting entities' procurement procedures. Those powers include, firstly, power to take, at the earliest opportunity and by way of interlocutory procedure, interim measures, including measures to suspend or to ensure the suspension of the procedure for the award of a contract or the implementation of any decision taken by the contracting entity. Secondly, power to set aside decisions taken unlawfully (see art. 2.1.a) and b) of the Public Remedies Directive).

In the case of conflicts arising under the Utilities Directive (i.e. entities covered by Annex 3 of the Agreement), member States are authorised to choose between the introduction of different powers for the review bodies which have equivalent effect (taking into account differences in the nature of member States' legal orders).

The first option includes the power to intervene directly in the contracting entities' procurement procedures such as by suspending them, or by setting aside decisions or discriminatory clauses in documents or publications (see art.2.1. a) and b) of the Remedies Utilities Directive).

The second option provides for the power to exert effective indirect pressure on the contracting entities in order to make them correct any infringement, and to prevent injury from occurring. In particular those measures can consist in making an order for the payment of a particular sum, like for instance periodic (or even daily) penalty payments (see art. 2.1.c) of the Remedies Utilities Directive).

Hence, in the case of the Utilities, member States can choose between the first solution or the second one. This choice can be made either for all contracting entities or for categories of entities defined on the basis of objective criteria. In any event, the choice must preserve the effectiveness of the measures laid down in order to prevent injury being caused to the interest concerned.

- Compensation of losses: claims for damages

According to article 2.1.c) of the Public Remedies Directive and article 2.2.d) of the Remedies Utilities Directive, the award of damages to persons injured by the infringement must always be possible. Therefore, third parties injured can seek damages as a consequence of the breach of the public procurement rules.

Directives oblige member States to provide for at least negative damages (*damnum emergens*), that is to say, the cost of preparing a bid or of participating in an award procedure. Where a claim is made for damages representing those negative costs, the person making such claim shall be required to prove an infringement of Community law in the field of procurement or national rules implementing that law and that he would have a real chance of winning the contract and that, as a consequence of that infringement, that chance was adversely affected. This does not mean that the person making the claim must prove that the contract would have been awarded to him in the absence of such infringement.

That is to say, one needs proof of an infringement, evidence of the damages and it has to be proved that a link of causality exists.

Damages can be claimed directly before the competent courts. However, where damages are claimed on the grounds that a decision has been taken unlawfully, member States may provide that the contested decision must be first set aside or declared illegal, if their system of internal law so requires.

As regards positive damages, i.e. *lucrum cessans*, the directives do not oblige member States to provide for the compensation of lost profits to the injured persons. However, nothing in the directives prevents member States from including such a possibility in their national rules. In that case, compensation for lost profits will be awarded according to the requirements set up in the national legislation.

As regards punitive damages being awarded to third parties and which would therefore have a deterrent effect, they are unknown in the European legal system. The directive does not contain any provision requiring member States to oblige contracting entities to grant punitive damages to injured persons.

The Utilities Remedies Directive provides for a special procedure known as attestation. Contracting entities are given the possibility of having recourse to an attestation system in which contract award procedures are periodically examined by independent bodies with a view of obtaining

an attestation that, at that time, those procedures and practices are in conformity with Community law concerning the award of contracts and the national rules implementing the law.

If the Remedies directives have not been duly implemented, parties may bring a case against the member State in question before a national court of that State, invoking the ECJ case law which states that the member State could be liable for failure to implement directives, provided that some requirements are met (see ECJ judgments in cases Francovitch and Brasserie du Pecheur).

There is also a mixed procedure. Any national court can raise a preliminary question before the European Court of Justice in Luxembourg in order to obtain a judgment interpreting the E.C. law provision which might be applicable to the case. During the procedure before the ECJ, the Commission is allowed to intervene and express its views. After the ruling of the European Court of Justice, the national court "a quo" must rule in the case in question according to the interpretation given. See article 177 of the E.C. Treaty.

(ii) In what concerns **EC review procedures**, parties can lodge complaints with the EC Commission, possibly at the same time as a domestic legal action, with the latter not being a necessary preliminary to the lodging of such a complaint. A complaint can be treated in confidence and does not involve any expense.

The Commission examines those complaints, and when it considers that an infringement of Community provisions in the field of procurement has been committed, it can open the procedure established in articles 169 and 170 of the Treaty, which, after prior consultations between the Commission and the member State, can lead to the adoption of a decision by the European Court of Justice. There is a special procedure under article 3 of the Remedies Directive and article 8 of the Remedies Utilities directive in the case that the Commission considers that an infringement has been committed prior to a contract being concluded.

The Commission can also, under articles 186 of the E.C. Treaty and 83 of the Procedure Regulation of the Court, seek, in an interlocutory procedure before the Court of Justice, to obtain the suspension of the award procedure.

(iii) These directives are implemented at **member State level**. See infra for detailed information.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? In the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*
- *Do these measures include the possibility to suspend the procurement process? On what conditions?*
- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*
- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*
- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

See answers by member State, *infra*.

IV.3.A Challenge procedures - Article XX: Austria

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The challenge procedure is exercised by:

- (1) the "Bundesvergabekontrollkommission" (hereinafter "Control Commission"); and
- (2) the "Bundesvergabeamt" (hereinafter "Federal Procurement Agency") in first and final instance.

The actual challenge procedure before the Federal Procurement Agency is initiated by an undertaking, which claims to have an interest in obtaining a particular public contract, subject to the Federal Procurement Act, and which seeks review of an unlawful decision of a contracting authority in the procurement procedure, provided that it has been or risks being harmed by the alleged infringement.

The Federal Procurement Agency is responsible for the execution of the challenge procedure which aims at setting aside unlawful decisions. Before the award of the contract, the Federal Procurement Agency has the competence:

- (1) to issue interim measures (see also point 14. (iv) below); and
- (2) to annul unlawful decisions of the contracting authority.

Following the award of the contract or the award procedure, the Federal Procurement Agency is responsible for stating if the contract has not been awarded to the economically most advantageous bidder in an unlawful manner.

The complaint to the Federal Procurement Agency is normally subject to the precondition that the claimant first attempted to reach an amicable settlement before the Control Commission, where the case has not already been settled amicably, and also that the claimant appeals within two weeks after the Control Commission has made a recommendation on the case.

Following the conclusion of the contract or the completion of the award procedure, the time-limit is six weeks commencing from the day the claimant learns of the award.

As regards a claim for damages on behalf of the neglected bidder, please refer to point 14(v) below.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

As regards the time-limit for a complaint before the Federal Procurement Agency, please refer to question 13 above. The following paragraphs provide information on the procedure before the Control Commission.

Before the award is made, the Control Commission is responsible for the settlement of disputes between candidates or tenderers and the contracting entity in relation to the award procedure upon request. After the dispute has become known, the request has to be filed expeditiously. There is no official time-limit.

The conciliation body of the Control Commission shall hear both parties of the dispute and shall investigate the facts of the case. Within a time-limit of two weeks, it must try to reach an amicable settlement. If this is not possible, the conciliation body has to make a recommendation on the application of the provision which gave cause to the dispute.

During the procedure before the Control Commission the contracting authority must not award the contract.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? In the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Federal Procurement Agency is a public body granted with sovereign rights. It has the competence to deliver enforceable acts. Its members are free in their decisions and not bound by any directives or orders. Appeals are not allowed from the Federal Procurement Agency to any other administrative agency or the Administrative Court. The only recourse against a decision of the Federal Procurement Agency is a complaint to the Constitutional Court.

The Federal Procurement Agency consists of a chairman, a sufficient number of deputy chairmen and other members. The chairman and the deputy chairmen must hold positions as judges. The President of the Republic appoints them all upon the recommendation of the Federal Government for a period of five years.

The Federal Procurement Agency therefore fulfils the criteria of a tribunal within the meaning of Article six of the Human Rights Convention as well as the criteria of a court within the meaning of Article 177 Treaty of Rome.

The Control Commission, in contrast, is a mere arbitration body which has no competence to deliver enforceable acts. It is restricted to mediation and negotiation only. As regards its composition and the legal position of its members, the same rules apply for the Federal Procurement Agency.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Federal Procurement Act of 1997 and the regulations enacted upon it are applicable to the challenge procedures on federal level. Claims for damages have to be brought before civil courts and are governed by Civil Law.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

After the initiation of the challenge procedure before the Federal Procurement Agency, this body may, upon request, grant necessary and appropriate interim measures by way of an interlocutory procedure, to prevent the complainant against further injury of its interests. The body has to take into account the probable consequences for all interests likely to be affected, especially the public interest in continuing such a procedure.

The interim measures may include:

- (1) the interim suspension of the whole award procedure; or
 - (2) the interim suspension of decisions of the contracting authority as long the Agency has not decided on the merits.
- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the contracting authority has breached the provisions of the Federal Procurement Act culpably, a neglected tenderer or candidate may claim damages, provided that it could have a real chance of winning the contract, had the contracting authority complied with the law. A neglected tenderer may demand lost profit, bid preparation costs as well as all other costs caused by the participation in the award procedure. The claim for damages has to be filed at the ordinary civil courts.

Austrian Procurement Law does not provide any means for rescinding a concluded contract. However, the annulment of a concluded contract is possible in certain restricted circumstances under Austrian Civil Law.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The Federal Procurement Agency has to decide on an application for an interim measure within five days, at the latest. On an application for the annulment of decisions of the contracting authority, the time-limit is two months, provided that the contract has not been awarded. Furthermore, the Austrian Code on Administrative Procedure is applicable to the administrative procedure before the Federal Procurement Agency.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The complainant may be required to pay the expenses of the procedure before the Federal Procurement Agency according to the Austrian Code on Administrative Procedure. There is no fee for the complainant before the Control Commission.

IV.3.B Challenge procedures - Article XX: Belgium

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The Council of State (*Conseil d'Etat*) is the judicial body responsible for ruling, by means of orders, with respect to annulment proceedings against acts of the various administrative authorities.

As regards government contracts in particular, the Council of State may annul any unilateral and detachable acts associated with their conclusion and execution.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

To lodge an appeal for annulment of an administrative act with the Council of State, the applicant must provide evidence of damage or legitimate interest. The application to intervene must be submitted within a maximum time-limit of 60 days following the date on which the applicant learned of the administrative act in question.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"?*

The Council of State is an administrative tribunal.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The coordinated laws of 12 January 1973 on the Council of State.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

Requests for the suspension of an administrative act may be referred to the Council of State, which may order suspension of execution to safeguard the interests of the parties (summary administrative jurisdiction procedure).

Suspension of execution may only be ordered if serious grounds are put forward to justify the annulment of the challenged act and provided the immediate execution of the act could cause an applicant serious damage which is difficult to repair.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

When a complaint has been lodged of violation of the Agreement in the course of public procurement procedures coming within the scope of application of the Agreement, the Council of State annuls the challenged decision.

Requests for compensation of loss come under civil law and fall within the jurisdiction of the civil courts.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The decision to suspend execution as described in point (iv) above is an emergency decision and taken as rapidly as possible. The final decision is taken within the time-limit required to examine each case with due respect for the rights of the Parties.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The costs of initiating a challenge procedure with the Council of State are minimal, amounting to 7,000 Belgian francs in 1997. Lawyers' fees are charged to the complainant.

IV.3.D Challenge procedures - Article XX: Germany

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

In the Federal Republic of Germany there are two separate bodies which are responsible for challenge procedures:

(a) The challenge procedure before the initial review bodies - "die Vergabeprüfstellen" - (Procurement Inspection Agencies) may be initiated ex officio or ex parte by a bidder. There is no time-limit to launch a complaint. There is no restriction of access to the challenge procedure for the participants. The proceedings can take place in public. Participants can be heard by the review body before a decision is reached. Participants can be represented by a lawyer. Opinions or decisions are given in writing with a statement describing the basis for the opinion or decision. A presentation of witnesses is possible. Documents have to be disclosed to the review body if requested.

The "Vergabeprüfstelle" may force the awarding authority to set aside unlawful actions or decisions or to set lawful actions or decisions. In particular, the "Vergabeprüfstelle" is authorised to suspend awarding procedures. In its consideration the body has to take into account the probable consequences for all interests likely to be affected, especially the public interest in continuing such a procedure. There is no fee for the complainant before this body.

(b) The secondary review bodies responsible for challenge procedures are the "Vergabeüberwachungsausschüsse" (Procurement Monitoring Commissions) which are courts in accordance with EC law. On a federal level they are attached to the "Bundeskartellamt" (Federal Antitrust Authority), on the state level as a rule to the "Landeskartellämter" (Regional Antitrust Authorities).

The function of the "Vergabeüberwachungsausschüsse" is to review the decisions of the "Vergabeprüfstellen". This review procedure can be initiated by the complainant of the procedure

before the “Vergabepflichtstelle” within four weeks after a decision has been taken. All participants of the first procedure must be heard by the review body. The body can either legitimize the decision of the “Vergabepflichtstelle” or declare it unlawful. In the latter case, the “Vergabepflichtstelle” is instructed by the “Vergabeüberwachungsausschuß” to re-examine the case and decide upon it according to its own interpretation of law.

The complainant may be required to pay the expenses of the procedure.

The president of the “Bundeskartellamt” is responsible for the appointment of the members of the “Vergabeüberwachungsausschuß” on the federal level who are independent and only subject to the law. The chairman and one of the assessors must be officials, the chairman and one of the assessors must hold position as judges.

If the “Vergabeüberwachungsausschuß” considers that a decision on the interpretation of Community law is necessary to enable it to give judgement, it must bring the matter before the European Court of Justice.

The legal basis for the establishment of the “Vergabepflichtstellen” and the “Vergabeüberwachungsausschüsse” is Art. 57 b and Art. 57 c of the “Haushaltsgrundsätze-gesetz” (Budgetary Principles Law) and the “Nachprüfungsverordnung” (review directive).

Independently of the review decision, bidders may claim damages before ordinary courts; this is not subject to a time-limit.

In order to improve the rights of aggrieved bidders, the Federal Government of Germany has decided to give them access to ordinary courts. The legal framework is currently being amended.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

Please refer to answer to question 13.

IV.3.DK Challenge procedures - Article XX: Denmark

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

For answer, refer to the enclosed article on the challenge procedures in Denmark, published in the EU Public Contract Law N° 1/1996.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

There are not time-limits.

(ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The Danish Appeal Board for Public Procurement is, at the least, ‘an impartial and independent review body’. It is not clear, however whether the review body possesses all the characteristics required to be considered as a ‘court’ in the sense of Article 177 of the Treaty.

The Composition of the appeal Board is the following: A High Court judge acts as chairman, assisted by two deputy chairmen also holding position as judges. A number of experts serve as ‘specialist members’ of the Board in addition to the judges. Chairman, deputy chairmen and experts are all appointed by the Minister for Industry and Trade and serve for 4 years. They may be re-appointed upon expiration of their 4-year term.

The decisions of the Appeal Board are subject to judicial review. Within a period of 8 weeks from the date on which the decision of the Board has been communicated to the parties of a dispute, this decision can be brought before the ordinary courts.

To bring a complaint before the board is, according to Danish law, an option. Alternatively, a complaint can be brought before an ordinary court in the first instance. Also in such cases, a decision can be brought before a higher court.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

‘Applicable law’ is EC law on public procurement or Danish regulations implementing EC law in that field (which amounts to the same) plus relevant EC Treaty provisions (in cases where a public contract, e.g. because of minor value, is not subject to the provisions of the EC procurement directives).

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The review body has the powers to suspend contract award procedures or require the contracting authority/entity to comply with applicable law (in other words to legalise its actions).

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The review body can annul unlawful decisions on which the award of a contract is based or impose the latter of the two sanctions mentioned under (iv) above.

Compensation falls outside the competence of the Board and has to be claimed separately from a bid challenge before an ordinary court (except, probably, in cases where decisions taken by a

contracting authority/entity are challenged directly before an ordinary court_-and not the review body)..

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

There are no legally fixed time periods for the stages of the challenge process. These are fixed by the chairman of the review body, taking into account the need for a rapid settlement of disputes in accordance with the objectives of the 'remedies' directive and the GPA and, of course, the need for a particularly rapid reaction from the Appeal Board in cases where imposition of interim measures is requested.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

It is formally required that a fee of DKK 4000 is paid together with the submission of a complaint before the Appeal Board. This fee will be paid back to the complainant in cases where the Board, in whole or in part, rules in his favour. There is no requirement as to representation before the Board through an expert, e.g. a solicitor. However, in cases where the Board rules in favour of a complainant, the is entitled to claim the expenses (in addition to the fee) he might have had to cover legal or other expert assistance in connection with the complaint.

IV.3.E Challenge procedures - Article XX: Spain

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The notification of the agreements must contain a precise reference to the challenge procedures including: the type of remedy available, the body responsible and the deadline for filing complaints, with the warning that the deadline runs from the day on which the notification is received.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

Thirty days or two months according to the type of remedy.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"?*

According to the type of remedy, the administrative body hierarchically above the body responsible for the challenged act, or a jurisdictional court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Law 30/1992 of 16 November on the legal regime of the public administrations and on the common administrative procedure, and the Law on Administrative Jurisdiction of 27 December 1956.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The body responsible for settling the complaint is authorized to act ex officio or at the request of a party to suspend the challenged act.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The ruling must cover all of the questions raised during the challenge procedure, declaring them either admissible or inadmissible, and if admissible, accepting or rejecting them.

Compensation for loss or damages suffered may be decided during the same proceedings or in separate proceedings where there are good grounds.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

In the case of administrative challenges (Law on the legal regime of the public administrations and on the common administrative procedures) a ruling must be pronounced within a period of three months. If an explicit decision is not made during that time-period, the challenge is to be understood to have been rejected, without prejudice to the administration's obligation to reach a settlement.

The time-limits for judicial proceedings are governed by the Law on Administrative Challenge, and the settlement of challenges depends on the issues under consideration.

- (vii) *What is the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

Administrative challenges are free of charge. Judicial challenges are also free of charge except in cases where the challenge is considered to have been made in bad faith.

IV.3.EL Challenge procedures - Article XX: Greece

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Greek law provides for challenge proceedings in public procurement cases. The proceedings are indeed in writing and are open to all aggrieved parties. Very recently Greece has also adopted legislation to implement the Remedies Directive, i.e., directive 89/665/EEC. No implementing measures for Directive 92/13/EEC (the Remedies Utilities Directive) have been adopted. Greece have to implement the latter by 1.1.1998.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

A complaint is subject to the jurisdiction of the administrative or civil courts, depending on the nature of the awarding authority. If the complainant seeks the annulment of an administrative act,

such as an award decision, the action should be filed to the Supreme administrative court of Greece within a time-limit of sixty days from the date on which the contested act is published or notified.

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The bodies responsible for challenge proceedings are courts.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Greek law and Community law.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

A complainant may apply to court for an interim order, which may result in the suspension of the procurement process, the conservation of documents etc. If successful, the complainant will have to introduce a full court action within thirty days from the order.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The awarding decision might be annulled. Damages may also be awarded.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Under the new law, which I understand will enter into force in November this year, the complainant has to introduce an objection with the awarding authority within 5 days from taking notice of the contested act. The decision on the objection must be rendered within 10 days. Interim proceedings to a court will have to be introduced within 10 days from the decision of the awarding authority. If successful, the complainant will have to introduce a full court action within thirty days from the order.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The costs will depend on the procedure and the value of the project. In both administrative and civil proceedings, the judge will usually order the losing party to pay the legal costs of the successful party. However the amount covered is very low and does not cover the actual costs of a procedure.

IV.3.F Challenge procedures - Article XX: France

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Directive 89/665 has been transposed into French law through Articles L22 and R241-24 of the Code of Administrative Tribunals and Administrative Appeal Courts (copy attached) as regards procurement contracts considered public both under Community law and under the French Code on Public Procurement.

The above-mentioned Directive was transposed through Article 11-1 of Law N° 91-3 as amended on 3 January 1991 and Articles 1441-1 to 1441-3 of the new Code of Civil Procedure as regards procurement contracts considered public under Community law but private under French law (copy attached).

Directive 92/13 was transposed:

- Through Articles L22 and R241-24 of the Code of Administrative Tribunals and Administrative Appeal Courts with respect to contracts concluded by the operators of networks covered by the Code on Public Procurement (State, territorial communities, local public institutions);
- through Article L23 of the said Code of Administrative Tribunals as regards contracts concluded by operators of networks not covered by the Code on Public Procurement and qualifying as administrative contracts (copy attached);
- through Articles 7-1 and 7-2 of the Law of 11 December 1992 as amended with respect to contracts concluded by operators of networks that are not covered by the Code on Public Procurement and qualifying as private law contracts (copy attached).

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

See attached documents.

IV.3.I Challenge procedures - Article XX: Italy

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The Italian system of complaints foresees the challenge procedures in writing, available to all offers, in front of administrative judges in any case of breaches of legitimate interests before the stipulation of contract. After this phase bidders may go to the ordinary judge competent for subjective rights and compensation for loss and damages.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

In domestic legislation, the time-limit to launch a complaint is 60 days.

(ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The body responsible for the challenge procedures is a court whose name is “Tribunale Administrativo Regionale” (Administrative Regional Court), subject to judicial review by the “Consiglio di Stato” (Council of State) in the case of appeal from bidders and from contracting entities.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Law 6 December 1971, n. 1034 (Articles 19 to 37)

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

Precited law foresees rapid interim measures to correct breaches and to preserve commercial opportunities like the suspension of the procurement procedures (article 21) if there is a prima facie case (*fumus boni iuris*) and the damages may become serious and irreparable (*periculum in mora*).

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

Precited law foresees the annulment of the procurement procedures for breach of the law. In addition, the ordinary judge may give the compensation for loss or damages suffered following the principle of “loss of profit and accruing damage”.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

In general, a challenge procedure could last about 2 years (including the time period to obtain interim measures and a final decision).

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The usual costs are, on the average, about LIT 2 millions, without possibility to do free of charge.

IV.3.IRL Challenge procedures - Article XX: Ireland

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Challenge procedures are available (by intent) through the Irish Courts as set out in the transposing Instruments for the EU Directives on public procurement.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

It is the Court, specifically the High Court of Ireland, which is responsible for hearing such cases.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Agreement and EU law and national law, as applicable.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The rapid interim measure would be suspension of a procurement process. The conditions would be determined by the Court in accordance with the terms of the Agreement.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

First part: a declaration that an award procedure was in breach of the Agreement or otherwise illegal. The Court has wide discretion to award costs and compensation to aggrieved parties.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Interim measures, at least on a temporary basis, can be granted upon application and after initial hearing by the Court. There is no time-limit for the final determination of the matter by the Court.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

IV.3.L Challenge procedures - Article XX: Luxembourg

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Challenge procedures (voluntary or contentious) are open to any candidate or bidder irrespective of nationality.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to lodge a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

The time-limit for lodging a complaint is three months following the notification of the decision of refusal.

- (ii) *What body is responsible for the challenge procedures? Is this "court" or an "impartial and independent review body"?*

The Administrative Tribunal has the authority to examine disputes concerning the award of public contracts. Appeals may be made through the Administrative Court. The Administrative Tribunal is, of course, impartial and independent:

- Its members are appointed by the Grand Duke;
- it is a judicial body; and
- there is a possibility of appeal.

All of the provisions of Article XX, paragraph 6 are guaranteed under the Law of 7 November 1996 on the organization of the administrative courts.

- (iii) *What is the applicable law by reference to which the challenged body will examine complaints?*

Law of 7 November 1996 mentioned above.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

Possibility of emergency interim suspension. It is up to the judge to decide on any possible suspension in the light of the seriousness of the alleged violation.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenged body order?*

When a complaint has been lodged of violation of the Agreement in the course of procurement procedures coming within the scope of application of the Agreement, the Administrative Tribunal annuls the challenged decision.

Requests for compensation of loss of profits come under civil law and fall within the jurisdiction of the civil courts.

- (vi) *Give any available information on the time-periods for the stages of the challenge process including to obtain interim measures and a final decision.*

The decision to suspend procedures as described in point (iv) above is an emergency decision taken as rapidly as possible. The final decision is taken within the time-limit required to examine each case with due respect for the rights of the Parties.

- (vii) *What is the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There are no charges for bringing a case. Lawyers' fees are charged to the complainant.

IV.3.NL Challenge procedures - Article XX: Netherlands

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Legal foundation:

Contractors/suppliers may file claims on the grounds of an unlawful act with the civil courts, pursuant to Article 162, Book 6 of the Civil Code. Failure to act in compliance with national legislation on government orders (which incorporates the relevant international agreements) can be regarded as an act in contravention of a statutory duty and is unlawful in respect of the contractors/suppliers who are passed over.

In as far as there is an agreement between the contracting service and a contractor/supplier, a claim may be filed pursuant to Article 74, Book 6 of the Civil Code.

In the event of any failure to comply with an agreement, a claim may be filed by the contracting service or the party to whom the contract was awarded.

Procedure:

According to rules of the Code of Civil Procedure (Rv); ordinary civil proceedings (on the merits of the case) or, in urgent cases, interim injunction proceedings (Article 289 et seq. of the Rv).

With regard to accessibility, Acts are published in the Statute Book and regulations based on them in the State Gazette. These are accessible and available to the general public.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

The Netherlands does not have a time-limit of less than 10 days for instituting appeal proceedings. The general period of limitation for claims is 20 years, and the period for claims regarding compliance with commitments or compensation for damages is five years (Article 306 et seq., Book 3 of the Civil Code).

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

Appeal proceedings before a civil court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Applicable law: relevant provisions regarding government orders; general civil law and law on civil procedure.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

Possibility for urgent provision; interim injunction proceedings (Article 289 et seq. of the Rv)
With respect to the question on suspension:

In the event of an unlawful act:

- Possibility of prohibiting unlawful conduct (improper actions in tendering procedures) (Article 296, Book 3 of the Civil Code), with a penalty if necessary (Article 611a of the Rv).

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

See item (iv) and, with regard to unlawful acts, the possibility of compensation for damages.

In the event of default (Article 74 et seq., Book 6 of the Civil Code):

- Compliance order, possibly with compensation for damages.
- Compensation for damages in place of compliance.
- Right to dissolution of the agreement, possibly with compensation for damages. The nature of the compensation for damages is regulated in Article 95 et seq., Book 6 of the Civil Code.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

- Interim injunction proceedings: no fixed term for hearing of the case/ruling by the court; proceedings can vary from a few days to several weeks.
- Appeals must be filed within 14 days of the ruling being handed down by the court in interim injunction proceedings (Article 295 of the Rv); there is no fixed term for the hearing.
- Appeals to the Supreme Court against the rulings handed down by a Court of Appeal must be filed within six weeks (Article 295 of the Rv).
- Civil proceedings on the merits of the case: no fixed term for hearing of the case/ruling by the court.
- Appeals: as a general rule, appeals must be filed within three months of the ruling being handed down by the court (Article 339 of the Rv); there is no fixed term for the hearing/ruling.
- Appeals to the Supreme Court: in general, within three months of the ruling (Article 402 of the Rv).

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

Costs of proceedings: these vary. In civil proceedings, fixed court fees are regulated in the Civil Court Fees Act. Fees depend on the claim and can range from about NLG 300 to NLG 8,300.

Other costs include the costs of legal aid, the costs of providing evidence, such as indemnification of witnesses (Article 208 of the Rv) and remuneration of experts (Articles 223 and 225 of the Rv). The Legal Aid for Indigent Persons Act provides for the possibility of cost-free legal action.

IV.3.P Challenge procedures - Article XX: Portugal

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Public procurement challenges are governed by the Law on the Procedure of Administrative Tribunals (*Lei de Processo dos Tribunais Administrativos*) approved by Decree Law (*Decreto-Lei*) N° 267/85 of 16 July 1985 with the amendments introduced by Law N° 12/86 of 21 May 1986.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to lodge a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

The first paragraph of Article 64 of Decree Law N° 55/95 of 29 March provides for a special time-limit of five days for the submission of a hierarchical remedy with respect to the discussion of a claim. Apart from this special time-limit, the usual time-limit for a hierarchical remedy challenging the legality of administrative acts is 30 days.

As regards contentious remedies in respect of administrative acts, the complainant has two months (four months for Macau residents or residents abroad) and the Government Procurator one year to initiate the procedure (Article 28 of Decree Law 267/85 of 16 July), and administrative law establishes the rule concerning the possibility of challenging at all times acts that are void or non-existent.

(ii) *What body is responsible for the challenge procedures? Is this "court" or an "impartial and independent review body"?*

While the body responsible for challenge procedures is above all the body hierarchically above the one responsible for the act, contentious remedies are examined by the Administrative Tribunals.

(iii) *What is the applicable law by reference to which the challenged body will examine complaints?*

The applicable law is the Law on the Procedure of the Administrative Tribunals (*Ley de Processo dos Tribunais Administrativos*).

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

There are no special rapid interim measures beyond those set forth in Article 84 of the Code of Administrative Procedure regarding the competence of the body responsible for the final decision. The interested parties may request suspension of execution of the administrative act during the contentious stage (Articles 76 and 55 of the Law on the Procedure of Administrative Tribunals and Decree Law N° 267/85 of 16 July). If the cumulative conditions of Article 76, paragraphs 1(a) and 1(c) are met, the result is a suspension of the procurement proceedings pending a decision by the tribunal.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenged body order?*

In general, breaches of the Agreement can be corrected by cancelling the administrative act awarding the contract and repeating the proceedings, or by granting compensation for the damage sustained in accordance with Decree N° 48051 of 21 November 1967 governing the tortious liability of the State with respect to public management acts.

- vi) *Give any available information on the time-periods for the stages of the challenge process including to obtain interim measures and a final decision.*

It is impossible to give any precise reply concerning the overall time-period for the contentious stage. However, challenge procedures are often efficient.

- vii) *What is the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

Common operational costs of the tribunals, which vary according to the value of the remedy.

IV.3.S Challenge procedures - Article XX: Sweden

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The remedies provided for in Chapter 7 of the Swedish Law on Public Procurement (LOU) in its current form are provisional measures and annulment proceedings as well as actions for damages. A supplier in the broad sense of the term claiming to have suffered injury or to be threatened with injury due to a violation of the provisions of the LOU may file a complaint with the Administrative Tribunal (*Länsrätt*), which determines whether the challenged public procurement procedure has been conducted in accordance with the said Law. The Administrative Tribunal may either take provisional measures or annul the procedure at any time until the public procurement contract has been concluded.

Once the contract has been concluded, the supplier may still submit a claim for damages to an ordinary court (*allmän domstol*). Indeed, the LOU stipulates that a contracting authority that has violated the rules established by the LOU must provide the supplier in question with compensation for the damage sustained.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

As regards provisional measures and annulment proceedings, the supplier may file a complaint with the Administrative Tribunal until the contract has been awarded.

A claim for damages may be filed with an ordinary court within a period of one year following the date on which the contract was concluded.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"?*

The Administrative Tribunal has jurisdiction over provisional measures and annulment proceedings. The common courts have jurisdiction for awarding damages to parties injured through a violation of the law.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Law on Public Procurement (1992:1528), amended and republished as Law (1993:1468) which entered into force on 1 January 1994, and further amended by Law (1994:614) which entered into force on 1 July 1994, Law (1995:704) of 8 June 1995 which entered into force on 1 July 1995, and by Law (1996:433). A further amendment is expected to enter into force on 1 January 1998.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The administrative tribunal may order the immediate suspension of the public procurement procedure pending a definitive decision on the substance of the case. It may, however, refrain from taking such a decision if the damage or inconvenience deriving from such decision can be considered to exceed the damage suffered by the supplier.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*
- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*
- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

(v)-(vii) The Swedish Public Procurement Office refers to the document attached hereto which deals, *inter alia*, with the question of remedies in Sweden.

IV.3.SF Challenge procedures - Article XX: Finland

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Award of damages. A claim for damages in case of an award procedure contrary to the Agreement or the implementing legislation shall be made in the court of law according the normal procedural rules of civil process law. One who has occasioned harm to a contractor by a procedure contrary to the Agreement or the implementing legislation shall be obliged to pay damages for the harm caused. Where a claim is made for damages representing the costs of participating in an award procedure, the candidate or tenderer shall, in order to be awarded damages, be required only to prove an incorrect procedure and that he would have had a real chance of winning the contract if the procedure had been correct.

Other remedies. The Competition Council may, at the request of the person to whom the proceedings apply:

- wholly or partly set aside a decision of a contracting party
- forbid the contracting entity to apply a point in a document relating to the procurement or otherwise to pursue an incorrect procedure, or
- require the contracting entity to correct its incorrect procedure.

The request shall be made in writing. A request concerning which proceedings have been instituted after the contract has been concluded shall not be accepted for consideration. The claimant shall, before submitting a claim to the Competition Council, inform the contracting entity in writing of his intention to bring the matter before the Competition Council. The Competition Council may, in order to emphasize the importance of complying with the prohibition mentioned above at point 2) or with the obligation referred to above at point 3, impose a fine on the contracting entity.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

There is no time-limit to launch a complaint in the Competition Council. It must be noted, however, that the Competition Council does not accept a complaint for consideration after the conclusion of the contract in question. In cases where the contract has already been concluded, the only remedy available is a claim for the award of damages before a court of law.

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The body responsible for the challenge procedures is the Competition Council, which is an impartial and independent review body. It has a chairman, a vice-chairman and seven members. The matter concerning the composition of the Council is prepared for discussion by the cabinet and referred for decision to the President of the Republic of Finland. The chairman and the vice-chairman of the Council shall have a degree in law and they shall have a good knowledge of the responsibilities of a judge. The members shall be persons who have a good knowledge of different aspects of economic life.

The decisions of the Competition Council are subject to judicial review before the Supreme Administrative Court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Competition Council will examine the complaints by reference to the Public Procurement Act (1502/92, amend. 1523/94), Order on the Procurement of Supplies, Services and Works in excess of the Threshold Value (243/95) or Order on the Procurement of Supplies, Services and Works by Entities Operating in the Water, Energy, Transport and Telecommunications Sectors (567/94, amend. 244/95). The Council may also apply directly the applicable provisions of the EC Treaty, applicable EC directives or the Agreement.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

After a claim has been brought before it, the Competition Council may, as an interim measure, forbid or suspend the implementation of a decision or otherwise order the procurement procedure to be suspended for the period during which the matter is being dealt with in the Competition Council. The prohibition to apply a point in a document relating to the procurement or otherwise to pursue an incorrect procedure (mentioned above in question 13) and the obligation to correct incorrect procedure (referred to above in question 13) may also be imposed as an interim measure.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The remedies for correction of the Agreement provided by the Competition Council are referred to under question 13.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

In urgent cases, the order for interim measures can be obtained from the Competition Council already on the same day when the proceedings have been instituted.

The time periods needed for adoption of the final decision depend on the various aspects of an individual case. In general, the Competition Council has given its final decisions within approximately 2-6 months from the initiation of the proceedings.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There is no information available on the usual costs of a challenge procedure. The Competition Council does not charge any fee of the challenge procedure, but there may be some other costs such as the fee charged by the lawyers the parties to a dispute may want to use etc. There is, however, no legal obligation to use a member of bar or any other type of a legal counsellor in the proceedings.

It is also possible that the Competition Council orders the losing side of the dispute to pay the process costs of the winning side. This may naturally lead to situations where the total costs of the proceeding may be considerably high.

IV.3.UK Challenge procedures - Article XX: United Kingdom

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

See EC answer.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

Complaints are required to be brought to the attention of the contracting authority/entity. Proceedings have to be initiated as rapidly as possible and, unless the courts grant leave, within three months of the grounds arising;

(ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The UK review bodies are the High Courts in England, Wales and Northern Ireland and the Court of Session in Scotland.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The applicable law by reference to which the Courts will examine complaints is likely to be the UK Regulations which implement the EC_rules and the proposed Regulations for clarifying the rights of GPA_providers where the GPA applies. In the meantime the courts can be expected to rely on their inherent jurisdiction to provide remedies for breach of the GPA, by reference to the GPA itself and the existing remedies for EC providers.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The UK courts have the necessary powers to award interim measures to correct breaches of the GPA, including suspension of an incomplete contract award procedure.

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The UK courts have powers to correct breaches by ordering the setting aside of a decision or action, or amendment of a document, by awarding damages or by both of these except that under the UK_non-implementation of the EC Compliance and Remedies Directives damages are to be the only remedy once a contract has been entered into.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

It is unlikely that there would be any significant delay in an application for interim measures but a final decision may take somewhat longer to obtain, depending on the facts of the case.

(vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The costs are those of legal representation.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

European Community

The present document reproduces the questions put to the delegation of the European Community and the responses given and comments made during the review of national implementing legislation at the Committee's meetings of 7 October 1998 and 5 October 1999.¹ The European Community's notification of its national implementing legislation in accordance with the Committee's Decision in GPA/1/Add.1 has been circulated in document GPA/20, dated 28 January 1998.

REPLIES TO THE QUESTIONS FROM KOREA AND THE UNITED STATES

I. IMPLEMENTATION OF THE EUROPEAN COMMUNITY LEGISLATION BY THE MEMBER STATES

Question from Korea

1. *Korea thinks that at the EC level, legislation on public procurement is generally in conformity with the rules of the WTO Agreement on Government Procurement.*

However, Korea has concerns about the implementation of that legislation by EC member States. The important aspect is not EC legislation per se but rather its full compliance by member States. According to "Single Market Scoreboard", which is issued by the EC Commission every six months to assess the degree of implementation of Directives for the single market, government procurement was reported to be the most poorly implemented area (only 55 per cent of the Directives are implemented by member States). Furthermore, as far as Korea knows, infringement procedures were initiated this year by the EC Commission against Greece, Spain and Italy due to their non-implementation of EC Directives.

Regarding these concerns, Korea would appreciate knowing what actions the EC is, and will be taking, to better comply with the GPA.

Through the decision of the Council of the European Communities of December 1994, ratifying the entire Uruguay Round package, the GPA has become a part of the domestic law of the European Community, in its entirety, from 1 January 1996, and is fully in force within the Community from that date. The EC Directives, which were the internal legislation of the European Community at the time of entry into force of the GPA was, to a large extent, in line with the GPA. The limited number of areas where this legislation was not entirely in line with the GPA related to the issues of threshold, the statistical reporting requirements and a very limited number of other issues.

¹ The minutes of these meetings have been circulated in documents GPA/M/10 and 12.

These areas were subsequently brought in line with the requirements in the GPA through two Directives which were adopted on 10 October 1996.

The Community acts in the procurement area through Directives which the relationship between deal with the suppliers and purchasers within the Community, giving suppliers certain rights and creating obligations for purchasers. The EC Directives do not deal directly with the relationship between suppliers from the GPA Parties (other than the EU member States) and purchasers within EU. With regard to the issue of whether domestic legislation of EC member States are in conformity with the requirements of the GPA on national treatment, relationship between the suppliers in GPA Parties members and purchasers within the Community is fully governed by the GPA which in its entirety has been made part of the EU Law since December 1994. In the context of GPA rules, it is important to ensure that non-European Community suppliers are governed by exactly the same procurement regime as suppliers from the Community. Any problems with the implementation of the Directives relates to relationship between the Community suppliers and purchasers and does not mean that any rights arising from the GPA for suppliers in the GPA countries, other than EU, has been affected in any way. The Commission and the member States consider it important that the Directives should be fully and correctly implemented within the deadlines laid down. Any problems with the implementation of the EC Directives does not affect the obligations of the member States under the GPA.

The reference to 55 per cent of the Directives in the Korean question relates to the cases in which the member States have not adopted all measures necessary to implement those Directives as far as they relate to purchases by EC contracting entities of products, services and works supplied by suppliers from the Community and is, therefore, outside the GPA context.

The European Commission, as the institution charged with the enforcement of the rules within the EC is fully committed to the implementation of the Single Market legislation. An Action Plan for the Single Market was approved by the Commission in 1997. One of its targets is to ensure that rules are effectively applied. Under this plan, each member State will be called upon to submit its detailed timetable and to demonstrate political commitment to eliminate urgently all delays in transposition. The Single Market Scoreboard, issued by the Commission every six months, is used to keep track of the progress in the implementation of the Directives for Single Market. Meanwhile, the Commission will continue to pursue infringement procedures vigorously and swiftly against member States which fail in these obligations, using sanctions against them where necessary.

In addition, as far as public procurement is specifically concerned, the Commission has approved this year a Communication on its future policy in this field in which a specific subchapter on improving the implementation of public procurement policy was included. The text of the Communication is available in the SIMAP website (<http://simap.eu.int>).

II. IMPLEMENTATION OF THE EC UTILITIES DIRECTIVE 93/38

Question from the United States

2. *Section I.1(i), Section I.1(iii) and Section IV.2(6) of the EC Notification of National Implementing Legislation make reference to the EC Utilities Directive 93/38. Section IV.2(6) refers specifically to Article 36 of the Utilities Directive. Is Article 36 of the Utilities Directive currently being implemented and enforced by Greece, Portugal and Spain?*

Directive 93/38 is applicable in its entirety in Spain as from 1 January 1997 and Directive 93/38 is applicable in its entirety in Greece and Portugal as from 1 January 1998 (Cfr. Article 45 §2 of Directive 93/38).

The preference granted to EC member States under Article 36 of the Utilities Directive continues to apply to the purchases not covered by the GPA.

III. PRIOR INFORMATION NOTICE

Question from the United States

3. *The EC response in Section IV.2(11) of GPA/20 on "Time Limits for Tendering and Delivery" indicates that deadlines for receipt of tenders can be reduced in instances where a "prior information notice" has been published. Please describe what information is required to be included in a prior information notice, and whether a prior information notice is equivalent to a "pre-information notice" as described in Section IV.2(8).*

The information to be included in the "prior information notices" is specified in Annexes IV of Directive 93/36, IV of Directive 93/37, III of Directive 92/50 and XIV of Directive 93/38.

The information required is:

- Name, address, etc. of the contracting authority, and, if different, of the service from which additional information may be obtained.
- Nature and quantity or value of the procurement. This information depends on whether the procurement concerns goods, services or works.
- Estimated date for initiating the award procedures.
- Other information (including for instance terms of financing of the works in the case of construction services).
- Date of dispatch of the notice.
- Date of receipt of the notices by the Office for Official Publications of the European Communities.
- Indication whether the procurement is covered by the GPA.

"Prior Information Notices" (also known as PINs) are also referred to as "indicative notices" in the directives. In document GPA/20, the expression "pre-information notice" used in Section IV.2.(8), though not technically accurate, is used as a synonym of "Prior Information Notice".

IV. FRAMEWORK AGREEMENTS

Question from the United States

4. *Section IV.2(10) states that Annex 3 entities are permitted to choose between open and restricted procedures without a call for competition, "for contracts to be awarded on the basis of a framework agreement ...". Please provide details on the legal definition of a "framework agreement" as well as information regarding when such agreements are permitted to be used and how they operate.*

Framework agreements in the European Community legislation are specifically dealt with only in the Utilities Directive, that is only for Appendix 3 entities. It is not mentioned at all in the Directive relating to public entities that is Appendix 1 and Appendix 2 entities.

According to Directive 93/38, the Utilities Directive, "framework agreement" shall mean an agreement between one of the contracting entities and one or more suppliers, contractors or service providers the purpose of which is to establish the terms, in particular with regard to the prices and, where appropriate, the quantity envisaged, governing the contracts to be awarded during a given period.

Annex 3 entities may regard a framework agreement as a contract and award it in accordance with Directive 93/38: i.e. using the open, restricted or negotiated (with publication) procedure, as appropriate. When contracting entities have awarded a framework agreement in accordance with Directive 93/38, a call for competition is not compulsory when awarding contracts based on that agreement.

According to Article 5 of Directive 93/38, contracting entities may not misuse framework agreements in order to hinder, limit or distort competition.

V. ENFORCEMENT

Question from the United States

5. *Please provide details on infringement actions currently undertaken by the European Commission against member States for violations of EC procurement laws outlined in GPA/20. Please also explain the impact of EC member State infringement of Community law in the field of procurement or national rules implementing that law on the EC's international obligations under the WTO GPA.*

Details of the infringement procedures undertaken by the European Commission against member States are not considered to be public, unless cases are brought before the European Court of Justice. However, the spokesman's service of the European Commission regularly issues press releases concerning public procurement infringements at earlier stages of the procedure. These press releases are publicly available and can be accessed through the RAPID database via the EUROPA server (<http://europa.eu.int>).

As for the impact of member State infringement of Community Law, it must be recalled that Article 189 of the EC Treaty provides that the form of Community legislation known as the "directive" is binding as to the result to be achieved but leaves the national authorities the choice of form and methods. Member States are therefore under an obligation to take all appropriate measures to make sure that the provisions of the directive are complied with. These measures have to be taken within the deadlines laid down.

It can happen that a member State fails to take all necessary measures to implement the directive by the date laid down, and it might be thought that the directive would then be inapplicable. But the same Article 189 provides the basis for what is known as "direct effect". The Court of Justice has interpreted Article 189 to mean that "when the conditions under which the Court has held that individuals may rely on the provisions of a directive before the national courts are met, all organs of the administration, including decentralized authorities such as municipalities, are obliged to apply those provisions" (ECJ, case Costanzo).

The impact of this judgment is not confined to the application of a provision in a particular directive; it also establishes the principle that national measures may not prevent the application of a provision in a particular directive if it can be applied directly.

The Commission has powers to ensure the full compliance with the directives includes the power to bring a member State before the Court of Justice. The same power exists when infringement of the obligations of the GPA is committed by any of the contracting entities covered under the GPA in any of the member States. An infringement of the obligations under the Directives would relate to the relationship between Community suppliers and entities and not to the relationship between the suppliers from the GPA countries and Community entities. As regards the Remedies Directive, if and when bid challenge rights are not granted in EU legislation because the Remedies Directive may not have been entirely implemented by a member State, there is a safety net in the community referred to as the "Francovitch Case Law" which provides suppliers from the GPA Parties other than those from the EC member States, with the possibility of taking a matter up in the European Court of Justice and having rapid and effective remedies available as required by the GPA would be able to use the safety net provided by the Frankovitch Case Law. The "Francovitch" case the Court accepted the principle that a member State must make good damage suffered by individuals as a result of an infringement of Community law, e.g. through its failure to transpose a directive into national law or to transpose it properly. This has been further developed in the "Brasserie du Pêcheur" case. Thus, this safety net allows any supplier from any GPA country with the possibility to go to court and to have rapid and effective remedies available to it, as required in the GPA Agreement, therefore, a non-implementation of the Remedies Directive by a member State does not effect the right of GPA suppliers as they will be able to use the safety net provided by the "Francovitch Case Law".

Question from the United States

6. *Section IV.3 of GPA/20 states that member States are authorized to choose between two "options" relating to the power of review bodies. Please describe what rapid interim measures, as required by GPA Article XX:7(a), are provided for in the second option, "indirect pressure".*

As stated in Section IV.3 of GPA/20 such "two options" possibility only concerns the legal regime applicable to Annex 3 entities (contracting entities subject to Directive 93/38). At the time when Directive 92/13 (the so-called Remedies Utilities Directive) was enacted, it was felt necessary to take account of the specific nature of certain legal orders in the EC by authorizing the member States to choose between the introduction of different powers for the review bodies which have equivalent effects. It is to be noted that claims for damages are always possible.

One of the options includes the power to intervene directly in the contracting entities' procurement procedures such as by suspending them or by setting aside decisions or discriminatory clauses in documents or publications. Thus, this option is based on traditional litigation.

However, in some legal orders, review bodies cannot, because of the legal nature of the some contracting entities, annul or suspend award decisions made by this kind of entities. This is why there is a second option, referred to in this question, which provide for the power to exert effective indirect pressure on the contracting entities in order to make them correct any infringements or prevent them from committing infringements, and to prevent injury from occurring. The kind of measures adopted are generally making orders for the payment of a particular sum, unless the infringement is corrected or prevented. This sum must be set at a level high enough to dissuade the contracting entity from committing or persisting in an infringements. These measures are to be taken at the earliest opportunity, if possible by way of interlocutory procedures and if necessary by a final procedure on the substance.

The distinction between the two options concerns the powers exerted by the review bodies rather than the actual procedure used. In both cases, there is a provision ensuring that measures are taken at the earliest opportunity.

One option is a judicial and the other is administrative procedure. In choosing either option the member State has to satisfy the over all conditions in terms of rapidity and having adequate remedies, in line with the GPA procedures.

The requirements in Article XX of GPA are more broadly worded than that in the Remedies Directive. It was decided to be more specific than the terms laid down in Article XX. Under both options there are sufficient guarantees that the remedies are offered rapidly and that they cover all the requirements of Article XX of GPA.

Question from the United States

7. *Section IV.3(13)(ii) describes EC review procedures. Please provide information concerning the length of time it ordinarily takes for the completion of Commission infringement determinations, decisions to be rendered by the European Court of Justice, and for member State compliance with these decisions and determinations.*

The length of time will depend on the of the complexity and the nature of the case in question. Formal procedure start by the Commission sending out a "letter of formal notice" to the member State in question. In general, member States have two months to present their considerations unless the urgency requires faster responses. Then the Commission can send a "reasoned opinion" in which it states why the member State in question has infringed Community Law and requests that appropriate measures are taken to correct the situation. If the member State does not comply with this "reasoned opinion" within the period stated (usually two months), the Commission may submit the case to the European Court of Justice. However, if the case justifies a more rapid intervention, time-limits are shortened.

The procedure before the European Court of Justice may last between one year and a half and two years, on average. But again, procedures can be quicker if there is a justified reason. Commission may (and normally does) ask for interim measures when this is needed.

Almost all cases are settled before reaching the Court of Justice, and most of them are settled even before the "reasoned opinion" is delivered, so length is variable and can be substantially more reduced than the figures above may suggest.

The Commission has the powers to overview the way in which the member States comply with their obligations under the EC laws. If the Commission comes to the conclusion that there is a violation either, on its own initiative or on the basis of a formal, informal or anonymous complaint. This may involve the violation of the Community laws implementing Community's international obligations *per se*. In that event, the Commission can start a procedure which in the final instance may lead to a Court of Justice decision. The actual cases which go for a decision of the Court decision are very few. In fact only one or two cases are decided by the Court of Justice, per year. In the majority of cases the complaints are resolved before reaching that stage.

V. QUESTIONS SPECIFIC TO MEMBER STATES

A. AUSTRIA

Question from the United States (Section IV.3.A of GPA/20)

8. *The response to question 14(i) of the Checklist in GPA/20 notes that after potential disputes become known, complaints must be filed with the Control Commission expeditiously. Would a complaint filed within ten days after a potential dispute became known generally be considered to have been filed expeditiously?*

The Austrian Bundesvergabegesetz (Federal Law on Public Procurement) determines no official time-limits for filing complaints. However, a complaint filed within ten days after a potential dispute became known would be considered to have been filed expeditiously.

B. GERMANY

Question from the United States (Section IV.3.D of GPA/20)

9. *Please provide additional information regarding Germany's amended legal framework for public procurement. Specifically, please provide information outlining the differences between the existing legal framework and the amended framework, and detailing the provisions of the amended framework which ensure fair and open competition to bidders.*

The rules on public procurement have been incorporated into the Law against Restraint of Competition (GWB) by insertion of a new 4th part of the Law, see BdGBI. 1998 Teil I, 2568, Nr. 59 dated 2 September 1988. The basic principles of public procurement (competition, transparency and non-discrimination) have been summarised in § 97 GWB. Admissible requirements not related to the public procurement – like environmentally advantageous producing methods, special social goals, affirmative action - have been restricted; they can be imposed on the bidders only where there is a legal basis for doing so. § 97 GWB spells out that the bidder is entitled to rely on the contracting entity observing the public procurement procedure.

An effective judicial review has been introduced and laid down in a comprehensive way, §§ 102 – 124 GWB. A newly created "Vergabekammer" (first instance for public procurement reviews) reviews public procurement procedures upon request. Upon appeal the Court of Appeal can review decisions of the first instance. The launching of a review procedure automatically triggers an interruption of the awarding procedure according to the new rules. The action for damages brought by either a bidder or a contracting entity has been laid down in the law, §§ 125 – 126 GWB.

C. SPAIN

Question from the United States (Section IV.3.E of GPA/20)

10. *Please provide clarification to the response under Section 13, particularly with regard to the reference to "[t]he notification of the agreements".*

The "Notification of the agreements" should be understood as the notification of the results of the tender. Under Spanish administrative law, public authorities have the obligation not only to notify bidders of the result of each tender but also to inform them of the legal remedies and procedures at their disposal in case they wish to challenge the result of the tender.

D. GREECE

Question from the United States (Section IV.3.EL of GPA/20)

11. *Does the response to question 14(vi) indicate that, under the new law, a complainant will have five days to launch a complaint after having learned of a contested act by an awarding authority?*

We should distinguish between: (a) proceedings for interim relief; and (b) the main action. The time-limits imposed by the new legislation relate mainly to interim relief proceedings. Thus, a plaintiff is obliged to submit an "administrative redress petition" with the awarding authority within five days after having learned of the contested act. If the petition is rejected, the plaintiff will be entitled to seek interim relief by an order of the competent court. The submission should be made within ten days from the rejection of the petition. The law provides however that in cases an interim relief order is granted, the plaintiff will have to initiate proceedings on the main action within 30 days from the order; failure to do so will automatically make the interim relief order void.

On the other hand, as regards the main action (e.g., action for the annulment of an administrative act, etc.) the normal time-limits continue to apply. For example, the time-limit for the introduction of an action for the annulment of a administrative act, will generally be of 60 days.

E. FRANCE

Question from the United States (Section IV.3.F of GPA/20)

12. *Do the documents referred to in question 14 respond to questions 14(i) through 14(vii); if so, are the documents available for GPA Party review?*

The documents referred to are reproduced in the attachment² to this paper.

F. IRELAND

Question from the United States (Section IV.3.IRL of GPA/20)

13. *Are there any time-limits to launching complaints, as mentioned in question 14(i)?*

The EU Remedies directives are transposed directly into Irish Law by Statutory Instruments. There is no time-limit to launching complaints in the Directives; similarly there is no time-limit in Irish law.

² French only

G. PORTUGAL

Question from the United States (Section IV.3.P of GPA/20)

14. As mentioned in the response to question 14(i), what is the difference between a hierarchical remedy with respect to the discussion of a claim, to which a five-day time-limit would apply, and a hierarchical remedy challenging the legality of administrative acts, to which a 30-day time-limit is applied?

The question refers to two different situations: an administrative claim ("reclamação") and a judicial claim ("recurso contencioso").

In the first case, suppliers have a five-day delay to ask the contracting entity to revoke its award decision.

If the decision is not revoked, the plaintiff has then a 30-day delay to introduce a law suit before the competent court ("Tribunal Administrativo").

ATTACHMENT

National Legislation of France

1. Code des Tribunaux Administratifs et Cours Administratives D'Appel

Article L.22

Le président du tribunal administratif, ou son délégué, peut être saisi en cas de manquement aux obligations de publicité et de mise en concurrence auxquelles est soumise la passation des marchés publics et des conventions de délégation de service public.

Les personnes habilitées à agir sont celles qui ont un intérêt à conclure le contrat et qui sont susceptibles d'être lésées par ce manquement, ainsi que le représentant de l'Etat dans le département dans le cas où le contrat est conclu ou doit être conclu par une collectivité territoriale ou un établissement public local.

Le président du tribunal administratif peut être saisi avant la conclusion du contrat. Il peut ordonner à l'auteur du manquement de se conformer à ses obligations et suspendre la passation du contrat ou l'exécution de toute décision qui s'y rapporte. Il peut également annuler ces décisions et supprimer les clauses ou prescriptions destinées à figurer dans le contrat et qui méconnaissent lesdites obligations. Sauf si la demande porte sur des marchés ou contrats passés par l'Etat, elle peut également être présentée par celui-ci lorsque la Commission des Communautés européennes lui a notifié les raisons pour lesquelles elle estime qu'une violation claire et manifeste des obligations de publicité et de mise en concurrence d'origine communautaire ou résultant de l'accord sur l'Espace économique européen a été commise.

Le président du tribunal administratif ou son délégué statue en premier et dernier ressort en la forme des référés.

Article L.23

Le président du tribunal administratif, ou son délégué, peut être saisi en cas de manquement aux obligations de publicité ou de mise en concurrence auxquelles sont soumis les contrats visés à l'article 7-2 de la loi n° 92-1282 du 11 décembre 1992 relative aux procédures de passation de certains contrats dans les secteurs de l'eau, de l'énergie, des transports et des télécommunications. Le juge ne peut statuer, avant la conclusion du contrat, que dans les conditions définies ci-après.

Les personnes habilitées à agir sont celles qui ont un intérêt à conclure le contrat et qui sont susceptibles d'être lésées par ce manquement.

Le président du tribunal administratif, ou son délégué, peut ordonner à l'auteur du manquement de se conformer à ses obligations. Il détermine les délais dans lesquels l'auteur du manquement doit s'exécuter. Il peut aussi prononcer une astreinte provisoire courant à l'expiration des délais impartis. Il peut toutefois prendre en considération les conséquences probables de cette dernière mesure pour tous les intérêts susceptibles d'être atteints, notamment l'intérêt public, et décider de ne pas l'accorder lorsque ses conséquences négatives pourraient dépasser ses avantages.

Le montant de l'astreinte provisoire est liquidé en tenant compte du comportement de celui à qui l'injonction a été adressée et des difficultés qu'il a rencontrées pour l'exécuter.

Sauf si la demande porte sur des marchés ou contrats passés par l'Etat, elle peut également être présentée par celui-ci lorsque la Commission des communautés européennes lui a notifié les

raisons pour lesquelles elle estime qu'une violation claire et manifeste des obligations mentionnées ci-dessus a été commise.

Le président du tribunal administratif, ou son délégué, statue en premier et dernier ressort en la forme des référés.

Si, à la liquidation de l'astreinte provisoire, le manquement constaté n'a pas été corrigé le juge peut prononcer une astreinte définitive. Dans ce cas, il statue en la forme des référés, appel pouvant être fait comme en matière de référé.

L'astreinte, qu'elle soit provisoire ou définitive, est indépendante des dommages-intérêts. L'astreinte provisoire ou définitive est supprimée en tout ou partie s'il est établi que l'inexécution ou le retard dans l'exécution de l'injonction du juge provient, en tout ou partie, d'une cause étrangère.

Article R.241-21

Toute personne habilitée à introduire un recours dans les conditions prévues par l'article L.22 doit, si elle entend engager une telle action, demander préalablement à la personne morale tenue aux obligations de publicité et de mise en concurrence auxquelles est soumise la passation des contrats et marchés mentionnés audit article de s'y conformer.

En cas de refus ou d'absence de réponse dans un délai de dix jours, l'auteur de la demande peut saisir le président du tribunal administratif ou son délégué, qui statue dans un délai de vingt jours.

Article R.241-22

L'article R.241-21 est applicable au représentant de l'Etat mentionné à l'article R.241-23.

Article R.241-23

Dans le cas prévu au quatrième alinéa de l'article L.22, l'Etat est représenté par le ministre de tutelle lorsqu'il s'agit d'un contrat passé par un établissement public de l'Etat ayant un caractère autre qu'industriel et commercial ou par le préfet lorsqu'il s'agit d'un contrat passé par une collectivité territoriale ou un établissement public local ayant un caractère autre qu'industriel et commercial.

Lorsqu'il s'agit d'un contrat passé par une personne morale de droit privé pour le compte de l'Etat, d'une collectivité territoriale ou un établissement public local ayant un caractère autre qu'industriel et commercial et relevant de l'Etat ou d'une collectivité territoriale, l'Etat est représenté, selon le cas, par le ministre ou le préfet intéressé.

Article R.241.24

La décision du président du tribunal administratif ou de son délégué, qui est exécutoire par provision, est susceptible de recours en cassation devant le Conseil d'Etat, dans la quinzaine de sa notification.

1. LOI n° 91-3 du 3 Janvier 1991 Modifiée (relative à la transparence et la régularité des procédures de marchés et soumettant la passation de certains contrats à des règles de publicité et de mise en concurrence)

Article 11-1

En cas de manquement aux obligations de publicité et de mise en concurrence auxquelles est soumise la passation des contrats définis aux articles 9, 9-1, 10 aux I, II, III, et IV de l'article 10-1 et à l'article 11 et relevant du droit privé, toute personne ayant intérêt à conclure le contrat et susceptible d'être lésée par ce manquement peut demander au juge de prendre, avant la conclusion du contrat, des mesures provisoires tendant à ce qu'il soit ordonné à la personne morale responsable du manquement de se conformer à ses obligations et, le cas échéant, à ce que soit suspendue la procédure de passation du contrat ou l'exécution de toute décision qui s'y rapporte. Elle peut également demander que soient annulées de telles décisions et que soient supprimées les clauses ou prescriptions destinées à figurer dans le contrat et qui méconnaissent lesdites obligations.

La demande peut également être présentée par le ministère public lorsque la Commission des Communautés européennes a notifié à l'Etat les raisons pour lesquelles elle estime qu'une violation claire et manifeste des obligations mentionnées au premier alinéa a été commise.

La demande est portée devant le président de la juridiction de l'ordre judiciaire compétente ou son délégué, qui statue en premier et dernier ressort en la forme des référés.

2. LOI n° 92-1282 du 11 Décembre 1992 (modifiée par la loi n° 93-1416 du 29 décembre 1993 et par la loi n° 97-50 du 22 janvier 1997)

Article 7-1

En cas de manquement aux obligations de publicité et de mise en concurrence auxquelles est soumise la passation des contrats définis à l'article 1er et relevant du droit privé, le juge ne peut statuer, avant la conclusion du contrat, que dans les conditions définies ci-après.

Sur demande de toute personne ayant intérêt à conclure le contrat et susceptible d'être lésée par un manquement, le président de la juridiction de l'ordre judiciaire compétente ou son délégué peut ordonner à l'auteur du manquement de se conformer à ses obligations. Il détermine les délais dans lesquels l'auteur du manquement doit s'exécuter. Il peut aussi prononcer une astreinte provisoire courant à compter de l'expiration des délais impartis. Il peut toutefois prendre en considération les conséquences probables de cette dernière mesure pour tous les intérêts susceptibles d'être atteints, notamment l'intérêt public, et décider de ne pas l'accorder lorsque ses conséquences négatives pourraient dépasser ses avantages.

La demande peut également être présentée par le ministère public lorsque la Commission des communautés européennes a notifié à l'Etat les raisons pour lesquelles elle estime qu'une violation claire et manifeste des obligations mentionnées au premier alinéa a été commise.

Le montant de l'astreinte provisoire est liquidé en tenant compte du comportement de celui à qui l'injonction a été adressée et des difficultés qu'il a rencontrées pour l'exécuter.

Le président de la juridiction de l'ordre judiciaire compétente ou son délégué statue en premier et dernier ressort en la forme des référés.

Si, à la liquidation de l'astreinte provisoire, le manquement constaté n'a pas été corrigé, le juge peut prononcer une astreinte définitive. Dans ce cas, il statue en la forme des référés, appel pouvant être fait comme en matière de référé.

L'astreinte, qu'elle soit provisoire ou définitive, est indépendante des dommages-intérêts. L'astreinte provisoire ou définitive est supprimée en tout ou partie s'il est établi que l'inexécution ou le retard dans l'exécution de l'injonction du juge provient, en tout ou partie, d'une cause étrangère.

Article 7-2

En cas de manquement aux obligations de publicité et de mise en concurrence auxquelles est soumise la passation des contrats définis à l'article 1er et relevant du droit public, toute personne qui a intérêt à conclure le contrat et qui est susceptible d'être lésée par ce manquement peut demander au juge de prendre, avant la conclusion du contrat, les mesures prévues à l'article L.23 du code des tribunaux administratifs et des cours administratives d'appel.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Iceland

The following communication has been received from the Permanent Mission of Iceland in accordance with the Committee Decision of 4 June 1996, relating to the procedures for the notification of national implementing legislation (GPA/1/Add.1).

**SUBMISSION OF LEGISLATIVE TEXTS AND DESCRIPTION OF
GPA IMPLEMENTATION**

The Ministry of Finance hereby respectfully submits a notification to the WTO Committee on Government Procurement, on the implementation of the Agreement on Government Procurement (GPA) into Icelandic national legislation. The Ministry of Finance regrets the delay incurred in submitting the notification.

This notification refers to the checklist of issues provided in GPA/1/Add.1 (Procedures for the Notification of National Implementing Legislation).

I. GENERAL ELEMENTS

1. Has the Agreement been transposed into national law and/or does it apply directly?

On 31 May 2001, a new Act on Public Procurement was passed by the Icelandic Parliament, Act No. 94/2001. This Act had been under preparation for some time. The purpose of the Act is, *inter alia*, to ensure equal treatment of bidders on public procurement and to encourage active competition and efficiency in public operations. With this new and comprehensive Act on Public Procurement, No. 94/2001, the EU/EEA directives on public procurement were fully implemented into the national legislation. Before that they were published as special regulations based on the general laws on the acceptance of the EEA agreement. Furthermore, in Act No. 94/2001 the WTO Agreement on Government Procurement (GPA) was transposed into the national legislation.¹

Below is the following list of national legal instruments in force today in the field of public procurement:

1. Act No. 94/2001, on Public Procurement. *Lög um opinber innkaup nr. 94/2001.*

¹ The complete texts of the basic legislation (laws and regulations) on government procurement, including an English translation of Act No. 94/2001 can be consulted in the WTO Secretariat (Office 3062).

2. Regulation No. 513/2001, on threshold figures regarding public procurement in the EEA and in accordance with the WTO Government Procurement Agreement. *Reglugerð nr. 513 um viðmiðunarfjárhæðir vegna opinberra innkaupa á Evrópska efnahagssvæðinu og samkvæmt samningi Alþjóðaviðskiptastofnunarinnar (WTO) um opinber innkaup.*
3. Regulation No. 705/2001, on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors. *Reglugerð nr. 705/2001 um innkaup stofnana sem annast vatnsveitu, orkuveitu, flutninga og fjarskipti.*
4. The Public Projects Procedures Act, No. 84/2001. *Lög um skipan opinberra framkvæmda nr. 84/2001.*
5. Regulation on Public Projects Procedures, No. 715/2001. *Reglugerð um skipulag opinberra framkvæmda nr. 715/2001.*
6. Act No. 65/1993, on the execution of tenders. *Lög um framkvæmd útboda nr. 65/1993.*
7. Parliamentary resolution on membership to the WTO Government Procurement Agreement. *Pingsályktun um aðild að samningi um opinber innkaup (Pskj. 871- 565.mál).*

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

The entities covered by Annex 1 and Annex 2 in Iceland's offer, that is central and municipality level, are covered by Act No. 94/2001. By definition all central entities that are covered by Act No. 94/2001 are also covered by the GPA.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

The rules on public procurement for entities covered by Annex 3 are stipulated in Regulation No. 705/2001, on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors, that is based on Act No. 94/2001. The Agreement has been implemented in this regulation.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

In regard to implementing the Agreement into laws at the municipality and the central level there are no differences. As stated above, Annex 3 is implemented with Regulation No. 705/2001, with reference to Article 6(2) of Act No. 94/2001.

5. *To what extent is information technology used in the process of government procurement?*

According to Article 48 of Act No. 94/2001, a contracting authority may decide that tenders may be submitted in other than written form, if it can be ensured that unauthorised parties do not learn of the contents of the tender and if its reception and reception time can be verified. A purchaser may receive and respond to queries by tenderers as referred to in Article 41 by means other than written, for example, by fax, e-mail, telegram or other equally secure manner. Reference can also be made to Article 18 of Regulation No. 705/2001.

I. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

According to Article 8 in Act No. 94/2001, holders of rights according to the Act are all individuals and legal entities domiciled in any of the Member States in the EEA. The same applies to other individuals and legal entities that have such rights on the basis of international treaties to which the Icelandic Government is a party. Titles 2 and 3 of the Act reflect the national treatment and non-discrimination commitments of Article III of the Agreement. It should also be mentioned that Article 11 of the Act stipulates the fundamental rule that in the case of public procurement, contracting authorities shall ensure equal treatment of bidders.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

Act No. 94/2001 does not provide for this opportunity. Article 59 of the Act (notification of total procurement) states that contracting authorities shall publish, as early as possible during each financial year, an estimate of total procurement of supplies, services or work, as listed in Annex A, for the ensuing 12 months, if the total amount of procurement reaches the threshold amounts for total procurement published by the Minister in a regulation as provided for in the first Paragraph of Article 56. Further reference is made to Articles 64 and 65 of the Act regarding time-limits. However, Regulation No. 705/2001 provides for this opportunity. Reference is made to Article 12 of Regulation No. 705/2001 which deals with the notification of total procurement.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

This opportunity is provided for in Regulation No. 705/2001. However, Act No. 94/2001 does not provide for this opportunity.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

According to Act No. 94/2001, entities are not allowed to use permanent lists of suppliers. According to Article 18 of Act No. 94/2001, in all other instances than those provided for by Articles 19 (negotiated procedure with prior publication of a contract notice) and 20 (negotiated procedure without prior publication of a contract notice), the open procedure or the restricted procedure shall be applied. A pre-qualification process shall always be applied prior to the restricted procedure. A pre-qualification process is subject to the rules on open procedure as applicable. According to Article 34 of the Act in restricted and negotiated procedures, pre-qualification shall be applied to select those parties invited to submit tenders. In the case of restricted procedures, or negotiated procedures as provided for in Article 19, pre-qualification shall be advertised in a conspicuous manner with the intention of providing all parties who can provide the supply, service or work in question, the opportunity of participating in the pre-qualification. In the case of restricted procedures, the number of participants selected to be invited to tender may be limited. As a rule, participants shall not be fewer than five or more than 20 in number. The number of participants selected must, in all cases, be sufficient to ensure genuine competition in the procedure. If the number of participants to be selected in pre-qualification is to be limited, mention must be made of such in the tender documents. In the case of negotiated procedures as provided for in Article 19, the number of participants to be selected in pre-qualification to submit tenders shall not be fewer than

three, as long as the number of participants is sufficient. In restricted or negotiated procedures, the parties selected for participation by a pre-qualification shall be invited to submit a tender in a notification sent to all of them concurrently. The notification shall be accompanied by tender documents and accompanying documentation, where applicable.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

Article 19 of the Act deals with negotiated procedure with prior publication of a contract notice. Article 20 of the Act deals with negotiated procedure without prior publication of a contract notice. Article 21 of the Act deals with negotiated procedure in a design contest. Article 22 of the Act deals with framework agreements. Further reference is made to these articles.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

Articles 64 and 65 of the Act contain the time-limits for tendering and delivery. These provisions reflect the various minimum time-limits established in the relevant EU/EEA Public Procurement Directives, as well as the time-limits set out in the Agreement (GPA). Further reference is made to Articles 64 and 65 of the enclosed Act.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

According to Article 23 of the Act, the following shall be included in tender documents, as applicable: 1. Language or languages in which the tenders shall be submitted. Usually the tenders are submitted in Icelandic but in English when dealing with larger procurements, e.g. within the EEA.

II. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Articles 75-82 of the Act concern the Tender Complaints Committee. The role of the Tender Complaints Committee is to resolve promptly and impartially complaints by individuals and legal entities concerning claimed violations of this Act and rules adopted pursuant to it. The Committee shall work independently. Its rulings and decisions as provided for in this Act may not be referred to other public authorities, cf. Article 75. The challenge procedure is laid down in Articles 76-81 of the Act. Finally, Article 82 of the Act states that the Tender Complaints Committee may adopt detailed rules, which must be approved by the Minister of Finance, on the submission of documents, procedures before the Committee and publication of its rulings.²

² A copy of these rules can also be consulted in the WTO Secretariat (Office 3062).

14. To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?

Article 78 of the Act deals with time-limit for lodging a complaint. According to Article 78(1), a complaint must be lodged in writing with the Tender Complaints Committee within four weeks of the complainant having learned, or having been able to learn, of the decision, action or failure to act which he considers a violation of his rights.

(ii) What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:

- How are its members selected?
- Are its decisions subject to judicial review?
- If not, how are the requirements of paragraph 6 of Article XX taken into account?

The Tender Complaints Committee is responsible for the challenge procedure. As stipulated in Article 75(1) of the Act, the Tender Complaints Committee shall be comprised of three persons appointed by the Minister of Finance for a four-year term. Alternates shall be appointed in the same manner. The chairman of the Committee and alternate must fulfil the legal requirements made of district court judges. Other members of the Committee must have comprehensive commercial knowledge and experience. Committee members must be independent of interests of the state or other public authorities. As stated previously, the Committee shall work independently. Its rulings and decisions as provided for in this Act may not be referred to other public authorities. However, the Committees decisions are subject to judicial review in front of the national district courts (Héraðsdómur) and the Supreme court (Hæstiréttur).

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

The Tender Complaints Committee works in accordance with Act No. 94/2001 and examines complaints with reference to Act No. 94/2001 and subsequent secondary legislation on public procurement. Reference is made to the list of national legal instruments in force today in the field of public procurement. It should also be mentioned that it is stated in Article 79(5) of the Act that handling of questions (before the Committee) shall in other respects comply with the Public Administration Act, No. 37/1993.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*
- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

Article 80 of the Act authorises a temporary suspension of contract procedures. This is regarded as a rapid interim measure to preserve commercial opportunities. The Article stipulates that if the Committee is of the opinion that there is considerable likelihood of a violation against the Act, or rules adopted pursuant to it, in a certain procurement it may, at the demand of a complainant, suspend the tender or awarding of the contract until a final decision has been reached on the complaint. The party against whom the complaint is directed shall as a rule be given a brief time-limit for expressing an opinion concerning possible temporary suspension of the tender or awarding of a contract. Derogation may be made from this provision in the case of a clear and obvious violation of this Act or rules adopted pursuant to it. A party involved may demand that the Committee give written grounds for a decision as provided for in this Article if such grounds did not accompany the decision when notice of it was given.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

Article 81 of the Act deals with the remedies available to the Tender Complaints Committee. The Article states that the Committee may with a ruling invalidate or alter a decision by the contracting authority for public procurement, cf. however Article 83. The Committee may instruct the contracting authority to tender certain procurement, advertise a tender once again or alter a tender notice, description of tender or other aspect of tender documents. The Committee may express its opinion on the liability of the contracting authority for damages towards the complainant, but shall not express itself concerning the amount of damages. The Committee may decide that the party against whom a complaint is directed shall pay the complainant the cost of lodging the complaint. If a complaint is clearly unjustified or lodged for the purpose of delaying the implementation of public procurement the Committee may rule that the complainant pay legal costs of the case, which shall accrue to the national treasury. If a ruling of the Committee as provided for in the first paragraph is not complied with, it may levy per diem fines on the party at which the ruling is directed. Fines may amount to up to ISK 500,000 for each day which elapses without compliance with the Committee's ruling. If a ruling is referred to a court the per diem fines shall not commence until final judgement is pronounced. Per diem fines as provided for in the fourth paragraph shall accrue to the national treasury. Per diem fines and a ruling on legal costs, as provided for in the third paragraph, are enforceable by execution without prior court judgement. Article 84 of the Act furthermore stipulates liability for damages.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The time-periods for the stages of the challenge procedure are laid down in Articles 78-81 of the Act. As stated previously, Article 78(1) stipulates that a complaint must be lodged in writing with the Tender Complaints Committee within four weeks of the complainant having learned, or having been able to learn, of the decision, action or failure to act which he considers a violation of his rights. Article 79(1) states that the complainant shall as a rule be given a brief time-limit in which to express himself on the comments from the respondent. Article 79(4) states that the Complaints Committee must deliver its ruling on a complaint as rapidly as possible, and no later than one month after it receives the documents referred to in Articles 78 and 79.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

It is free of charge to conduct a challenge procedure. However, it is stated in Article 81 of the Act that the Committee may decide that the party against whom a complaint is directed shall pay the complainant the cost of lodging the complaint. If a complaint is clearly unjustified or lodged for the purpose of delaying the implementation of public procurement the Committee may rule that the complainant pay legal costs of the case, which shall accrue to the national treasury.

WORLD TRADE ORGANIZATION

GPA/27
7 April 1999

(99-1382)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Hong Kong, China

The following communication has been received from the Hong Kong Economic and Trade Office in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

I. SUMMARY OF LEGISLATION

A. CENTRAL GOVERNMENT ENTITIES

1. Article 106 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China states: "The Hong Kong Special Administrative Region shall have independent finances". Article 110 states: "The monetary and financial systems of the Hong Kong Special Administrative Region shall be prescribed by law". The Public Finance Ordinance (Chapter Two of the Laws of the Hong Kong Special Administrative Region) provides the statutory framework for the control and management of the public finances of the Hong Kong Special Administrative Region.

2. The government procurement process is governed by the Stores and Procurement Regulations issued by the Financial Secretary/Secretary for the Treasury under the Public Finance Ordinance. These Regulations are supplemented by Financial Circulars and Finance Bureau Circular Memoranda issued by the Secretary for the Treasury from time to time. The procedures laid down in these Regulations and Circulars are fully consistent with the provisions in the Agreement on Government Procurement (the Agreement) of the World Trade Organisation. Chapters 2, 3 and 5 of the Stores and Procurement Regulations set out the procedures for the procurement of stores and services, as well as for contract administration. They cover all stores purchased or acquired on behalf of the Government (with certain exceptions as provided for in the Stores and Procurement Regulations); and services performed by contractors for and on behalf of Government (including construction and engineering works).

B. SUB-CENTRAL ENTITIES AND OTHER ENTITIES COVERED BY THE AGREEMENT

3. Sub-central government entities and Annex 3 entities have their own procurement systems and are not governed by the Stores and Procurement Regulations. Upon Hong Kong's accession to the Agreement on 20 May 1997, these entities have amended their procurement procedures in order to meet the requirements of the Agreement which include non-discriminatory treatment of goods and services, qualification of suppliers, tender procedures, and tender specifications.

C. BASIC LEGISLATION (LAWS AND REGULATIONS) ON GOVERNMENT PROCUREMENT ATTACHED

4. Copies of the following laws and regulations relating to government procurement have been submitted:

- Public Finance Ordinance (Chapter 2, Laws of the Hong Kong Special Administrative Region);
- Stores and Procurement Regulations; and
- Rules of Operation of the Review Body on Bid Challenges (under the World Trade Organization Agreement on Government Procurement).

II. CONTACT POINT

5. Requests from another Party concerning Hong Kong, China's legislation shall be addressed to:

Trade Department
17/F., Trade Department Tower,
700 Nathan Road, Kowloon,
Hong Kong

Tel: (852) 2398 5305
Fax: (852) 2787 7799

III. RESPONSES TO THE CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

The procurement of stores and services by all central government entities of the Government of the Hong Kong Special Administrative Region is governed by the Stores and Procurement Regulations. The principles underlying the government procurement system are consistent with the spirit and objectives of the Agreement. Certain provisions in these Regulations have been revised in May 1997 in order to fully align the government procurement procedures with the requirements of the Agreement.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Sub-central government entities have their own procurement systems and their procurement process is not governed by the Stores and Procurement Regulations. However, their procurement procedures generally follow those of the central government entities, except that the authority to accept tenders and to award contracts rests with the municipal authorities.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

The Annex 3 entities are not subject to the Stores and Procurement Regulations. They are autonomous in the implementation of the Agreement but their procurement procedures are consistent with the provisions in the Agreement.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The central level, the sub-central level and Annex 3 entities have their respective procurement procedures. However, there are no significant differences, in substance and with respect to the Agreement, in their procurement procedures.

5. *To what extent is information technology used in the process of government procurement?*

- (a) Central government entities

For central government entities, the following information concerning the procurement of goods and services is published on the Internet:

- (i) general information about government procurements, including the procurement policy, the general terms and conditions for procurement of goods and related services, and contact persons;
- (ii) invitations to tender, which include the information specified in Article IX:6, 8 and 11 of the Agreement;
- (iii) a forecast of major purchases and invitations to tender for construction and engineering works; and
- (iv) notices of awarded contracts, which include the information specified in Article XVIII:1 of the Agreement.

- (b) Sub-central government entities

These entities publish tender notices through the Internet. Such information includes that prescribed in Article IX:6, 8 and 11 of the Agreement.

- (c) Annex 3 entities

The Airport Authority and Kowloon-Canton Railway Corporation use information technology in government procurement, i.e. through the Internet. The Housing Authority also publishes tender notices through the Internet. As regards Hospital Authority and Mass Transit Railway Corporation, they are currently using manual form in government procurement, but they both have plans to make use of the Internet to publicize tender invitations and contract awards.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

All entities covered by the Agreement award contracts for supplying goods or services through open, fair and transparent procedures. There are equal opportunities for domestic and foreign suppliers and service providers. We do not discriminate between products on the basis of their country of origin. There are no discriminatory provisions in the procurement procedures against foreign suppliers, or foreign goods and services.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

In accordance with Article IX:2 of the Agreement, entities may publish an invitation to participate in an intended procurement in the form of a notice. For procurements through open and selective tendering procedures, all central government entities are required to publish tender notices in the Government of the Hong Kong Special Administrative Region Gazette. All tender notices contain the information specified in Article IX:6, 8 and 11 of the Agreement.

8. *Article IX: 3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

There is no implementing legislation or other requirements on sub-central and Annex 3 entities providing for this opportunity. Some entities may issue a notice of planned procurement or a notice regarding a qualification system as an invitation to participate placed in the format of a notice of expression of interest to participate, or notice of tender invitation of the type of tendering method engaged, in compliance with Article IX:3 of the Agreement.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the case of selective tendering procedures, the central government entities may consider establishing permanent lists of qualified contractors/suppliers for particular services or articles, where there is a frequent need to invite tenders for such service or articles but not all contractors/suppliers in the market are considered to be capable of providing the required services or articles. Central government entities must seek the prior approval of the Secretary for the Treasury for the establishment of such permanent lists. In making the application, a central government entity should explain the reasons for establishing the proposed list and provide information on the source of the prospective applicants, qualification criteria, assessment panel and method of assessment. In accordance with Article VIII of the Agreement, the qualification criteria are limited to those which are essential to ensure the ability of contractors/suppliers to provide the required services or articles, and do not discriminate among foreign contractors/suppliers or between domestic and foreign contractors/suppliers. Any subsequent revisions to the qualification criteria require the prior approval of the Secretary for the Treasury. In accordance with Article IX:9 of the Agreement, central government entities maintaining permanent lists of qualified contractors/suppliers are required to publish annually the up-to-date list, the period of validity of the lists, the method of application and assessment and the method of renewal, where applicable, in the Government of the Hong Kong Special Administrative Region Gazette.

There is no requirement on sub-central and Annex 3 entities to select lists of suppliers on a contract-by-contract basis, although many in practice do so. The entities may use permanent lists of suppliers in selective tendering procedures in accordance with Articles VIII and IX:9 of the Agreement.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

(a) Central government entities

The central government entities may conduct negotiations with the tenderers in order to achieve the best value for money. The central government entities must seek the approval of the relevant tender boards before conducting the tender negotiations, except in the following circumstances where the heads of the central government entities are authorized to approve the conduct of negotiations:

- (i) when only one tenderer is invited with the prior approval of the Secretary for the Treasury;
- (ii) when only one tender is received, and the tendered sum of the only offer is too high;
- (iii) when only one of the tenders received is technically acceptable but the tenderer has asked for a high price, and/or made counter-proposals or qualifications which conflict with the original tender conditions or specifications;
- (iv) when the tendered sum of the lowest conforming tender is too high.

The central government entities must follow the provisions and guidelines set out in the Stores and Procurement Regulations when conducting tender negotiations. These provisions and guidelines are fully consistent with the provisions set out in Article XIV of the Agreement.

(b) Sub-central government entities

Similar procedures with central government entities except prior approval from the respective municipal councils is required before the negotiation.

(c) Annex 3 entities

Annex 3 entities may conduct negotiations in circumstances similar to those as set out in 10(a) above, plus the following:

- (i) when the scope of an existing contract needs to be expanded and the price rates for the existing items of work are not applicable to the additional items of work; or
- (ii) when additional works need to be undertaken to include equipment or standards that are unique to a specialist company or identical to existing works or must be compatible with existing systems or proprietary software.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be “not less than X days”. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time-limits which have been established.*

(a) Central government entities

The Stores and Procurement Regulations require all central government entities to comply with the time-limits for tendering set out in Article XI, i.e. to allow at least 40 days for receipt of tenders and no less than 25 days for applications to be qualified to tender. Only in exceptional cases, the Secretary for the Treasury may approve a central government entity to reduce the period for receipt of tenders, having regard to the requirements set out in the Article XI:3 of the Agreement.

As to the delivery of goods and services, given that the time for delivery depends on the nature of the goods/services to be provided and the terms and conditions of individual cases, there is no across-the-board time-limit.

(b) Sub-central government and Annex 3 entities

Time-limits for tendering comply with Article XI: 3 of the Agreement whilst time-limits for delivery depends on the nature of the goods/services to be provided and the terms and conditions of individual cases.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

For central government entities, there is no explicit reference to the language of tender submission in all tender notices, invitations for applications to be qualified to tender, and tender documents. English can be used in all such documents.

For sub-central government and Annex 3 entities, English is accepted in tenders.

III. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

A Review Body has been set up to hear all challenges against alleged breaches of the Agreement by central and sub-central Government entities as well as Annex 3 entities. A set of "Rules of Operation of the Review Body on Bid Challenges" (the Rules) and a set of "Guide to the Review Body on Bid Challenges" (the Guide) are published. The former is a set of detailed rules governing the operation of the Review Body on Bid Challenges (the Review Body) and will be issued to all the parties concerned in a challenge. The Guide is an abridged version of the Rules and is available for public consumption which can be obtained from the Secretariat of the Review Body. Preparatory work is in progress to enable the information to be available via the Internet.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

In accordance with the Rules, if a supplier believes that a breach of the Agreement has occurred, he shall, within 10 working days after he knew or reasonably should have known the basis of the challenge, lodge a challenge to the Review Body on alleged breaches of the Agreement by procuring entities for relevant procurements. The Review Body may receive and consider a late challenge if reasonable cause for the delay is shown, but in any event no later than 30 days after the supplier knew or reasonably should have known the basis of the challenge.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent Review Body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Review Body is an impartial and independent body set up administratively by the Government of the Hong Kong Special Administrative Region.

- The Review Body consists of one Chairman, one Deputy Chairman and ten members. They are selected from a wide spectrum of society and appointed by the Secretary for Trade and Industry. Both the Chairman and Deputy Chairman are required to have legal qualifications. The current chairmanship is held by the Chairman of the Hong Kong International Arbitration Centre, who is also a former High Court Judge.
- The decisions made by the Review Body are not subject to judicial review, but procedures as stipulated in Article XX.6 of the Agreement have been put in place.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Review Body will examine complaints by reference to the Agreement itself, and the Laws of the Hong Kong Special Administrative Region.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

The Review Body may examine the need for and recommend rapid interim measures, which may result in suspension of the procurement process to correct breaches of the Agreement and to preserve commercial opportunities. However, if the procuring entity, taking into account any overriding adverse consequences for the interests concerned,

including the public interest, is unable to implement the decisions, it must provide in writing to the Review Body the reasons for not doing so.

- (v) *How do challenge procedures provide for correction of the Agreement? What type of compensation for loss or damages suffered can the challenge body order?*

Our challenge procedures provide that if the Review Body finds that there has been a breach of the Agreement, it may recommend corrective measures or compensation, which will be limited to the cost of tender preparation or protest.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The Chairman of the Review Body shall decide, within 7 working days upon receipt of an application for challenge, whether a prima facie case is established for the challenge to be accepted for inquiry. If so, a Panel consisting the Chairman and two members will be formed, and may recommend rapid interim measures not later than 7 working days after the Panel is established. The Panel will determine the validity of a challenge within 90 days upon receipt of an application for challenge.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There is no fee for filing a challenge with the Review Body. Parties may file materials and appear before the Review Body without legal representation. All administrative costs arising from the challenge procedures will be borne by the Government of the Hong Kong Special Administrative Region.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

HONG KONG, CHINA

The present document reproduces the questions put to the delegation of Hong Kong, China the responses given and the comments made during the review of national implementing legislation at the Committee's meetings of 8 March and 29 September 2000.¹ Hong Kong, China's notification of its national implementing legislation in accordance with the Committee decision in GPA/1/Add.1 has been circulated in documents GPA/27, dated 7 April 1999.

REPLIES TO THE QUESTIONS FROM CANADA AND THE UNITED STATES

I. IMPLEMENTING LEGISLATION

Question from Canada

In Section I(1) at page 2 of GPA/27, it is stated that "Certain provisions in these Regulations have been revised in May 1997 in order to fully align the government procurement procedures with the requirements of the Agreement". Which provisions of the Stores and Procurement Regulations were revised to meet the requirements of the Agreement on Government Procurement, and what changes were made to them?

Amendments to the Stores Regulations (subsequently renamed as Stores and Procurement Regulations (SPR)) were announced in Financial Circular No. 10/97, dated 20 May 1997, to fully realign our tendering procedures with the requirements of the WTO Agreement on Government Procurement (GPA) upon our accession. A copy of Appendix II of the Circular, which highlights the amendments made to the individual provisions in the Stores Regulations, is attached (Attachment 1).

Question from the United States

Within the Answers to the Checklist of Issues, it is stated that the procuring practices of those entities below the federal and central state level are not governed by the Stores and Procurement Regulations, which is harmonized with the GPA. Please identify the legislation or guidelines that governs the procuring practices of these entities.

Entities below the federal and central state level were abolished on 1 January 2000. Please refer to Hong Kong, China's notification to the WTO Committee on Government Procurement – GPA/W/102, dated 5 January 2000 for details.

¹ The minutes of these meetings have been circulated in documents GPA/M/13 and 14.

Question from the United States

Within the Answers to the Checklist of Issues, it is stated that the procuring practices of Annex 3 entities are not governed by the Stores and Procurement Regulations, which is harmonized with the GPA. Please identify the legislation or guidelines that governs the procuring practices of these entities.

Please see the attached Annex A (Attachment 2) for details.

Question from the United States

Please describe the differences in the implementing laws and respective procuring procedures that exist between those entities at the central level, the sub-central level and for Annex 3 entities.

There are at present no sub-central entities. Annex 3 entities are governed by the respective procurement guidelines, as detailed in Annex A, which are consistent with the provisions of the Agreement on Government Procurement. Except that the authority to accept tenders and award contracts rests with the respective Schedule of Authorities of individual entities, there are no significant differences, in substance and with respect to the Agreement, in their procurement procedures with those for entities at the central level.

Parties to the Agreement on Government Procurement may wish to know that the procurement process of central level entities is governed by the Stores and Procurement Regulations which are more stringent than the requirements set out in the Agreement. The procurement process of Annex 3 entities is governed by their respective procurement procedures as set out in Annex A. While these procurement procedures might differ slightly from the Stores and Procurement Regulations in some areas, they are fully consistent with the provisions in the Agreement. For example, in the case of selective tendering procedures, central government entities must provide justifications and seek prior approval from the Secretary for the Treasury for the establishment of permanent lists of suppliers. For Annex 3 entities, there is no requirement for them to select lists of suppliers on a contract-by-contract basis, although they in practice do so. The entities may use permanent lists of suppliers in accordance with Articles VII and IX:9 of the Agreement.

II. NATIONAL TREATMENT AND NON-DISCRIMINATION

Question from Canada

In Section II(6) it is stated that "There are no discriminatory provisions in the procurement procedures against foreign supplier, or foreign goods and services". What are the specific provisions in Hong Kong Legislation that ensure the national treatment and non-discrimination commitments of Article III of the Agreement on Government Procurement?

The national treatment and non-discrimination commitments of Article III of the GPA are reflected in nearly all provisions in the SPR. Examples include SPRs 315(a) and (b), 320(b), 350(a) and (b), and 370(b) (the first sentence).

III. PUBLICATION OF INFORMATION

Question from Canada

What is the Internet site address for information concerning the procurement of goods and services of the central government entities listed in Section I(5)(a) at page 3 of GPA/27?

Information concerning the procurement of goods and services is obtainable from the following main Internet site addresses:

Homepage of the Finance Bureau:	http://www.info.gov.hk/fb
Homepage of the Government Supplies Department:	http://www.info.gov.hk/gsd

Question from Canada

In Section III(13) two documents are discussed: "Rules of Operation of the Review Body on Bid Challenges" (the Rules) and "Guide to the Review Body on Bid Challenge". It is stated that "Preparatory work is in progress to enable the information to be available via the Internet". What is the current status of this electronic availability of the documents? Please provide the Internet address of the Review Body of Hong Kong.

Information about the Review Body, including a Guide to the Operation of the Review Body and the application form for lodging a complaint, is readily available on the Internet at the following address: <http://www.info.gov.hk/reviewbody-gpa/>.

An enquiry point (including e-mail address) is also provided in the website to facilitate the public to seek further information about the Review Body.

A full set of the Rules of Operation of the Review Body has not been uploaded to the website, but can be obtained electronically via e-mail. Besides, the Guide to Operation of the Review Body mentioned above is in fact an abridged version of the Rules of Operation.

IV. PROCUREMENT PROCEDURES

Question from the United States

*In response to Question 11(a) of the **Answers to the Checklist of Issues**, it is stated that "in exceptional cases, the Secretary of the Treasury may approve a central government entity to reduce the period for receipt of tenders...". Are these "exceptional cases" specifically set out in laws or regulations?*

It is stipulated in the Stores and Procurement Regulations that in case of extreme urgency, departments will have to seek the prior approval of the Secretary for the Treasury for reducing the period of receipt of tenders.

Question from the United States

*In response to Question 11(a) of the **Answers to the Checklist of Issues**, with regard to Annex 2 and 3 entities, it is stated that "[t]ime-limits for tendering comply with Article XI:3 of the Agreement...". Are these time-limits specifically set out in domestic legislation governing procurement by Annex 2 and 3 entities?*

Specific time-limits for tendering comply with those specified in Article XI of the Agreement and they are set out in the respective procuring procedures of Annex 3 entities.

V. ELECTRONIC TENDERING

Question from the United States

With regard to the use of information technology in the procurement process, please provide any available information regarding Hong Kong, China's forthcoming "Electronic Tendering System" of the Government Supplies Department. Will sub-central or Annex 3 entities utilise this system as well?

A leaflet introducing the Electronic Tendering System is at Annex B² (Attachment 2). Further information is available from the website at <http://www.ets.com.hk>. The Electronic Tendering System is developed for sole use by the Government Supplies Department, which is a central purchasing, storage and supplies organization of the Government of the Hong Kong Special Administrative Region. It serves all Government departments (central government entities under Annex 1), certain sub-vented organizations and non-government public bodies including the Hospital Authority under Annex 3. The Electronic Tendering System can be used for Hospital Authority tenders issued by the Government Supplies Department on their behalf. Other entities in Annex 3 do not utilise the Electronic Tendering System.

VI. BID CHALLENGE PROCEDURES

Question from Canada

Explain the process available to appeal the decisions of the Review Body. Under what circumstances can the decisions of the Review Body be overturned?

There is no provision for appeal against the decision of the Review Body in the Rules of Operation itself. However, procedures as described under Article XX:6(a)-(g) of the GPA are provided for in the Rules of Operation. There is also no provision under the Rules of Operation of the Review Body to prohibit any Party to a challenge from lodging an application for judicial review against the decision of the Review Body or of the Chairman. It is a matter for the court to decide whether or not to grant leave for judicial review.

Question from the United States

7. *In response to Question 14(iv), it is stated that "if the procuring entity, taking into account any overriding adverse consequences for the interests concerned, including the public interest, is unable to implement the decision, it must provide in writing to the Review Body the reasons for not doing so". Does this mean that the decisions of the Review Body are not binding on procuring entities?*

Although the decisions of the Review Body are not legally binding on the procuring entities, we have full confidence that the procuring entities will follow the decisions of the Review Body in good faith.

In this regard, Hong Kong, China has signed a "Memorandum of Understanding" with the Annex 3 entities, in which they agree to faithfully submit to the jurisdiction of the Review Body, to participate in its review process in accordance with the rules of the Review Body, and to observe the decisions made by it.

² English only.

The main reason for forming an independent administrative body to hear challenges of alleged breaches of the Agreement on Government Procurement is to allow relatively simple and less formal challenge procedures so that challenges can be dealt with in a timely and effective manner. This is in line with the provisions of the Agreement on Government Procurement, i.e. complaints shall be heard by a court or by an impartial and independent review body. As the Review Body's decisions on challenges are publicly available, such public censure provides an additional safeguard to deter the procuring entities from not faithfully following the Review Body's decisions.

ATTACHMENT 1

APPENDIX II

Amendments to the Stores Regulations (with changes underlined)

Scope and Coverage

- 221(a) The tender procedures set out in these regulations should be followed for procurement and disposal of stores, services, construction/engineering works and other items, with the exception of the following for which separate procedures shall apply:
- Single purchases not exceeding the financial limits specified in S.R.R. 217 and 218(b).
 - Franchises, concessions, leases, licences, tenancies and other items procured and disposed of by public auction or method laid down by statute, government regulations, or administrative procedure agreed by the Secretary for the Treasury.
 - Private treaty grants, exchanges, extensions and short-term tenancies of land.
 - Consultancy service agreements approved by consultant selection boards appointed by the Secretary for the Treasury.
 - Briefing out of legal work by the Attorney General.
 - Employment of individual persons for non-civil service appointments.

(delete 221(g))

221(b)

Where procurements are covered by the Agreement on Government Procurement of the World Trade Organization (hereinafter referred to as the WTO GPA) and hence are subject to additional requirements, these are separately specified.

Types of Tendering

225. Tenders may be invited in the following ways:

- (a) Open tendering - tender invitations are published in the Government Gazette and, if necessary, in the local press, on the Internet and in selected overseas journals for the particular trade/product. All interested contractors/suppliers are free to submit their tenders. For procurements covered by WTO GPA, procuring departments are required to notify consulates and overseas trade commissions of the tender invitations.
- (b) Selective tendering - tender invitations are published in the Government Gazette, or are sent by letter to all contractors/suppliers on the relevant approved lists of qualified contractors/suppliers established for the purpose of selective tendering. For procurements covered by WTO GPA, procuring departments are required to publish the tender invitations in the Government Gazette and to notify consulates and overseas trade commissions of the tender invitations, if appropriate. Tenders received from contractors/suppliers not yet on the approved lists should also be considered, provided that there is sufficient time to complete the qualification procedure.
- (c) Single and restricted tendering – tender invitations are sent by letter to only one or a number of contractors/suppliers approved by the Secretary for the Treasury, upon the originating department's recommendation.
- (d) Prequalified tendering - tender invitations are sent by letter to contractors/suppliers on the list of prequalified contractors/suppliers approved by the Secretary for the Treasury on the advice of the Central Tender Board. Invitations for prequalifications should follow open tendering procedures.

Selective Tendering

226. (b) The Secretary for the Treasury is the approving authority for the establishment of lists of qualified contractors/suppliers for selective tendering. In making an application to the Secretary for the Treasury, departments should explain the reasons for establishing the proposed list and provide information on the source of prospective applicants, qualification criteria, assessment panel and method of assessment. The qualification criteria and assessment method should not discriminate among foreign contractors/suppliers or between domestic and foreign contractors/suppliers. For procurements covered by WTO GPA, the qualification criteria are limited to those which are essential to ensure the contractors'/suppliers' ability to provide the required services or articles. Departments should seek the prior approval of the Secretary for the Treasury before revising the qualification criteria and method of assessment.
- (c) Departments maintaining approved lists of qualified contractors/suppliers for selective tendering shall publish the up-to-date lists, the period of validity of the lists, the method of application and assessment and the method for renewal, where applicable, in the Government Gazette annually. A specimen is at Appendix III (A). Approved lists should be reviewed regularly to ensure that new applications are processed promptly and unqualified ones are deleted from the lists. In addition, new applications from suppliers/contractors for admission to the approved lists should be allowed at any time and should be dealt with expeditiously. Updating of the lists according to the approved qualification criteria does not require further approval from the Secretary for the Treasury.

Single and Restricted Tendering

- 227(a) Restricted or single tender procedures should only be used in circumstances when open competitive tendering would not be an effective means of obtaining the requisite supplies or services, e.g.
- where there is extreme urgency brought about by unforeseeable events and where the delay that would arise as a result of open tendering would seriously harm the public or security interests of Hong Kong;
 - where for reasons connected with the protection of copyrights or technical reasons, the products or services can only be supplied by a particular supplier and where no reasonable alternative or substitute exists;
 - where there is no 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, on condition that the requirements of the initial tender are not substantially modified in the contract as awarded;
 - where the equipment or services to be purchased must meet requirements of compatibility or interchangeability with already existing equipment or services;
 - where it can be demonstrated that "patent" or "proprietary" items are the only items which can meet the specification;
 - where services are to be provided by utility companies;
 - where maintenance is to be executed on patent or specialised equipment and where the warranty of the equipment gives the supplier of the equipment the exclusive right to carry out the maintenance service;
 - where lease terms require that work must be executed by a particular firm; or
 - for tenders below \$1 million, to save administrative costs, where it has been established that the existing contractor is a suitable and cost-effective source of supply.

Prequalification

228. (c) Invitations for prequalifications are published in the Government Gazette and, if necessary, local press and selected overseas journals for the particular trade/product. Consulates and trade commissions in Hong Kong and known contractors/suppliers are notified of the invitation by letter. A specimen Gazette notice is shown in Appendix III (C).

Tender Specifications

231. (a) When inviting open, selective or restricted tenders, departments should word tender specifications in easily comprehensible general terms based on the functional and performance characteristics of the products required, and not around the technical data of a certain model of the goods or equipment to be purchased. There should be no requirement for or reference to a particular trade mark or name, patent, design or type, specific origin, producer or service provider, unless there is no sufficiently precise or intelligible way of describing the procurement requirements and words such as “or equivalent” are included in the tender documents. Where standards are referred to, departments should use, where practicable, international standards. Specifications should not be prepared, adopted or applied with a view to or with the effect of creating obstacles to international trade or to competition amongst the potential tenderers. When preparing specifications for technical equipment, departments should distinguish mandatory, desirable and optional features and indicate them in the specifications. Where applicable, departments should include the evaluation criteria in the specifications. Some guidelines for drawing up tender specifications are provided at Appendix III (K) for general reference.

Tender Notices

235. (c) Tender invitations should indicate clearly the address, telephone number and faxline of the office from which forms of tender and further particulars may be obtained, the exact location of the tender box in which tenders are to be deposited, and the closing date and time for the receipt of tenders. For procurements covered by WTO GPA, departments will have to send to any interested tenderer a set of the tender documents upon receipt of a written request and may charge the tenderer for the cost of the delivery. Tender notice should specify whether the intended procurement is covered by WTO GPA. A specimen Gazette tender notice is at Appendix III (F). Tenderers should be advised to submit their bids early as late tenders will not be accepted. They should also be informed of the alternative tender closing date/time as advised by the controlling authority of the respective tender box in the event of a rainstorm black warning or typhoon signal No. 8 or above being hoisted on the original tender closing date.
- (d) Adequate time should be provided to allow both overseas and local tenderers to prepare and submit tenders. A minimum of three weeks is normally required. For procurements covered by the WTO GPA, at least 40 days should normally be allowed for receipt of tenders and no less than 25 days for applications to be prequalified to tender. In the case of extreme urgency, departments will have to seek the prior approval of the Secretary for the Treasury for reducing the period for receipt of tenders. This authority has been delegated to the Director of Government Supplies in respect of Government Supplies Department tenders.

Evaluation of Tenders

236. (a) After tenders have been opened and authenticated by the tender opening team, the originals of the tenders received are sent to the originating departments or offices for assessment whilst the duplicates are kept by the relevant tender board. The originating department or office should check that the tenders contain, inter alia, the names and residential addresses of all partners (if the tender is submitted by a partnership) or officers (if the tender is submitted by an unincorporated body) and the number of the business registration certificate. Tenderers should be invited to provide any information that is missing, or to clarify any technical ambiguities or qualifications before their tenders are considered further. Care must be exercised in approaching a tenderer for clarification of tender qualifications and seeking an unequivocal withdrawal of any qualifications by a reasonable deadline. Where information is provided to a tenderer in the process of seeking clarification or in response to a tenderer's enquiry, departments should ensure that the same information is provided to all tenderers. Legal advice should be sought, when necessary. Under no circumstances can a tender be rejected as a qualified bid, expressly or otherwise, without the approval of the relevant tender board.

Acceptance of Tender

239. (b) The originating department will then send a letter to the successful tenderer accepting his offer and, where necessary, inviting him to sign the contract on a specified date. In notifying unsuccessful tenderers of the outcome of their tenders, departments will have to include in the letters the reasons why their tenders were unsuccessful. If the sum of the accepted tender exceeds the approved estimates, the Head of Department concerned should ensure that it is not accepted before approval for an increase in commitment or project estimate has been obtained. The letter should be copied to the secretary of the respective tender board. Contracts should be signed on behalf of the Government by officers at least at directorate level unless the Secretary for the Treasury has authorized otherwise.
- (c) Departments should keep a record of all contracts awarded. In respect of procurements covered by WTO GPA, departments should separately (or additionally) keep a record of each contract awarded under single or restricted tendering (and for which they have been given authority to adopt) for the purpose of meeting the specific statistical requirement of the WTO Committee on Government Procurement on limited tendering.
245. (a) Any variations to the contract sums, terms and conditions specified in contracts must be referred to the appropriate authority in Appendix III (I). For construction service contracts covered by WTO GPA, the total value of additional works to be awarded to the same contractor, other than variations ordered under General Conditions of Contract Clause 60, must not exceed 50% of the original value of the contract.

- 248 (b) On receipt of a complaint or the referral of a complaint from other offices, the Head of the Department responsible for the contract should deal with the complaint personally in an impartial and timely manner with a view to providing an early and substantive reply to the complainant direct or through the referral office. An interim reply should be sent to the complainant if a substantive reply cannot be issued shortly.

APPENDIX III(F) TO THE STORES REGULATIONS

Specimen Gazette Tender Notices

DEPARTMENT

1. It is hereby notified that sealed tenders in duplicate or triplicate are invited for (state the name, nature and quantity, where applicable, of the project/service/article, the likely commencement and completion of the contract).
2. Tenders must be clearly marked with the tender reference and the subject of the tender on the outside of the envelope (but should not bear any indication which may relate the tender to the tenderer) addressed to the Chairman, Central Tender Board, and placed in the Government Secretariat Tender Box situated in the lift lobby on the lower ground floor of the Central Government Offices (East Wing), 20 Lower Albert Road (at its junction with Garden Road), Hong Kong before 12 noon on Friday, (date). Late tenders will not be accepted.
3. Forms of tenders and further particulars are obtainable from (title, address and telephone/faxline number of the office). *A sum of \$....., which will not be refunded, is required to cover the cost of the tender documents.
4. * Only contractors on the (title(s) of the approved list(s) are invited to tender. Contractors will be liable to have their names removed from the approved list(s) if they fail or refuse to implement an accepted tender.
5. * Only contractors with (state qualification) are invited to tender.
6. * Tenderers must attach to each tender a cheque/or the original copy of a receipt showing that they have deposited at the collection offices of the Treasury the sum of \$..... as a pledge of the bona fides of their tenders, which sum shall be forfeited to the Government if any tenderer fails or refuses to implement an accepted tender. The deposits will be returned to the unsuccessful tenderers without interest.
7. * This tender is covered by the Agreement on Government Procurement of the World Trade Organisation.
8. The Government does not bind itself to accept the lowest (highest for revenue) tender or any tender, and reserves the right to negotiate with any tenderer about the terms of the offer.
9. Details of the award of this contract will be published in the Hong Kong Government Gazette and made available on the Internet.

Date

* delete as appropriate

Name of Head of Department

ATTACHMENT 2

ANNEX A

PROCUREMENT GUIDELINES OF ANNEX 3 ENTITIES

Airport Authority

- Airport Authority's procurement process is governed by its Purchasing Manual, Selection of Tenderers Procedure No. PCC/202, Tender Invitation and Period Procedure No. PCC/203, Tender Assessment and Award Procedure No. PCC/204, Tender Assessment and Award (Nominated Sub-Contracts) Procedure No. PCC/206 and Tender Invitation, Assessment and Award (GPA) Procedure No. AEC/204A.
- These procedures cover the Airport Authority's procurement of goods and services at Hong Kong International Airport, including building, civil, electrical, mechanical and systems works and maintenance.

Housing Authority and Housing Department

- Housing Authority's procurement process is governed by the Housing Authority Stores Regulations (HASR) and Housing Authority Procurement and Supplies Instructions (HAPSI). They are mainly for procurement other than works and construction.
- Procuring process of works and construction, maintenance and improvement is covered by the Contract and Tender Procedures. These procedure guidelines are supplemented by the Housing Authority's internal Financial Instructions issued from time to time.

Kowloon-Canton Railway Corporation

- The procurement process of Kowloon-Canton Railway Corporation is governed by the Corporation's Procurement Manual.

Hospital Authority

- The Hospital Authority's procurement process is governed by the Hospital Authority Procurement and Materials Management Manual for procurement other than capital works projects.
- Procurement process of capital works projects is governed by the Hospital Authority Capital Works Procedural Manual.

Mass Transit Railway Corporation Limited

- The procurement process of Mass Transit Railway Corporation Limited is governed by its Prequalification and Selection of Tenderers Procedures.

ANNEX B

PP 15-16 Offset

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

ISRAEL

The communication reproduced below has been received from the Permanent Mission of Israel in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. Summary of the Israeli Legislation on Government Procurement

In 1992, the Mandatory Tenders Law (hereinafter "The Law") was enacted to oblige government entities to make procurements by way of public tenders. The Law is broader in scope and application than the Agreement on Government Procurement (hereinafter "the Agreement").

The Agreement applies directly under Israeli Law and is fully binding pursuant to Article 5A(b) of the Law which stipulates that "Regulations under this Law shall apply to the extent that they do not conflict with an undertaking of the State in an international agreement". Consequently, for tenders subject to the GPA, procuring entities must follow the provisions of the Agreement even if the regulations under the Mandatory Tenders Law provide otherwise.

Entities covered by the Law are central government entities, government authorities, statutory corporations and government companies, and therefore Israel's Annex 1 and 3 entities are covered by the Law.

The Law governs contracts for goods, real estate, performance of work and for the acquisition of services. Most of the procedures regarding government procurement are embodied in secondary legislation, regulations, which are enacted under authority provided for in the Law. There are currently four sets of regulations deriving from the Mandatory Tenders Law: the Mandatory Tenders Regulations - 1993; the Mandatory Tenders Regulations (Preference for Israel Products and Mandatory Business Cooperation) - 1995; the Mandatory Tenders Regulations (Defense Establishment Contracts) - 1993; and the Mandatory Tenders Regulations (Preference for Products from National Priority Areas) - 1998. The two latter sets of regulations apply only to defense tenders, and since defense procurement is excluded from Israel's GPA obligations, they are not relevant to this notification.

The Mandatory Tenders Regulations (Preference for Israel Products and Mandatory Business Cooperation) granting domestic products preferential treatment do not apply to suppliers from GPA Parties in tenders subject to the GPA. However, these regulations also impose an obligation of offset on foreign suppliers in contracts above a certain threshold, and this obligation does apply to suppliers from GPA Parties in accordance with Israel's offset commitment under the GPA.

In accordance with Article 7 of the Law, the Accountant General of the Ministry of Finance has published Finance and Business Regulations ("Takam") prescribing the procedural rules for conducting tenders. Section 3.3.12 of the regulations relates specifically to Israel's GPA obligations.

Regarding Israel's Annex 2 commitments, procurement by municipalities is governed by Section 197 of the Municipalities Ordinance (New Version) - 1967 and the implementing regulations with regard to Section 197, the Municipalities Regulations (Tenders) - 1987. Municipalities are obligated to invite tenders since Section 197 provides that "A municipality shall not enter into a contract for the transfer of any immovable property or goods, the supply of any goods or the execution of any work, save on the basis of announcement inviting tenders".

The Agreement is binding under Israeli law also in relation to municipalities pursuant to Article 24(a) of the Municipalities Regulations which states that "these regulations shall apply to the extent that they do not conflict with the States's obligations under international convention". To ensure that the municipalities follow the procedures required under the GPA, Article 24(b) of the Municipalities Regulations makes direct reference to the Accountant General's Finance and Business Regulations referred to above.

2. Basic Legislation (Laws and Regulations) on Government Procurement*

Unofficial English translations of the following laws and regulations relating to government procurement are hereby submitted:

- Mandatory Tenders Law 5752–1992 up to and including Amendment No. 10
- Mandatory Tenders Regulations 5753–1993 up to and including Amendment of 26 July 1998
- Mandatory Tenders Regulations (Defense Establishment Contracts) 5753-1993 up to and including the Amendment of 27 July 1997
- Mandatory Tenders Regulations (Preference for Israel Products and Mandatory Business Cooperation) 5755-1995
- Mandatory Tenders Regulations (Preference for Products from National Priority Areas) 5758-1998
- Municipalities Ordinance (New Version) – 1967, Sections 197 and 198
- Municipalities Regulations (Tenders) 5748-1987, up to and including Amendment of July 1999.
- Finance and Business Regulations of Accountant General of the Ministry of Finance. Summary of Section 3.3.12 which relates to Israel's WTO obligations.

3. Answers to Checklist of Issues

I. GENERAL ELEMENTS

1. Has the Agreement been transposed into national law and/or does it apply directly?

As noted above, the Agreement applies directly in Israeli law and is fully binding since Article 5A(b) of the Law stipulates that regulations made under the statute apply only so long as they do not conflict with the State's obligations under international treaties.

The Municipalities Regulations have a similar provision which makes the Agreement fully binding. Article 24(a) of the regulations stipulates that the regulations "shall apply to the extent that they do not conflict with the State's obligations under an international agreement".

* English only

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Entities at the sub-central level, which are included in Annex 2 of Israel's commitments are covered by the Municipalities Ordinance and its regulations. As noted above, Section 197 of this Ordinance requires the municipalities to publish a public tender for the purchase of goods and execution of any work. The Municipalities Regulations, which are the implementing regulations for Section 197, stipulate the procedures required for tendering, and in addition make reference to the Accountant General's Finance and Business Regulations.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities include statutory bodies and companies controlled by the government. They are also subject to the Law and its regulations.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The implementing legislation for Annex 1 and Annex 3 is identical, the Mandatory Tenders Law, and their regulations. Annex 2 entities fall under the Municipalities Ordinance and the Municipalities Regulations.

5. *To what extent is information technology used in the process of government procurement?*

The Israeli Government Publications Office has a website where all tender notices are published in Hebrew. In addition, the website of the Ministry of Finance includes a tenders site in Hebrew.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

Regarding the Mandatory Tenders Law, the Law provides that every person be given an equal opportunity to participate in a tender. Moreover, since the Agreement applies directly through Article 5A(b), so do the national treatment and non-discrimination commitments of Article III of the Agreement. Regarding municipalities, the Agreement applies directly through Article 24(a) of the Municipality Regulations.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

For open tendering, a notice of proposed procurement must be published. Article 15 of the regulations implementing the Mandatory Tenders Law require the notice to be published in Hebrew and in Arabic newspapers and on an Internet site, and detail the information to be provided including the nature of the contract, its duration, preliminary conditions for participation in the tender, the time and place for receiving tender documentation and further details, documentation fees if any, and the last date and place for submitting bids. Moreover, the Accountant General's regulations also stipulate the public notice requirements, and state in addition, for example, that when the tender is subject to

the Agreement, the notice of proposed procurement must also be published in one of two English daily newspapers, in accordance with Israel's Appendix II commitment.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

For entities at the sub-central level, a tender notice must be published. Since Article 24(b) of the Municipalities Regulations makes reference to the Accountant General's regulations, in which specific instructions are given regarding all notice requirements, the information required is identical to that of central government entities.

Annex 3 entities are subject to the Law and its regulations as described above (question 7).

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent list of suppliers or is there a requirement for list of suppliers to be selected on a contract-by-contract bases?*

The provisions of Articles 4, 16 and 17 of the Regulations of the Mandatory Tenders Law establish the conditions for conducting selective tendering procedures. Under these provisions, entities are allowed to make use of permanent lists of suppliers. The lists are open to the public, and any supplier may submit a written request to be included to the entity's tender committee. The supplier is added to the list if the tender committee deems him "fit" to be included in the list.

When selective tendering procedures are used, and the permanent list includes no more than ten suppliers, the procuring entity must approach all of them. If the lists includes more than ten suppliers, then the procuring entity must approach at least five of them.

Regarding entities included in Annex 2, under the regulations of the Municipality Act, the provisions for conducting selective tendering procedures relate to a lower threshold than that established under the Agreement. Therefore, these provisions are not relevant to the implementation of the Agreement.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

Regarding Annex 1 and Annex 3 entities, Article 7 of the Mandatory Tenders Regulations foresee the possibility of negotiations subject to the conditions listed in the regulation, including the obligation of notice of the possibility of negotiation in the tender documents and in the public notice of the tender. Regarding Annex 2 entities, the Municipality Act Regulations do not foresee the possibility of negotiations.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information or any longer time-limits which have been established.*

The Mandatory Tenders Law and its Regulations do not set time-limits as set out in the Agreement. However, since the Agreement is binding, the time-limits of the Agreement are binding as well. In addition, the regulations published by the General Accountant reflect the minimum time limits established by the Agreement.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

Israeli legislation does not put any limitations on languages allowed for the submission of tenders. Entities which publish tenders may permit the submission of tenders in other languages than in Hebrew, and in practice the submission of tenders in other languages (usually English) is permitted.

III. CHALLENGE PROCEDURES – ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Israel has not established any special challenge procedures vis-à-vis Article XX, and any supplier, Israeli or foreign, with an interest in challenging the procurement procedure of an entity covered may appeal in a regular civil procedure to the District Court in the region where the tender was published.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

There is no specified time-limit for launching a complaint, and consequently a party may challenge a tender at any stage of the tender process.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The District Court in the region that the tender was published is responsible for the challenge procedure.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The applicable law is the Mandatory Tenders Law and its Regulations where relevant, and the Municipalities Ordinance and its Regulations where relevant, and, of course, the Agreement itself.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial conditions?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

The District Court may issue an interim injunction that suspends the procurement process temporarily until the conclusion of the legal proceedings.

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the Court determines that the complaint is valid, it will, in most cases, intervene in the tender procedure by deciding on the best proposal, issuing an order to the entity to cancel the tender, calling for a new tender, cancelling the contract with the winner, disqualifying one of the proposals, to issue a tender where the intention was not to contract by tender, etc.

In addition to the above-mentioned relief, a party may file a civil claim for damages against the tendering entity, and may even be compensated for lost profits.

(vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

There are no specific provisions on the length or cost of proceedings in public tendering cases and no data is maintained in this respect. However, the legal procedure used for tenders, "an originating summons", is by nature a shortened procedure in comparison to normal court procedures. Interim measures can be obtained within an average period of 7-14 days.

(vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The standard court fee is charged, which may vary. At present, it is not foreseen to do so free of charge.

PP 7-92 Offset

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

ISRAEL

The present document reproduces the questions put to the delegation of Israel, the responses given and the comments made during the review of national implementing legislation at the Committee's meetings of 20 September 2000 and 3 May 2001.¹ Israel's notification of its national implementing legislation in accordance with the Committee decision in GPA/1/Add.1 has been circulated in document GPA/34, dated 5 May 2000.

REPLIES TO THE QUESTIONS FROM CANADA, KOREA AND THE UNITED STATES

I. IMPLEMENTING LEGISLATION

Question from Korea

Are the provisions below of the Mandatory Tenders Regulations of Israel consistent with the Agreement on Government Procurement?

(a) *rate of preference for domestic products*

- *Domestic goods shall have a price preference of 15 per cent (10 per cent for a government company which exports at least 30 per cent of its production).*

(b) *division of tender*

- *If the procurement has a value of more than NIS 30 million, the buyer may reduce the volume of the contract with a foreign supplier to 50 per cent and re-contract the procurement with a domestic supplier for the remaining value of the procurement.*

These provisions are consistent with Israel's obligations under the Agreement on Government Procurement, because as we noted in our summary of the legislation, under Article 5A(b) of the Mandatory Tenders Law, for tenders subject to the Agreement on Government Procurement, procuring entities must follow the provisions of the Agreement even if the regulations under the Mandatory Tenders Law provide otherwise. Therefore, the provisions regarding domestic price preference and the division of tender are not applied towards suppliers from Parties to the Agreement on Government Procurement.

¹ The minutes of these meetings have been circulated in documents GPA/M/14 and 15.

II. PUBLICATION OF INFORMATION

Question from Canada

With regard to the response of Israel to Question 5, what is the address of the website of the Israeli Government Publications Office? What is the website address of the Ministry of Finance that is referred to in the response. Is there a website that offers the tender notices on-line?

The address of the website of the Israeli Government Publications Office is: <http://michrazim.lapam.gov.il>. All tender notices are published on the website of the Israeli Government Publications Office in Hebrew. The website address of the Ministry of Finance is: www.mof.gov.il. It should be noted that in addition to the publication of tender notices in Hebrew, this site has an English site in which tender notices are published in English.

III. PROCUREMENT PROCEDURES

Question from the United States

The selective tendering procedures contained in the Regulations of the Mandatory Tenders Law allow that all suppliers interested in being considered for selective tenders may submit a written request to be included to the procuring entity's tender committee. The supplier may then be added if the tender committee deems that the supplier is fit to be included in the list.

We would appreciate further explanation of this process. Do we understand correctly that tender committees include representatives of currently qualified suppliers and that those committees decide on whether new suppliers should be qualified? Please provide the criteria and procedures by which interested foreign suppliers are judged by procuring entity tender committees to be fit for inclusion in permanent lists of suppliers for the purposes of selective tendering procedures.

The tender committees decide whether a new supplier is qualified to be included in that entity's list of proponents. Members of the tender committees are comprised solely of employees of the entity that issues the tender.

The lists of proponents are drawn up according to types of contracts and are updated and published periodically.

There are no general specifications or criteria by which the tender committees are to judge either the foreign supplier or the domestic supplier, other than those published in the notice for proponents' lists. The tender committee will determine the fitness of a supplier applying to be included on a particular list by examining the documentation and past performance of the applying supplier.

When conducting a selective tender procedure, the tender committee must request at least five proposals from different suppliers on the list. The committee shall choose the suppliers for a specific tender "... as far as possible, in rotation, all in a fair manner that yields the greatest benefit to whoever conducts the tender". (Article 16(d), Mandatory Tenders Regulations 5753-1993).

IV. BID CHALLENGE PROCEDURES

Question from Canada

Does Israel have any intention of establishing a Challenge Procedure to deal with procurement issues that is separate from the regular civil procedure in the District Court?

No.

In the event that a supplier is not satisfied with the decision of the District Court with respect to a procurement challenge, what is the process by which the supplier can appeal the decision?

To appeal the decision of the District Court, a petition to appeal would be filed with the Supreme Court.

V. OFFSETS

Question from Korea

According to Israel's Note on Offsets of Appendix I of the Agreement on Government Procurement, Israel is required at the end of a five-year period to submit a report concerning the implementation of the Note on Offsets. Is such a report ready for distribution? If not, will it be ready by 1 January 2001?

Israel shall submit the above-mentioned report in accordance with its obligation.

Question from the United States

We understand that Israel's public tendering law requires that all international public tenders valued above US\$100,000 must include proposals for "industrial cooperation" (IC) with Israeli entities, valued at 35 per cent of the total contract. Under Note 1(b) of Appendix I of the Agreement on Government Procurement, these offsets will not require suppliers "to take any action which is not justified from a commercial standpoint". Note 1(c) provides that these offsets are to be gradually reduced to 30 per cent after five years and 20 per cent after nine years, beginning from the date Israel implements the Agreement.

With respect to Note 1(b) of Appendix I, please explain the implications of recent judicial decisions relating to the consideration of offsets in determining contract awards. Have those decisions resulted in any changes in procurement law, regulations or practice?

Please indicate what Israel's intentions are in regard to implementing the reduction of offsets and the submission of reports on the use of offsets, as set forth in Note 1(c) of Appendix I.

Under the Mandatory Tenders Regulations (Preference for Israel Products and Mandatory Business Cooperation) 5755-1995, all foreign suppliers must attach to their tender offer in a government procurement an undertaking for business cooperation (offset) in order to qualify for the tender. The rate of offset is 30 per cent (as from 1.1.2001) for suppliers from GPA member states. In the process of determining the contract awards, no consideration is given to the business cooperation undertaking other than a technical check of it being complete and signed. Only after determining the contract award does the ICA (Industrial Cooperation Authority) negotiate the ways to execute the undertaking with the winning supplier. Consideration is given to whether a purchase is commercially justified.

To the best of our knowledge, there is no judicial decision in that area.

Israel has implemented the reduction of offsets, for suppliers from GPA member states, from 35 per cent to 30 per cent, and a general directive has been issued to all relevant entities accordingly.

WORLD TRADE ORGANIZATION

GPA/67
15 April 2002

(02-2062)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL LEGISLATION OF JAPAN

Communication from Japan

The following communication has been received from the Permanent Mission of Japan with the request that it be circulated to the Committee on Government Procurement.

Pursuant to Article XXIV, paragraph 5 (b) of the WTO Agreement on Government Procurement, the Government of Japan wishes to inform the Committee on Government Procurement of the following change in its regulations concerning the government procurement.

Notification of the partial revision of the Basic Policy for the Promotion of Procurement of Eco-Friendly Goods and Services under the Law Concerning the Promotion of Procurement of Eco-Friendly Goods and Services by the State and Other Entities.

1. Agency responsible:

Ministry of the Environment

2. Description of the partial revision of the Basic Policy:

The original Basic Policy for the Promotion of Procurement of Eco-Friendly Goods and Services based on the Law Concerning the Promotion of Procurement of Eco-Friendly Goods and Services by the State and Other Entities was adopted by the cabinet decision in February 2001 (cf. GPA/W/131). The revision of the Basic Policy including addition of 50 designated procurement items was adopted by the cabinet decision in February 2002. (The summary of the revision is attached hereto. The Japanese text of the revised Basic Policy is available at the web site of the Ministry of the Environment (<http://www.env.go.jp/policy/hozen/green/g-low/index.html>.)

3. Starting date of procurement based on the revised Basic Policy:

1 April 2002

4. Inquiry point:

Environment and Economy Division, Integrated Environmental Policy Bureau, Ministry of the Environment

Telephone: +(81 3) 5521-8229 Fax: +(81 3) 3580-9568

Appendix

Designated Procurement Items and Evaluation Criteria, etc.

(Summary)

Category	Designated Procurement Items (Cabinet decision on February 2, 2001)	Addition of Designate Procurement Items, etc. (Cabinet decision on February 15, 2002) * shows the revision beside the addition of items	Evaluation Criteria Underlined parts show the new evaluation criteria concerning the additional items and other revisions
Paper	Computer paper, printing paper, hygienic paper (toilet paper)	5 items including diazotype paper, optical character reader's paper, tissue paper	Recycled paper content, bleaching, etc.
Purchased printed material	Purchased printed material	* Move to the category of Services	
Stationery	49 items, including mechanical pencils, ball-point pens, scissors, glue, files and binders.	18 items, including desk-mats, albums, binding strings, blackboard erasers, squashing devices of cans/bottles * Delete cases with slide fastener	Use of recycled materials (e.g. recycled plastic, thinning wood), etc.
Office furniture	8 items, including chairs, desks, shelves, and blackboards	Coat hangers, umbrella stands	
Office automation machines	7 items, including copiers, computers, printers, and facsimiles	Computer monitors * Partly revise the standard of copiers	Energy consumption efficiency, etc.
Home electronic appliances	6 items, including refrigerators, air conditioners, televisions, and VTRs		
Lighting	Fluorescent lighting equipment and fluorescent light bulbs		

Vehicles, etc.	Vehicles (natural gas vehicles, hybrid vehicles, etc.)	Receivers/transmitters for Electronic Toll Collection system, receivers for Vehicle Information Communication System * Add the standard of LPG vehicles of low emission and high energy efficiency	Exhaust emission, fuel efficiency, etc.
Uniforms and work clothes	Uniforms and work clothes		Use of polyester made from recycled materials from PET bottles, etc.
Interior fixtures and bedding	Carpets, curtains, blankets	Comforts, bed frames, mattresses	
Work gloves	Work gloves		
Facilities	Solar power generation systems, fuel cells, solar heating systems	Composting equipments from kitchen garbage	Use of solar energy, <u>reduction of volume and weight of garbage, etc.</u>
Public-works projects	Public-works projects: 1. Recycled materials (e.g. reconstituted wood boards, tiles, and blended cement), etc. 2. Construction machines (low emission machines, low-noise machines)	Recycled aggregate, undercoating paint, concrete with permeability, heat insulating windows/doors, automatic faucets, automatically controlled lighting systems, fertilizers using sewer sludge, etc. (for 1. Recycled materials)	Recycled material content, emission, noise, etc.
Services	Energy conservation diagnosis	Cafeteria, Printing, Recycling of automobile tires	Qualification of service provider, content of diagnosis, <u>Recycling of garbage(com-posting, etc.) recycled paper contents, recycling of automobile tires, etc.</u>

WORLD TRADE ORGANIZATION

GPA/37
20 June 2000

(00-2482)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Japan

The attached communication has been received from the Permanent Mission of Japan in accordance with the Committee Decision of 4 June 1996 relating to procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. SUMMARY OF LEGISLATION

Government Procurement in Japan has placed no restrictions on place of origin or nationality of supplier, and has been carried out on the principle of non-discrimination, and in principle on a basis of open tendering. As a Party to the WTO Agreement on Government Procurement (hereinafter "the Agreement"), Japan is implementing government procurement through fair, open and transparent procedures.

Central government entities which procure in accordance with the provisions of the Agreement are 32 state organs, all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law. All these entities are covered by the Accounts Law and relevant regulations. Sub-central government entities listed in Annex 2 of the Agreement comprise 47 prefectures and 12 cities designated by the Cabinet Order. These entities are governed by the Local Autonomy Law and relevant regulations. All of these laws and regulations are consistent with the provisions of the Agreement.

With regard to Annex 3 entities which include 70 public corporations, procedures of procurement contracts covered by the Agreement are introduced into their accounting or internal statutes. Consistency of their procurement procedures with the Agreement is secured through responsible ministers' control over the corporations.

The following is an outline of the major relevant laws and regulations.

A. CENTRAL GOVERNMENT

- (a) "The Accounts Law" (Law No.35, March 31, 1947)

This Law stipulates the basic contents of the nation's accounting duties pertaining to contractual duties, contractual methods, tendering methods, contractual forms and other matters.

- (b) "Cabinet Order Concerning the Budget, Auditing and Accounting" (Imperial Ordinance 165, April 30, 1947)

"Special Provisions for the Cabinet Order Concerning the Budget, Auditing and Accounting" (Imperial Ordinance 558, November 22, 1946)

"Regulations on the Management of Contract Administration" (Ministry of Finance Ordinance No.52, August 20, 1962)

This Cabinet Order stipulates the detail of the rules and procedures provided for in the Accounts Law, including the conditions for the use of selective tendering and single tendering.

- (c) "Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services" (Cabinet Order No.300, November 18, 1980)

This Cabinet Order provides for special rules and procedures necessary to implement the Agreement in addition to the laws and regulations mentioned in (1) and (2) above.

- (d) "Ministerial Ordinance Stipulating Special Procedures for Government Procurement of Products or Specified Services" (Ministry of Finance Ordinance No.45, November 18, 1980)

This Ministerial Ordinance is applied to the procurement contracts subject to the provisions of the Cabinet Order referred to in (3) above. The Ordinance stipulates such specifics as information to be published in "Kanpo" in the qualification procedures, matters to be described in tender documentation and matters regarding the notification of the determination of successful tenderers.

- (e) "On the establishment of the Office of Government Procurement Review (Cabinet Decision of 1 December 1995)

The Office of Government Procurement Review (hereinafter the "OGPR") was established within the Prime Minister's Office to implement the provisions of the Agreement on Government Procurement regarding challenge procedures. The Government Procurement Review Board (the "GPRB") held under the OGPR processes and considers complaints in a fair and neutral manner with regard to the procurement by the entities other than sub-central government entities. The GPRB reviews complaints in accordance with the specific procedures set out by the OGPR by applying the provisions of the Agreement and the measures otherwise designated by the head of the OGPR.

B. SUB-CENTRAL ENTITIES COVERED BY THE AGREEMENT

- (a) "Local Autonomy Law" (Law No.67, April 17, 1947)

This Law stipulates an overview of the matters concerning the organization and operation of local government bodies (including the rules on procurement contracts) and the basic relations between the central government and the local governments.

- (b) "Ordinance for Enforcement of the Local Autonomy Law" (Cabinet Order No.16, May 3, 1947)

This Ordinance provides for the detailed rules and procedures to implement the provisions of the Local Autonomy Law, including matters on procurement contracts.

- (c) "Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services in Local Government Entities" (Cabinet Order No.372, November 1, 1995)

This Cabinet Order establishes special rules and procedures necessary to implement the Agreement on Government Procurement in addition to the laws and regulations mentioned in (1) and (2) above.

- (d) To implement the provisions of the Agreement with respect to challenge procedures, prefectural governments and designated cities have established their respective procedures to process complaints regarding the procurement subject to the Agreement.

2. CONTACT POINT

Requests from another Party concerning Japan's national legislation shall be addressed to:

First International Organizations Division
Economic Affairs Bureau
Ministry of Foreign Affairs

3. RESPONSES TO THE CHECKLIST OF ISSUES

A. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

The Agreement has been transposed into relevant national laws and regulations with regard to central and sub-central government entities. All of those laws and regulations are consistent with the provisions of the Agreement. With regard to Annex 3 entities, the Agreement also has been transposed into their respective accounting or internal statutes whose consistency with the Agreement is secured through responsible ministers' control over the corporations.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

In Japan, government procurement is conducted based on procurement contracts entered into by each procuring entity in a decentralized manner. Sub-central government entities as specified in Annex 2 of the Agreement are, therefore, autonomous from central government in the implementation of the Agreement.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Public corporations or government-related corporations covered by the Agreement are listed in Annex 3 of the Agreement. Annex 3 entities are autonomous in the implementation of the Agreement. They include 70 corporations, as of October 1, 1999. These entities are established by relevant laws following an inspection by the Management and Co-ordination Agency, and are endowed with proper legal personality. Laws establishing these corporations provide for ministerial general control over the entities. Consistency of the procedures for procurement contracts with the Agreement is therefore secured through the ministerial general control over them.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The central level, the sub-central level and Annex 3 entities have their respective procurement procedures. However, there are no significant differences in their procurement procedures which are fully consistent with the provisions of the Agreement.

5. *To what extent is information technology used in the process of government procurement?*

With a view to facilitating access to information on government procurement, an electronic data base containing the information published in accordance with paragraphs 1 and 9 of Article IX, paragraph 1 of Article XVIII and paragraph 1 of Article XIX, is available, either at such places as local branch offices and Business Support Center of Japan External Trade Organization (JETRO) Information Service Division or through on-line information and data base retrieval services (<http://www.jetro.go.jp/>).

B. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

The procedures regarding government procurement under the Accounts Law do not provide for the restriction of the qualification for participation in tendering procedures on the basis of the nationality of the suppliers, or the country of production of the good or provision of service. Therefore, there are no provisions in our legislation which restrict the participants on the basis of the nationality or the country of production. Our legislation observes the national treatment and non-discrimination commitments of the Agreement.

The Local Autonomy Law and relevant regulations regarding sub-central government entities, from a viewpoint of ensuring fairness and strict neutrality, equal opportunity and economic advantage, basically provide for such procurement procedures in line with the national treatment and non-discrimination commitments of the Agreement. Furthermore, the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services in Local Government Entities prohibits sub-central government entities from restricting the participants in tendering procedures on the basis of the place of their business offices.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

According to the implementing legislation with respect to central government entities, the invitation to participate shall take the form of a notice of proposed procurement. Where specified procurement contract shall be subject to open tendering procedures, Article 74 of the Budget Settlement of Account and Accounting Regulations as read in accordance with Article 5 of the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services, which provides that the information of the procurement shall be notified by Kanpo not later than forty days from the day before the deadline for submission of tenders.

Where selective tendering procedures are to be adopted for a specified procurement contract, Article 7 of the Cabinet Order provides that a notice of the proposed procurement shall be published as in cases covered by Article 74 of the Regulations as read in accordance with Article 5 of the Cabinet Order.

Article 167-6 of the Ordinance for Enforcement of the Local Autonomy Law, as well as Articles 6 and 7 of the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services in Local Government Entities, provide for the qualification for the participation in tendering procedures, those items to be noticed regarding the tendering procedures, and others.

These provisions premise that the invitation to participate in tendering procedures takes the form of a notice of proposed procurement.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Our implementing legislation does not provide for such opportunity for sub-central government entities as well as central government entities.

Annex 3 entities follow the same guidance in noticing procurement procedures, including such items as a notice of planned procurement, as the central government entities do.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

Article 4 of the Cabinet Order and Article 95 of the Regulations provide that the contracting officer, etc., must draw up a list of parties who meet the qualifications for participation in selective tendering procedures when the conclusion of a specific procurement contract by selective tendering procedures is foreseen. Thus permanent lists of suppliers are used in the case of selective tendering procedures.

Sub-central government entities are not prohibited from using permanent lists of suppliers in the case of selective tendering procedures.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

The negotiation mentioned in Article XIV of the Agreement is not allowed in the procedures regarding government procurement under the Accounts Law and the Local Autonomy Law.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

Cabinet Order Stipulating Special Procedures for the Government Procurement of Products or Specified Services requires all central government entities to comply with the time-limits for tendering set out in Article XI.

The Ministry of Home Affairs, with official notice (November 1, 1995), requests sub-central government entities covered by the Agreement to comply with the time-limits for tendering set out in the Article.

As a voluntary measure to increase access opportunities for foreign suppliers to the Japanese market with regard to the procurement of products and services by the central government and Annex 3 entities, the Government of Japan extends, in principle, the period for the receipt of tenders from the date of a public notice for invitation to tender to 50 days (except construction services and design and consulting services).

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

In Japan, Japanese is the only official language. In tendering procedures, therefore, tenderers are required to submit tenders in Japanese, while there is no explicit reference to the language of tender submission in the implementing legislation.

C. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The Japanese Government established the Office of Government Procurement Review (OGPR) by the Cabinet Decision on December 1, 1995. The head of the OGPR is the Chief Cabinet Secretary and other members are the vice-ministers of ministries and agencies.

The OGPR decided "the Review Procedures for Complaints concerning Government Procurement" on December 14, 1995. These procedures were published on the Official Gazette. Also, the procedures were communicated to all parties through the WTO Secretariat. The most recent

version of such communication is "Review Procedures for Complaints concerning Government Procurement in Japan (GPA/W/90)." This document is available through internet homepage of WTO.

In addition, all relevant information including the Procedures is generally available through the Economic Planning Agency's internet homepage: http://www.epa.go.jp/access/english/chance_main_e.html/

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

As explained above, all information is already generally available. However, we provide specific answers to all the questions for the Parties' convenience.

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

The time limit to launch a complaint is not less than 10 days from when the basis of the complaint is known or should reasonably have been known to the supplier. (Review Procedures for Complaints Concerning Government Procurement 4. (1))

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Government Procurement Review Board is established and it is an impartial and independent review body with no interests in the outcome of the procurement.

The Chief Cabinet Secretary who is the head of OGPR designates the members of the Board. The Board is composed of scientists, scholars, and other members with experience in government procurement.

The decisions are not subject to judicial review.

However, the Board has the procedures listed in (a) to (g) of paragraph 6 of Article XX.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Board examines complaints whether the procurement is made in accordance with the Agreement.

In addition to its obligations under the Agreement, Japan has established voluntary measures incorporating more positive steps in the areas of government procurement of supercomputers, computer products and services, non-research & development satellites, telecommunications products and services, medical technology products and services and construction services. The Board makes reference to all these

voluntary measures (Please see attachment 1). These measures are available through the internet homepage introduced above.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

In the case of a complaint prior to contract execution, the Board shall, in principle, promptly issue a written request to the procuring entity within 10 days of the filing that contract execution should be suspended pending resolution of the complaint.

In the case of a post-execution complaint filed within 10 days of the contract execution, the Board shall, in principle, promptly issue a written request to the procuring entity that contract performance should be suspended pending resolution of the complaint.

However, when the Board determines that urgent and compelling circumstances do not allow it to issue such request to the procuring entity, the Board shall immediately provide written notification of its decision with reasons to the complainant and the OGPR.

In addition, the procuring entity shall suspend the execution or performance of the contract immediately upon receiving the Board's request. If, however, the head of the procuring entity determines that he or she cannot obey the request due to urgent and compelling circumstances, the procuring entity may fail to suspend but shall immediately provide written notification of its decision with reasons to the Board.

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

Where the Board finds that any provision of the Agreement or other measures were not followed, the Board shall accompany the report with written recommendations concerning appropriate remedies, which may include one or more of the following:

- that new procurement procedures be conducted;
- that re-procurement be conducted without changing conditions for procurement;
- that the procurement be re-evaluated;
- that the contract be executed with a different supplier;
- that the contract be terminated.

There is no financial compensation for loss or damages suffered.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Persons or bodies wishing to file a complaint may do so with the Board within ten (10) days after the basis of the complaint is known. The Board will examine complaints received within seven (7) working days of filing and determine whether

they will be accepted for review. If a complaint is accepted for review, the Board will immediately notify the complainant, OGPR, and the procuring entity of this in writing and publicly announce its decision through the Official Gazette, the Internet, and other means, soliciting the attendance of participants with interests in the complaint. The procuring entity is required to present a report to the Board; if the complainant or the participants disagree with this report, they may present statements to the Board or request a review by the Board, which the Board will subsequently undertake. Finally, a report by the Board on findings will be drawn up within ninety (90) days in case of standard review. This period can be shortened if the complainant or the procuring entity desire. This time limit may also vary according to the type of procurement. If the Board finds that procurement has been carried out in a manner inconsistent with any provision of the Agreement on Government Procurement or other applicable measures, it will draw up recommendations with the report. The procuring entity is required, as a rule, to follow the recommendations of the Board. (Please see the attachment 2.)

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The board requires no charge.

ATTACHMENT 1

Designation of Applicable Measures Government Procurement

(Provisional Translation)

14 December 1995
Amended: 1 April 1997
Decision of the Head of the OGPR

Under the provisions of 2.(1) of "Establishment of the Office of Government Procurement Review (Cabinet decision, 1 December 1995), I hereby designate the following measures to apply in relation to government procurement, in addition to the Agreement on Government Procurement.

1. Revised Procedures to Introduce Supercomputers (adopted by the Committee for Drawing Up and Promoting the Action Program, on 19 April 1990);
2. Procedures for the Procurement of Non-R&D Satellites (adopted by the Committee for Drawing Up and Promoting the Action Program, on 14 June 1990);
3. The Common Understanding on Government Procurement (adopted by the Committee for Drawing Up and Promoting the Action Program, on 19 November 1991);
4. The Additional Measures of the Government of Japan on Major Projects Arrangements (approved by the Cabinet, on 26 July 1991);
5. Measures Related to Japanese Public Sector Procurement of Computer Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 20 January 1992);
6. Action Plan on Reform of Bidding and Contract Procedures for Public Works (approved by the Cabinet, on 18 January 1994);
7. Procedures for Government Procurement on Products (Operational Guidelines) (adopted by the Committee for Drawing Up and Promoting the Action Program, on 28 March 1994);
8. Measures on Japanese Public Sector Procurement of Telecommunications Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 28 March 1994);
9. Measures on Japanese Public Sector Procurement of Medical Technology Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 28 March 1994);
10. Operational Guidelines with respect to Measures on Japanese Public Sector Procurement of Telecommunications Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 7 October 1994);
11. Operations Guidelines with respect to Measures on Japanese Public Sector Procurement of Medical Technology Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 7 October 1994);
12. On the Range of Application of Review Procedures to Introduce Supercomputers (adopted by the Committee for Drawing Up and Promoting the Action Program, on 27 March 1995);

13. On the Introduction of the Overall Greatest Value Methodology in Japanese Public Sector Procurement of Computer Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 27 March 1995);

14. The Common Understanding on Government Procurement of Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 11 December 1995);

15. Operational Guidelines with respect to the Action Plan on Reform of Bidding and Contract Procedures for Public Works (approved by the Vice Ministers' Conference on Cabinet, on 17 June 1996).

(Note) As far as article 15 above is concerned, the complaint may be filed concerning the procurement value over thresholds or mentioned in the article 4 and 7 in the "Operational Guidelines with respect to the Action Plan on Reform of Bidding and Contract Procedures for Public Works." If the procurement is subject to the procedures in the article 4 and 7 in this Operational Guideline, the procurement is regarded as the case of the "Public Invitation Proposal Procedures" or "Public Invitation Competitive Bidding Procedures" when the article 2.(1)iii. in the "Review Procedures for Complaints Concerning Government Procurement" (Decision by the OGPR, on 14 December 1995) is applied.

ATTACHMENT 2

Procedures for Complaint Review (Standard Review)

Timeline

- (1) Complaint indicates intention of making a complaint
- (2) Consultation with procuring entity (voluntary)

Day 0 (day from which countdown begins)

- (3) A complaint is filed into the Board
 - (4) The Procuring Entity, and OGPR are notified

Within 7 days

- (5) The Board determines whether to accept the complaint
 - (6) The Complainant, the Procuring Entity, and OGPR are notified
- (7) Public notice that the complaint has been accepted (Participants are invited to attend Board meeting)

Within 10 days

- (8) The Board requests that the execution or performance of the contract should be suspended (within 10 days from (3))
 - (9) if the Procuring Entity does not comply, it must state its reasons to the Board
 - (10) The Board sends a copy of the reasons to the Complainant

15 days later

- (11) Participants are determined (deadline for receipt of applications, within 5 days from (7))

Within 21 days

- (12) The Procuring Entity submits its report to the Board (within 14 days from (4))
 - (13) The Board sends a copy of the report to the Complainant and Participants

Within 28 days

- (14) Statements from the Complainant and the Participants, or request for examination by the Board (within 7 days from (13))
- (15) Review of complaint begins

Within 90 days

- (16) Report and recommendations drawn up by the Board

Within 91 days

- (17) Report and recommendations sent to the Complainant and the Procuring Entity
(Within one working day from (16))

Within 101 days

- (18) The Procuring Entity sends the Board its reasons for non-compliance with the Board's
recommendations (Within 10 days from (17))

(Note) Different time-periods may be applied to certain types of government procurement. Therefore,
the Review Procedures for Complaints Concerning Government Procurement should be checked in
detail.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

Japan

The present document reproduces the questions put to the delegation of Japan¹, the responses given and the comments made during the review of national implementing legislation at the Committee's meetings of 3 May 2001.² Japan's notification of its national implementing legislation in accordance with the Committee decision in GPA/1/Add.1 has been circulated in documents GPA/37, dated 20 June 2000.

**REPLIES TO THE QUESTIONS FROM CANADA; HONG KONG, CHINA;
SWITZERLAND; AND THE UNITED STATES**

I. IMPLEMENTING LEGISLATION

Question from the United States

Please provide an explanation of the "Act for Promoting Public Tendering and Contracting for Public Works" (Law No. 127 of 2000), and a description of its relationship to the procurement laws and regulations cited in Japan's Notification.

Please see Attachment 1³ (General Outline and Summary of the Act, main points of the enforcement order and the Items of the Guiding Principles on Measures for Promoting Proper Tendering and Contracting for the Public Works).

The laws and regulations cited in Japan's notification are general laws and regulations on public procurement. Basically these laws and regulations guarantee the national implementation of the Agreement on Government Procurement. On the other hand, the Act provides for additional rules for public works that are not covered by the said general laws and regulations. (For example, the annual announcement of prospect of orders, the announcement of bidders and bidding prices, the promotion of proper formation for implementation of works, notification of improper actions to the Fair Trade Commission, etc.)

¹ Questions put by Switzerland; the United States; Hong Kong, China; and Canada (Job Nos. 2244, 2877, 3033 and 3416).

² The minutes of this meeting have been circulated in document GPA/M/15.

³ All attachments are in English only.

The Act applies to contracts of works that are worth not more and less than the thresholds stipulated in Japan's Annex 5 (excluding contracts whose provisional value is less than ¥2.5 million). The scope of entities covered by the Act includes all central government entities listed in Annex 1 and all sub-central government entities listed in Annex 2 as well as quasi-governmental agencies that include part of the entities listed in Annex 3 (cf. the main points of the enforcement order in Attachment 1).

Question from the United States

Are there other similar laws that apply to procurement in a specific sector? If so, please provide a description of such legislation.

Besides the Act mentioned above, there are no laws or regulations that apply to procurement in a specific sector.

Question from Switzerland

Are there any differences between the laws and regulations applied by central government entities and by the laws and regulations applied by the sub-central authorities? For instance in the tendering procedures or the challenge procedures or the possibility to negotiate.

There are no significant differences between their procurement procedures. For instance, both have similar tendering and challenge procedures under their laws and regulations. Both have no laws or regulations that provide for procedures for negotiations under Article XIV of the Agreement on Government Procurement.

II. SCOPE AND COVERAGE

Question from the United States

Has the new central government reorganization, undertaken in January 2001, resulted in any changes in the laws or regulations relating to government procurement?

As for the ministers/ministries and agencies whose names have been changed as a result of the central government reorganization, Japan enacted laws and regulations on 6 January 2001, which formally amended the names of these ministers, ministries or agencies referred to in the national implementing legislation cited under 1.A (Central Government) and 1.B (Sub-Central Entities) of Japan's notification (GPA/37). Besides these formal amendments, no substantial changes have been made.

Question from the United States

With regard to Annex 3 entities, Japan states (ref. point 1 of GPA/37) that the GPA "has been transposed into their respective accounting or internal statutes whose consistency with the Agreement is secured through responsible ministers' control over the corporations". Does that mean that the law establishing each Annex 3 entity sets out the procedures that the entity must follow in order to comply with the GPA, as well as the authority for the responsible ministers to control the Annex 3 entities? If not, what is the legal obligation for the Annex 3 entities to comply with the GPA?

The law establishing each Annex 3 entity does not comprehensively provide for procedures that each entity must follow in order to comply with the Agreement on Government Procurement. Instead, it provides for general rules on finance and account that the entity must abide by. The law provides for the authority for the responsible minister to control the Annex 3 entity.

For Annex 3 entities, their accounting or internal statutes that set out necessary provisions to implement the thresholds and procedures in the Agreement on Government Procurement serve as the basis for legal obligation of Annex 3 entities to comply with the Agreement on Government Procurement.

Question from Switzerland

Which public procurement laws are applicable to corporations of Annex 3?

There are no public procurement laws that are applicable to the entities listed in Annex 3. These entities have their own accounting or internal statutes to implement the provisions of the Agreement on Government Procurement.

Question from the United States

Japan states (ref. point 3 of GPA/37) that the laws establishing Annex 3 entities “provide for ministerial general control over the entities”, and that consistency of the procurement procedures of such entities is “secured through the ministerial general control over them”.

- (a) *What does “ministerial general control” mean with respect to government procurement? How does the responsible minister “control” the Annex 3 entity and ensure that its procurement is conducted in accordance with the GPA?*

The ministerial general control of a responsible minister means the authority that the minister may give instructions or orders to Annex 3 entities in charge regarding their business if he or she deems such instructions or orders necessary to implement laws establishing Annex 3 entities.

In accordance with laws and ministerial orders establishing Annex 3 entities, such entities are obligated to provide for their accounting or internal statutes and shall gain approval or authorization from the responsible minister or notify the minister of the contents of their statutes and subsequent revisions. After Japan had signed the Agreement on Government Procurement in April 1994, the ministers responsible for Annex 3 entities requested the entities concerned, on the basis of their ministerial general control, to provide necessary accounting or internal statutes to implement the Agreement on Government Procurement and publicize them. In response, the entities concerned gained approval or authorization of such accounting or internal statutes from the responsible minister, or notified the minister of such accounting or internal statutes, and subsequently publicized them.

- (b) *What authority does the responsible ministry have to compel the compliance of an Annex 3 entity with the GPA?*

An Annex 3 entity is obligated to submit its business report and statement of accounts to the responsible minister each fiscal year in accordance with the law establishing the entity. Concerning these reports the responsible minister may ask a specific report on the status of procurement contracts that the entity concluded or inspect its practice. If the responsible minister deem as a result of hearing or inspection that the entity concerned failed to abide by the Agreement on Government Procurement, the minister may instruct the entity to amend its practices when necessary, on the basis of the ministerial general control in accordance with the law establishing the entity.

(Note: The authority of the responsible ministers and the obligations of Annex 3 entities mentioned under points 2 and 3 above do not refer to Annex 3 entities that have been already privatized and transformed into stock companies by the amendment of the national laws and regulations concerning the entities (i.e. Japan Tobacco Inc., the successor companies for Nippon Telegraph and Telephone Co. and Japan Railway) Those entities provided for their accounting or internal statutes or equivalents autonomously and implement procurement in accordance with the Agreement on

Government Procurement. The authority of the responsible ministers mentioned under points 1 to 3 above does not refer to NTT Communication Co. because there is no special law establishing that company.)

Question from Switzerland

How is Ministerial control exercised over Annex 3 entities? (ref. point 3 of GPA/37)

See the reply to the question from the United States above.

Question from the United States

With regard to Japan's statement that Annex 3 entities "are established by relevant laws following an inspection by the Management and Co-ordination Agency" (ref. point 3 of GPA/37), what is the "inspection?" Does it refer to the laws or the entities?

Inspections conducted by the Management and Co-ordination Agency (currently the Ministry of Public Management, Home Affairs, Posts and Telecommunications as a result of the central government reorganization implemented in January this year) refer to inspections of the establishment of special legal entities, revisions (including changes of the purposes) and abolishment of the laws establishing such entities (cf. Article IV:11 of the Law establishing the Management and Co-ordination Agency (currently Article IV:15 of the Law Establishing of the Ministry of Public Management, Home Affairs, Posts and Telecommunications)).

Before a central government entity submit to the Diet a bill to establish a special legal entity, revise the system of an existing special legal entity or abolish such an entity, the Ministry of Public Management, Home Affairs, Posts and Telecommunications shall inspect the propriety of such establishment, revisions or abolishment which are provided by the bill in advance. That is, the Ministry is empowered to examine the contents of such bills, but neither the contents of subordinate legislation which set out detailed rules on business, finance or accounts of the special legal entities, nor the actual activities of such entities.

Question from Switzerland

Why were voluntary measures introduced in the areas of government procurement of supercomputers, computer products and services, non-research and development satellites, telecommunications products and services, medical technology products and services and construction services? What is the objective of these measures? Are they used frequently? What results were obtained thus far? (ref. checklist of issues, 14(iii), GPA/37, 20 June 2000).

With a view to further promoting procurement through procedures based on non-discrimination, transparency, and the principle of fair and open competition, Japan introduced the voluntary measures that include its lower threshold (100,000 SDR) and additional procedures which go beyond its obligations and commitments under the Agreement on Government Procurement. These measures are applicable in the areas of government procurement of super computers, computer products and services, non-research and development satellites, telecommunications products and services, medical technology products and services. (The voluntary measures are not based on any laws or regulations but on intergovernmental agreements. In addition to the measures in the areas mentioned above, there are voluntary measures for goods and services in general (excluding construction work, architectural, engineering and other technical services), which provide the same threshold and similar procedures.)

The purpose of these voluntary measures is to ensure thorough observance of the principle of competition. These voluntary measures apply to all procurement covered by them, except for procurement outside the scope of the Agreement on Government Procurement (e.g. the procurement of goods or services that are not bound by Japan's Appendix 1, procurement covered by Article XXIII of the Agreement on Government Procurement).

As a follow-up to these voluntary measures, the Government lists procurement contracts covered by the measures in each sector every year, and publicizes the procurement track record (cf. the Annual Report on Japan's Government Procurement: Policy and Achievements (available at <http://www.kantei.go.jp/foreign/procurement/2000/>) that includes documents on the above-mentioned voluntary measures, their summary and follow-up).

In the areas of construction work, architectural and other technical services, there is the Action Plan on Reform of the Bidding and Contracting Procedures for Public Works as voluntary measures applicable to the entities listed in Annexes 1 and 3. The general aim of the Action Plan is to provide for details of procurement procedures in accordance with the Agreement on Government Procurement and to implement them in two years advance of the entry into force of the Agreement on Government Procurement. In addition, the Action Plan includes special measures for evaluation of foreign firms that participate in tendering.

(Note: The following are the gist of the above-mentioned special measures for foreign firms:

In evaluating foreign firms under the "Business Evaluation", the Minister of Construction (currently the Minister of Land, Infrastructure and Transport) and the governor of each prefecture will take into account the number of engineers with foreign qualifications, periods of construction business activities outside Japan and the resources of parent companies in their home countries.

In evaluating foreign firms under the qualification to participate in tendering, each commissioning entity will take due account of a foreign firm's past records outside Japan in similar projects and availability of engineers with foreign qualifications.)

III. NON-DISCRIMINATION

Question from the United States

How does the Accounts Law "observe the national treatment and non-discrimination commitments" of the GPA (ref. point 1 of GPA/37)? Does it make explicit reference to them? If so, please identify the specific provision.

Procurement contract procedures based on the Accounts Law do not provide for any restrictions on qualifications for participation in tendering procedures on the basis of nationality of suppliers or origin of goods or services. In other words, central government entities are allowed to prescribe qualifications for participation in competitive tendering procedures provided that such qualifications are indispensable for ensuring proper implementation of contracts as well as promoting appropriate and reasonable competition. There are no provisions that would justify limitations on participants by nationality or origin. Therefore, the national treatment and non-discrimination commitments of the Agreement on Government Procurement are ensured in procurement contract procedures based on the Accounts Law. For example, the following Articles guarantee the above-mentioned commitments.

Articles 70 and 71 of "the Cabinet Order Concerning the Budget, Settlement of Account and Accounting Regulations" exclusively list parties who are not allowed to participate in open tendering (i.e. incompetent parties) and cases where parties are banned from participating in open tendering for two years (i.e. improper actions by parties). Article 72 stipulates that if each central government

entity prescribes qualifications for participation in open tendering, it must specify the size and conditions of the business etc. Furthermore, Article 73 stipulates that the contracting officer, etc. may specify additional qualifications in respect of those parties qualified under Article 72 if it is recognized especially necessary to ensure fair and reasonable competition. Therefore, such an action that precludes any foreign party from participating in open tendering because of its nationality may not be justified by any provisions of Articles 70, 71, 72 and 73. Such an action will constitute a violation of the Cabinet Order (cf. Attachment 2 containing the text of the relevant Articles of the Cabinet Order).

Question from the United States

Japan states that the Local Autonomy Law and relevant sub-central regulations “basically provide” for “procurement procedures in line with the national treatment and non-discrimination commitments of the Agreement” (ref. point 1 of GPA/37). Does the law or do the regulations make explicit reference to these commitments?

The Local Autonomy Law and relevant regulations do not have any provisions that directly refer to the term "national treatment" or "non-discrimination". However, the Law and the relevant regulations provide for procurement contract procedures based on the principle of ensuring fairness, equal opportunity and economic advantage, thereby ensuring the national treatment and non-discrimination commitments. As an example for such provisions, Article 5 of the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services in Local Government Entities stipulates that the head of any sub-central government entity in Annex 2 may not prescribe any necessary qualifications regarding the place of the business office of those who participate in open tendering for procurement contracts that the Agreement on Government Procurement applies to.

Question from Switzerland

Do the principles of non-discrimination and national treatment also apply to tenders from non-GPA Parties? If so, which countries?

Regarding the procurement contracts with central government entities and sub-central government entities, the principles of national treatment and non-discrimination apply to tenders from all countries including Parties to the Agreement on Government Procurement, based on the interpretation of national laws and regulations mentioned in 1.A (Central Government) and 1.B (Sub-Central Entities Covered by the Agreement) of Japan's notification (GPA/37).

Question from Switzerland

Does the Japanese legislation foresee any provisions for working conditions (wages, social security, social benefits, ...) to be applied by foreign firms operating in Japan on public procurement contracts in the construction sector or for services? Which GATS horizontal rules are applicable? Present an example with a concrete case.

National laws and regulations to implement the Agreement on Government Procurement do not have a clause providing for working conditions applicable to foreign companies that conclude procurement contracts in Japan in the construction and other service sectors. On the other hand, if the labour standards law or laws regulating business in construction or other services have provisions concerning working conditions (wages, social insurance and allowances, etc.), those provisions also apply to foreign companies operating in Japan as well as to Japanese companies. In this case, such foreign companies are required to abide by the said laws. If it turns out that a foreign company operating in Japan has not complied with any working condition provided by domestic laws and regulations, it may lose qualification for participating in tendering or concluding contracts.

Except for cases where the GATS Article XIII:1 applies to, horizontal rules and Japan's horizontal commitments under the GATS apply to services and service providers of all WTO Members. But we do not think that the application of Japan's horizontal commitments (e.g. commitment on movement of natural persons) to a foreign company (e.g. to its employees) operating in Japan will be denied simply because it bids for or won a public procurement contract in Japan.

Question from Switzerland

According to the 1997 statistics reported under Article XIX:5(b) of the Agreement (GPA/22/Add.3, 1 August 2000), 94 per cent of the central government tenders above the thresholds were awarded to Japanese tenderers. What could be done to increase the participation of foreign tenderers and the award of contracts to foreign tenderers in the future?

As mentioned in our response on page 5 of this paper, with a view to further promoting procurement through procedures based on non-discrimination, transparency, and the principle of fair and open competition, Japan adopted and introduced the voluntary measures in the areas of government procurement of super computers, computer products and services, non-research and development satellites, telecommunications products and services, medical technology products and services, and construction services. These measures include the lower threshold (100,000 SDR except construction, engineering and consulting services) and additional procedures which go beyond Japan's obligations and commitments under the Agreement on Government Procurement.

However, the ratio of foreign suppliers' remains between 4 per cent and 6 per cent (procurement value) from 1997 to 1999. In the same period, the ratio is slightly increasing in terms of the number of contracts but still at 2 per cent level (cf. Table 6-1 in Chapter II of the Annual Report on Japan's Government Procurement: Policy and Achievements (<http://www.kantei.go.jp/foreign/procurement/2000>)).

After all, while the procedures under the Agreement on Government Procurement and the above-mentioned voluntary measures offer non-discriminatory, transparent and competitive opportunities for foreign suppliers to participate in tendering, they do not necessarily guarantee the result. Therefore, foreign suppliers are invited to take advantage of these opportunities and participate more in tendering procedures.

(cf. The 1999 statistics of the above-mentioned Annual Report (Table 12 of Chapter II) show that the ratio of foreign products procured in Japan is considerably high in some product categories. For "mineral products" (soil and rocks, crude heavy oil, metal ores, etc.) the ratio is about 98 per cent. For "aircraft and associated equipment" it is about 66 per cent. (Both figures are calculated in terms of the number of procurement contracts.))

IV. PROCUREMENT PROCEDURES

Question from Canada

Further to the response of Japan to question 9 regarding selective tendering procedures, what is the process for the addition of new suppliers to the permanent lists of suppliers for use in cases where selective tendering is used. Can a supplier be added to the list at any time?

Interested suppliers may apply, at any time, for inclusion in the permanent lists of qualified suppliers used by central government entities conducting selective tendering. Duration of the validity of qualification is generally two or three years. When the application for qualification is made later than the qualification period specified by the official gazette, the duration of the validity is limited to

the remaining period of two or three years. Similar procedures are provided for with respect to selective tendering conducted by sub-central government entities.

In addition, the qualifications for participating in open/selective tendering contracts with central government entities have been unified since April this year, with the exception of public works. Regarding documents and procedures required in order to apply for these qualifications, please refer to the tentative translation of the related public notice in Attachment 3. Information on application procedures regarding the qualifications for participating in public works performed by central government entities as well as procurement conducted by sub-central government entities, is available at contact points on government procurement, as listed in the relevant government website (cf. Appendix 5 of the "Guide to the Government Procurement Market of Japan" (http://www.mofa.go.jp/j_info/japan/procurement/)).

Question from Switzerland

According to the 1997 statistics reported under Article XIX:5(b) of the Agreement, 27.6 per cent of the central government tenders above the thresholds were under Article XV(a)-(f) (limited tendering), that is generally without publication. Most of these tenders (70 per cent) were under Article XV(b) (works of art, intellectual property) and Article XV(d) (additional deliveries by the original supplier). Why are intellectual property-linked purchases so important? Is it necessary to buy such a large amount of goods being connected with the protection of exclusive rights? What could be done to decrease this large share under both Article XV(b) and Article XV(d)?

We have not conducted a comprehensive survey on why the ratio of the limited tendering cases under Article XV(b) and (d) is so large among the entities in Annex 1. As for Article XV(b), a factor would be that a lot of entities commission suppliers to produce TV programmes and video tapes or to edit brochures and magazines as part of public relations activities and purchase them. As for Article XV(d) we can cite, for example, a typical case that it is unreasonable to commission another supplier to operate or maintain the computer network of the specific computer system already procured, provided that the supplier that has developed its program can operate or maintain it. Another factor is that many central government entities which concluded lease contracts of products procurement after they had stated in the tendering procedures a condition that they will lease procured products for two to four years, often renew their lease contracts after their expiration for reasons of Article XV(d). Because the central government entities are, in general, bound to conclude single-year procurement contracts. In conclusion, further research is needed to find out what could be done to decrease the large share of the limited tendering cases under Article XV(b) and (d).

(Note: In Japan all procurement contracts above the thresholds, that are concluded through limited tendering procedures by the central government entities in accordance with Article XV(a)-(j) of the Agreement on Government Procurement, are published in the official gazette, "Kanpō", within 72 days after the award of each contract in accordance with Article XVIII:1 of the Agreement on Government Procurement. The entities listed in Annex 2 publish such contracts in Kanpō, Shihō or their equivalents within the same time-period in accordance with the said Article. Under Japan's voluntary measures (except construction work, architectural, engineering and other technical services), when entities in Annexes 1 and 3 intend to make procurement that is worth not less than 100,000 SDR through limited tendering, they publish a notice of each limited tendering procurement in Kanpō at least 20 days before the scheduled date for contract award in order to clarify its appropriateness (except for certain cases⁴). The notice specifies: (1) the subject-matter of procurement; (2) the scheduled date for contract award; (3) the justification for limited tendering in

⁴ Certain cases are: (1) no tenders are submitted in competitive tendering; (2) no successful tenders are resubmitted in the second tendering; (3) in the case of extreme urgency; and (4) when the procurement entity clarifies to all suppliers at the initial competitive tendering that should certain conditions be met, the contract will be renewed.

accordance with the Agreement on Government Procurement; and (4) the name of the intended supplier.)

V. PUBLICATION AND DOCUMENTATION

Question from Switzerland

Why does the legislation not foresee the procedures associated with a notice of planned procurement and the notice of qualification system as an invitation to participate? What are the disadvantages and the advantages not to foresee such possibilities for Japanese procuring entities and tenderers?

The Accounts Law and related regulations, which apply to the central government entities, do not provide the procedures stipulated in Article IX:3 of the Agreement on Government Procurement. In general, the same refers to the entities listed in Annex 3 because they prescribe procurement procedures by following the central government's model. It is reasonable to publish an invitation to participate at the point of time when the planned procurement is decided because the timing of the procurement is often not determined by the time when a notice of planned procurement or qualification system is published. It is also appropriate with a view to minimize the uncertainty for suppliers, since there is possibility that planned procurement may be changed, suspended or postponed.

Regarding the sub-central government entities, the Local Autonomy Law and relevant regulations do not provide for the procedures stipulated in Article IX:3 of the Agreement on Government Procurement, either. The procedures are not adopted because information to be included in a notice of planned procurement and a notice regarding a qualification system under Article IX:7 and 9 is less than that to be contained in a notice of proposed procurement under Article 167:6 of the Ordinance for Enforcement of the Local Autonomy Law. It would lessen the transparency under the current system if the procedures under Article IX:3 were adopted.

Question from Switzerland

To which extent are tendering documents provided in English?

Based on Japan' voluntary measures on government procurement, the entities listed in Annexes 1 and 3 provide an English summary of each notice of competitive tendering procurement covered by the Agreement on Government Procurement.

In accordance with respective rules on finance or contracts the entities listed in Annex 2 are required to describe the following information in English, French or Spanish in each notice of competitive tendering procurement covered by the Agreement on Government Procurement: the nature and the quantity of products or services they intend to procure, the time-limit for tendering and the contact point for the procurement noticed.

Based on the Action Plan on Reform of the Bidding and Contracting Procedures for Public Works, the entities listed in Annexes 1 and 3 publish the following information in both Japanese and English in each notice of orders of public works covered by the Agreement on Government Procurement: the subject-matter of the construction, an application form and relevant documentations for tender procedures, the deadline set for the submission of tenders and the contact point where the tender documentation is available.

Question from Switzerland

How decentralized are publications (central, sub-central, corporations)?

As for the entities listed in Annexes 1 and 3, it is the official gazette, "Kanpō", issued by the Printing Bureau of the Ministry of Finance that publish laws, regulations, judicial decisions, administrative rulings of general application and procedures and notices regarding procurement covered by the Agreement on Government Procurement.

As for the entities listed in Annex 2, it is "Kenpō" or their equivalents issued by prefectural governments or "Shihō" or their equivalents issued by designated cities that publish laws, regulations, judicial decisions, administrative rulings of general application and procedures and notices regarding procurement covered by the Agreement on Government Procurement.

Question from Switzerland

How is access to the publication organs "Kenpō" and "Shihō" (GPA, Appendix II, Annex 2) secured?

Information on the publication organs that issue "Kenpō", "Shihō" or their equivalents is available at the contact point of each entity listed in the Annex 2. (The list of contact points is included in Appendix 5 of the "Guide to the Government Procurement Market of Japan" (http://www.mofa.go.jp/j_info/japan/procurement/). See the table in Attachment 4.)

Question from Switzerland

How is access to the publication organ "Kanpō" (GPA, Appendix II, Annex 3) secured?

The publication organ of the official gazette, "Kanpō", is the Printing Bureau of the Ministry of Finance. "Kanpō" can be purchased at 11 Service Centers of Government Publications across the country and 48 Stores of the Official Gazette, "Kanpō", located in each prefecture (see the tables in Attachment 5). Each issue of "Kanpō" is also available by Internet for one week from the day of the publication on the Printing Bureau's website (<http://kanpou.pb-mof.go.jp>).

Question from Switzerland

How frequently is bidding prepared with English tender documentation? For what kind of projects? To which extent are tenderers also accepted in English? How often?

National laws and regulations to implement the Agreement on Government Procurement, which are mentioned under 1.A. (Central Government) and 1.B. (Sub-Central Entities Covered by the Agreement) of Japan's notification (GPA/37), have no provision similar to Article XII:1 of the Agreement on Government Procurement. However, none of them have such provision as stipulates that the language used in tenders and contracts shall be Japanese. Therefore, it is interpreted under the above-mentioned national laws and regulations that procuring entities may designate either only Japanese or both Japanese and English as language to be used in documents for tendering and contract.

Since Japanese is the only official language in Japan, many of the entities listed in Annexes 1, 2 and 3 designate only Japanese as language to be used in tendering and contract procedures in their notice of procurement or tender documentation. However, some of the entities listed in Annex 3 provide tendering documents (including tender documentation) in both Japanese and English, in principle, for all kinds of procurement projects and allow suppliers to use both Japanese and English in tendering and contract procedures (e.g. Nippon Telegraph and Telephone Co).

VI. TIME PERIODS

Question from Canada

In response to question 11, Japan has stated "the Government of Japan extends, in principle, the period for the receipt of tenders from the date of a public notice for invitation to tender to 50 days". Is the 50-day time-period a minimum bid period or is it the maximum bid period used by Japan?

The 50-day time-period refers to the minimum period from the date of a public notice of invitation to tender to the deadline for the submission of tenders, which is based on measures taken voluntarily by the Government of Japan. Individual procuring entities may establish a period over 50 days on its own judgement.

Question from the United States

Is there specific legal or regulatory authority that requires Annex 3 entities to comply with Article XI time limits (ref. point 6 of GPA/37)?

The relevant provisions of accounting or internal statutes of Annex 3 entities ensure that the entities observe the time-limits set out in Article XI. If an Annex 3 entity is regarded as having failed to observe a time-limit, the minister responsible for the entity may request it to improve its practice based on the ministerial general control over the entity.

VII. BID CHALLENGE MECHANISMS

Question from Canada

In the event that a supplier is not satisfied with the decision of the Government Procurement Review Board, what is the process to appeal the decision?

"The Review Procedures for Complaints Concerning Government Procurement", as decided by the Office of Government Procurement Review on 14 December 1995, does not provide for any appeal procedures in the event that a supplier is not satisfied with the decision of the Board. In this case, the supplier may file a suit against the procurement decision with a judicial court in accordance with judicial procedures in Japan.

Question from Canada

Do suppliers represent themselves during the review process before the Government Procurement Review Board, or is legal counsel required?

"The Review Procedures for Complaints Concerning Government Procurement" mentioned above stipulates as follows:

Paragraph 5(7)(vi): "The complainant, participants and the procuring entity may be represented by lawyers, or by other agents approved by the Board."

Question from Switzerland

Which decisions of procuring entities can be challenged by interested parties? How many cases are dealt with yearly at the central and sub-central levels? What kind of problems are raised by complainants at the central and sub-central levels? How is the sub-central level challenge system organized?

(1) Challenge procedures by the central government

Paragraph 5(1) of the Review Procedure for Complaints Concerning Government Procurement (decided by the Office of Government Procurement Review (OGPR) on 14 December 1995) stipulates that "when a supplier suspects breaches of any provision of the Agreement (i.e. the Agreement on Government Procurement) or other Measures (i.e. other applicable Measures designated by the Head of the OGPR), he or she may file a complaint in writing with the Board at any time during the procurement process". (provisional translation) Article XX of the Agreement on Government Procurement stipulates that "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 accordance with this Article, a substantial number of complaints have been settled through consultation. Since the challenge system was introduced in 1996, three complaints have been filed with the Government Procurement Review Board (see information on the cases in Attachment 6).

(2) Challenge procedures by the sub-central governments

Sub-central government entities listed in Annex 2 have their respective challenge systems that are similar to the challenge system by the central government. (Information on challenge procedures of respective sub-central government entities is available at the contact points on government procurement of the sub-central government entities concerned.) Only one complaint has been filed about the Osaka Prefectural Government's procurement (see information on the case in Attachment 6).

Question from the United States

We understand that each procuring entity maintains a review procedure for decisions to procure without competitive tendering, that is to use limited tendering. Please provide the following information with respect to the review procedure:

In our view, to provide review procedures for limited tendering decisions is not mandatory under the Agreement on Government Procurement, unlike the challenge procedures under Article XX. Therefore, we have no comprehensive information on the review procedures that each entity covered by the Agreement on Government Procurement is conducting within its discretion. The following information is based on general examples of central government entities' practices.

(a) *Please explain how the review mechanism works.*

When an application for using limited tendering for a specific procurement made by the office in charge of the procurement, it will be examined by another body, for example, the office in charge of finance or accounting, or a special committee established within the entity to examine such applications.

- (b) *Are the reviews undertaken before recourse to limited tendering (i.e., to authorize its use) or after limited tendering has been conducted?*

Central government entities conducted the review before they approve the use of limited tendering.

- (c) *Does the Government ensure that reviewers evaluate limited tendering decisions using a common set of standards across all entities? Is there a government-wide model or guideline for the establishment and conduct of such reviews?*

As each entity conducts review procedures within its discretion, there is no common set of standards, government-wide model or guideline across all entities.

- (d) *To whom do the reviewers report within procuring entities?*

The reviewers report to the office that submitted an application for using limited tendering whether they approve it or not.

- (e) *What criteria do reviewers use to evaluate the appropriateness of using limited tendering in a particular procurement?*

The reviewers check the applications to see if they meet the requirements for limited tendering, which are provided by the Agreement on Government Procurement, the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services and other legislation.

- (f) *Can Japan cite instances in which actions by reviewers of limited tendering decisions overturned those decisions and required the use of competitive tendering?*

For example, the fiscal 1999 annual report of the audit, includes a report stating that the Board of Audit advised the national university hospitals that commissioned a catering company to provide meals for their patients by limited tendering to take appropriate measures to switch it to open tendering.

- (g) *Is the mechanism for reviewing limited procurement decisions insulated from procurement officials to ensure the objectivity of the review? If so, please explain.*

As explained under (a), the mechanism for reviewing limited tendering decisions is insulated from procurement officials to ensure the objectivity of the review.

- (h) *Are there any reviews of limited tendering outside of the procuring entity, such as by the Ministry of Finance?*

The Board of Audit (BOA) audits the accounts of central government entities etc. In this capacity, the BOA also reviews already implemented procurement contracts by the entities to see if competition was well guaranteed based on the spirits of the Accounts Law and relevant regulations and if economical procurement was ensured. In this review, the BOA examines, for example, the appropriateness of each contract which used limited tendering, and whether competitive tendering was properly functioning.

Question from Switzerland

Can the Government Procurement Review Board break a contract after a contract has been awarded and signed?

Regarding the suspension of contract execution and performance by the procuring entity concerned, paragraph 5(6)(iv) of the above-mentioned Review Procedures for Complaints Concerning Government Procurement stipulates that "The Procuring Entity shall suspend the execution or performance of the contract immediately upon receiving the Board's request. If, however, the head of the Procuring Entity determines that he or she cannot obey the request due to urgent and compelling circumstances, the Procuring Entity may fail to suspend the same but shall immediately provide written notification of its decision with reasons therefore to the Board." (provisional translation)

Question from Switzerland

In the case of a post-execution complaint and a suspension of the contract performance, who bears the costs of the suspension?

The challenge procedures by the central and sub-central governments have no provision as to who bears the costs of the suspension of the contract performance.

Question from the United States

When the Government Procurement Review Board requests a procuring entity to suspend the execution or performance of a contract, and the entity does not comply with the request, does the Board or any other entity, have the authority to overrule the entity's decision?

"The Review Procedures for Complaints Concerning Government Procurement"(decided by the Office of Government Procurement Review on 14 December 1995) stipulates as follows:

Paragraph 5(6)(iv): The Procuring Entity shall suspend the execution or performance of the contract immediately upon receiving the Board's request. If , however, the head of the Procuring Entity determines that he or she cannot obey the request due to urgent and compelling circumstances, the Procuring Entity may fail to suspend the same but shall immediately provide written notification of its decision with reasons therefore to the Board. (provisional translation)

Question from the United States

With regard to the provision in GPA Article XX:6(b) that "participants shall have access to all proceedings", does that mean that the complaining supplier has access to all of the documents and material that the procuring entity provides to the Board? Is the procuring entity allowed to provide information to the Board to which the complaining supplier would not be allowed access?

"The Review Procedures for Complaints Concerning Government Procurement" (ditto) stipulates as follows:

Paragraph 5(7)(iii): When the Board determines that it is necessary to evaluate whether the filing of briefs, pleas, or other documentation would harm public interest or threaten to significantly impede the Procuring Entity from executing its official duties, the Board may have the Procuring Entity submit the same. In this case, the Board shall not disclose the same to anyone. (provisional translation)

Paragraph 5(9)(iii): The Board shall not disclose to third parties any trade secrets, manufacturing processes, or intellectual property of the supplier, or any other confidential commercial information, furnished by the supplier, except with the supplier's consent. (provisional translation)

Question from the United States

Are there domestic rules related to the treatment of confidential or business proprietary information that is submitted to the Board? If so, please provide.

"The Review Procedures for Complaints Concerning Government Procurement" stipulates as follows:

Paragraph 5(9)(iii): The Board shall not disclose to third parties any trade secrets, manufacturing processes, or intellectual property of the supplier, or any other confidential commercial information, furnished by the supplier, except with the supplier's consent. (provisional translation)

As for the definition of "confidential commercial information, "the Code of Schedules for Review Procedures for Complaints Concerning Government Procurement" (decided by the Office of Government Procurement Review on 11 January 1999) stipulates as follows:

Paragraph 4(12): The "confidential commercial information" in the Procedures 5(9)(iii) means the useful technical or trade information for the business activities which is not disclosed. (provisional translation)

Paragraph 4(11) of the Code stipulates non-disclosure of the report from the Procuring Entity except to the parties.

(Note: The provisional translation of the whole text of the Review Procedures for Complaints Concerning Government Procurement is available at <http://www5.cao.go.jp/access/english/chans/tetuzuki-e.html>. The provisional translation of the whole text of the Code Schedule for Review Procedures for Complaints Concerning Government Procurement is available at <http://www5.cao.go.jp/access/english/chans/saisoku-e.html>.)

Question from Hong Kong, China

Paragraph 1.A(e) of GPA/37 states that the Government Procurement Review Board considers complaints with regard to the procurement by entities other than sub-central government entities. Paragraph 1.B(d) of GPA/37 provides that prefectural governments and designated cities have their own procedures to process complaints regarding procurement. How is the information about the challenge procedures of individual prefectural governments and designated cities made generally available?

Sub-central entities listed in Japan's Annex 2 of Appendix I basically have challenge procedures similar to those of central governments. The information about the procedures of individual sub-central governments is available through the contact point of prefectural governments and designated cities, as listed in the Government website (http://www.mofa.go.jp/j_info/japan/procurement; see the table in Attachment 4).

Question from Canada

Where are the decisions of the Government Procurement Review Board available? Are the decisions made available on an Internet website?

The decisions are available on the following government website: http://www5.cao.go.jp/access/english/chans_main_e.html.

VIII. INFORMATION TECHNOLOGY

Question from Canada

With respect to information technology procurement, in response to question 5, Japan states that an electronic database is used "with a view to facilitating access to information on government procurement". Is Japan considering using information technology in more stages of the procurement process, such as posting electronic notices of proposed procurement and the reception of bids electronically?

(1) Government procurement of goods and services

In addition to the official gazette or other publications on information on procurement, the central government entities provide such information on their websites, thereby improving their provision of information on their procurement and making it easier for the general public to access such information. To that end, the Government created a database that provides integrated procurement information and began to provide such information from FY 2001 (cf. Appendix 6 of the "Guide to the Government Procurement Market of Japan" (http://www.mofa.go.jp/j_info/japan/procurement/)).

The Government unified the qualification for participating in competitive contracts with central government entities and established a unified list of registered suppliers. Under this new system, if a supplier submits an application to any one central government entity, the qualification obtained will be effective for all central government entities. This system has been introduced from this year's periodic judging of applications conducted in January 2001 (cf. Appendix 3 of the "Guide to the Government Procurement Market of Japan" (http://www.mofa.go.jp/j_info/japan/procurement/)). The Government plans to introduce submission and opening of tenders by Internet by the end of FY 2003.

The Government plans to introduce submission and opening of tenders by Internet by the end of FY 2003.

(2) Public works

The Government is scheduled to introduce submission and opening of tenders by Internet for part of public works under the jurisdiction of the Ministry of Land, Infrastructure and Transport in October 2001. The Government intends to introduce such a system, in principle, in all public works under the jurisdiction of the Ministry by the end of FY 2004. The Government begins to publicize prospects of orders and information on tenders and contracts for public works by Internet on a step-by-step basis from April 2001.

Question from Switzerland

What are the prospects for e-procurement? (ref. point 5 of GPA/37)

See the reply to the question from Canada above.

IX. OTHER MATTERS

Question from the United States

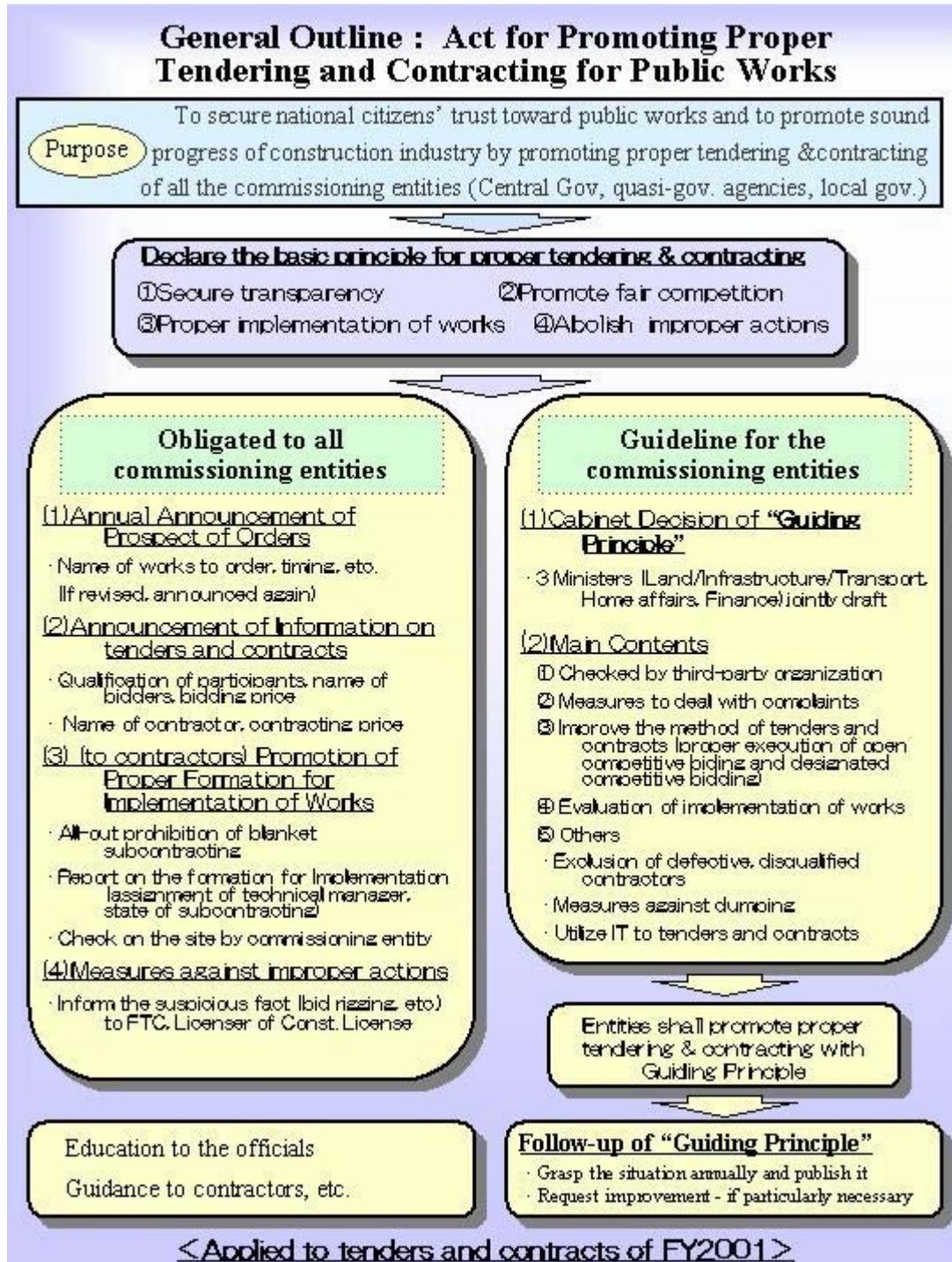
We understand that there have been several well-publicized cases of collusive practices in Japan's public works market. What specific steps is Japan taking to address such practices?

The Act for promoting Proper Tendering and Contracting for Public Works' entered into force in April 2001. This Act sets out principles such as ensuring transparency in tendering/contracting procedures, promoting fair competition, and abolishing improper actions. Measures against improper actions have been taken through this Act that stipulates, for example, an obligation of entities⁵ procuring public works to inform the Fair Trade Commission of the fact leading to sufficient suspicion about improper actions (e.g. improper publication of information on tendering and contract, bid riggings) when they become aware of it.

⁵ Entities include all entities in Japan's Annexes 1 and 2 and 40 quasi-governmental agencies cited in the enforcement order of the Act.

ATTACHMENT 1

General Outline and Summary of the Act, Main Points of the Enforcement Order and the Items of the Guiding Principles on Measures for Promoting Proper Tendering and Contracting for the Public Works



13 March 2001
MLIT, Japan

<Tentative Translation>
**Summary of the Act for Promoting Proper Tendering and
Contracting for Public Works (Act No. 127, 2000)**

Section 1: Purpose (Article 1)

The purposes of this Act are to secure the national citizens' trust toward public works and to promote the sound development of the construction industry that contracts public works—commissioned by the Central Government, quasi-governmental agencies, and local governments through the:

- Establishment of requirements that form the foundation of proper tendering and contracting,
- Announcement of relevant information,
- Taking measures against various improper actions and measures to promoting proper formation for implementation of public works,
- And simultaneously develop a legislative system such as deliberating the Guiding Principle on measures for promoting proper tendering and contracting

Section 2: Definitions (Article 2)

(1) In this Act, "quasi-governmental agencies" are defined as entities established directly by a legal Act or established by special means based on a special Act (not including entities that are excluded from provisions under Item 15 of Article 4 of the Act for Establishing the Ministry of Public Management; Home Affairs; Posts and Telecommunications), or that established through a special Act and require approval from government agencies for its establishment, or the Independent Administrative Agencies to which any of following Items apply and specified by the Cabinet Order (*See 1 of Attached Paper No. 1).

- (a) An entity with more than half of its capital funded by the Central Government or an entity that receives subsidies as a main source for the operating costs of its activities from Central Government grants or aid.
- (b) An entity that procures construction works on a planned and regular basis in order to achieve the purpose of its establishment or perform its main duties.

(2) In this Act, "public works" is defined as construction works that are ordered by the Central Government, quasi-governmental agencies or local governments.

Section 3: Basic Items for Proper Tendering and Contracting for Public Works (Article 3)

Tenders and contracts of the public works should be made more proper by –

- (1) Securing the transparency of tendering and contracting processes and the content of contracts.
- (2) Promoting fair competition among those who wish to participate in tenders or to enter contracts.
- (3) Completely abolishing improper actions such as bid rigging in tenders and contracts.
- (4) Securing proper implementation of contracted public works.

Section 4: Announcement of Information (Article 4 to 9)

(1) The Head of each Ministry and Agency of the Central Government shall annually announce matters (defined by the Cabinet Order (*See 2 of Attached Paper No. 1)) concerning the prospect of orders for public works in each fiscal year in accordance with the Cabinet Order (*See ditto), and when the prospect is changed, the Head shall announce the revised matters in accordance with the Cabinet Order (*See ditto).

(2) The Head of each Ministry and Agency of the Central Government shall announce the matters as follows in accordance with the Cabinet Order (*See 3 of Attached Paper No. 1).

(a) Trade names or names of the bidders and the bidding prices; trade names or names of the awardees and the award prices; when the qualification of participants for the tender has been decided, the qualification; trade names or names of designees in the designated competitive bidding; other matters (defined by the Cabinet Order (*See ditto)) concerning the tendering and contracting process of its public works.

(b) Trade names or names of the contractors, the contract prices and other matters (defined by the Cabinet Order (*See ditto)) concerning the content of its public works contracts.

(3) The Representative of each quasi-governmental agency shall, in accordance with the provision of (1) and (2), take necessary measures to announce the information concerning tenders and contracts of their public works.

(4) The Head of each local government shall annually announce the matters (defined by the Cabinet Order (*See 4 of Attached Paper No. 1)) concerning the prospect of orders for public works in each fiscal year in accordance with the Cabinet Order (*See ditto), and when the prospect is changed, the Head shall announce the revised matters in accordance with the Cabinet Order (*See ditto).

(5) The Heads of local government shall announce the matters as follows in accordance with the Cabinet Order (*See 5 of Attached Paper No. 1).

(a) Trade names or names of the bidders and the bidding prices; trade names or names of awardees and the award prices; when the qualification of participant for the tender has been decided, the qualification; trade names or names of designees in the designated competitive bidding; other matters (defined by the Cabinet Order (*See ditto)) concerning the tendering and contracting process of their public works.

(b) Trade names or names of the contractors, the contract prices and other matters (defined by the Cabinet Order (*See ditto)) concerning the content of the public works contracts.

(6) The provision of (4) and (5) shall not prevent the local governments from establishing their necessary rules for the announcement of information concerning tenders and contracts of their public works by Local Ordinance, in addition to the announcement defined in (4) and (5).

Section 5: Measures Against Improper Actions, etc. (Article 10 and 11)

(1) If the Head of Ministries and Agencies, the Representative of quasi-governmental agencies or the Head of local governments (hereinafter referred to as the "Head of Governmental Entities") is aware of the fact leading to sufficient suspicion of a violation of the provision of Article 3 or Item 1 of Paragraph 1 of Article 8 (*1) of the Act Concerning Prohibition of Private Monopolization and the

Maintenance of Fair Trade regarding a tender or a contract of the Entities' public works, the Head is legally required to inform the Fair Trade Commission of the facts.

(*1) Article 3: Prohibition of private monopolization and unfair trade restriction.
Item 1 of Paragraph 1 of Article 8: Prohibition of substantial restriction of competition in certain trade sphere.

(2) If the Head of Governmental Entities is aware of the fact leading to sufficient suspicion that the construction company contracted for the Entities' public works comes under the following Items, with regard to the tender and contract for the public works, the Head is legally required to inform the Granting Authority of the Construction License (Minister of Land, Infrastructure and Transport—hereinafter referred to as "Minister of LIT"—or the Prefectural Governor) to the company and the Governor with local jurisdiction.

(a) If the company comes under any one of Item 3,4, or 6 to 8 of Paragraph 1 of Article 28 (*2) of the Construction Business Act.

(*2) Violation of other Acts; blanket subcontracting; subcontracting from or to a contractor without valid Construction License; subcontracting to a contractor whose Construction License is suspended or whose business is prohibited.

(b) If the company violates Paragraph 4 of Article 24-7 (applied through (2) or (3) of Section 6 or (4) of Section 6) (*3), Paragraph 1 or 2 of the same Article, or Article 26 or Article 26-2 (*4) of the Construction Business Act.

(*3) Creation, submission, check or display of the Ledger of the Formation for Implementation of works.

(*4) Assignment of the technical manager for the implementation.

Section 6: Promotion of Proper Formation for Implementation (Article 12 to 14)

(1) The provision of Paragraph 3 of Article 22 (*4) of Construction Business Act shall not be applied to public works.

(*4) Exception to the prohibition of blanket subcontracting

(2) The contractor of the public works (limited to the party mandated to create the Ledger of Formation for Implementation specified by the Paragraph 1 of Article 24-7 of Construction Business Act) shall submit a copy of the Ledger that it created to the commissioning entities.

(3) If the commissioning entity requests the contractor of the public works (specified in (2)) to accept inspections to ensure the formation for implementation of the works coincides with the description of the Ledger of the Formation for Implementation, such as the condition of assignment for the person carrying out the technical management for the implementation of the public works, the contractor shall not refuse the inspection.

(4) In applying the provision of Paragraph 4 of Article 24-7 (*5) of the Construction Business Act to the contractor of public works (specified in (2)), "in a place clearly visible" in the same Paragraph shall be changed to "in a place clearly visible to the persons involved in the implementation and to the public".

(*5) Display of the Ledger of the Formation for Implementation

(5) In order to make the formation for implementation in the work site adequate, the Head of the Governmental Entities shall take necessary measures such as inspect whether the formation for implementation coincides with the description of the Ledger of the Formation for Implementation.

Section 7: The Guiding Principle (Article 15 to 18)

(1) Central Government shall establish the Guiding Principle (hereinafter referred to as "the Guiding Principle") on measures (excluding the measures concerning Section 4, Section 5 and (5) of Section 6) for promoting proper tendering and contracting for the public works that are commissioned by the Head of Governmental Entities. (*See Attached Paper No.2)

(2) The following matters shall be determined in the Guiding Principle in accordance with the provision of Section 3.

- (a) Matters regarding the announcement of information (excluding the information concerning (1), (2), (4) and (5) of Section 4) on the process of tenders and contracts and the contents of contracts.
- (b) Matters regarding measures to properly reflect the opinion of third party persons of academic and experienced standing, etc. on the process of tenders and contracts and the contents of contracts.
- (c) Matters regarding measures to properly deal with complaints on the process of tenders and contracts and the contents of contracts.
- (d) Matters regarding improving the method of tenders and contracts in order to promote fair competition.
- (e) Matters regarding measures for evaluating the implementation of public works, for the purpose of more proper tendering and contracting in future.
- (f) Other than (a) to (e), matters on measures to promote proper tendering and contracting.

(3) On establishing the Guiding Principle, the autonomy of quasi-governmental agencies and local governments shall be considered.

(4) The Minister of LIT, Minister of Public Management; Home Affairs; Posts and Telecommunications (hereinafter referred to as "Minister of PHPT") and Minister of Finance shall create a draft for the Guiding Principle, consulting the heads of Ministries and Agencies of the Central Government and Ministers who have jurisdiction over quasi-governmental agencies in advance, and shall request a Cabinet Decision. After the Decision, the three Ministers shall publish the Guiding Principle without delay.

(5) Before creating a draft of the Guiding Principle, the Minister of LIT shall hear the opinion of the Central Council for Construction Contracting Business.

(6) The Head of Governmental Entities shall make efforts to take necessary measures to promote proper tendering and contracting for the public works in accordance with the provision of the Guiding Principle.

(7) The Minister of LIT and Minister of Finance has authority to request the heads of Ministries and Agencies and the Ministers who have jurisdiction over quasi-governmental agencies; and the Minister of LIT and Minister of PHPT has authority to request local governments, to submit a report on the situation of measures taken in accordance with the Guiding Principle.

(8) The Minister of LIT, Minister of PHPT and Minister of Finance shall put together the reports of (7), and shall publish the summary of the reports annually.

(9) The Minister of LIT and Minister of Finance may ask the heads of Ministries and Agencies and the Ministers who have jurisdiction over quasi-governmental agencies; and the Minister of LIT and Minister of PHPT may ask local governments, to take measures that are particularly necessary to promote proper tendering and contracting for the public works in consideration of the Guiding Principle.

Section 8: Collection, Organization and Provision of the Information by the Central Government (Article 19 and 20)

(1) The Minister of LIT, Minister of PHPT and Minister of Finance shall make efforts to collect, organize and provide information, whose promulgation would be useful to promote proper tendering and contracting for public works.

(2) The Central Government, quasi-governmental agencies and local government shall make efforts to take necessary measures regarding their officials, such as education and training to acquire knowledge of relevant Acts and Ordinances and the executing technology of public works in the area of responsibility, to ensure that tenders and contracts of the public works are properly executed.

(3) The Minister of LIT and the Governors of the Prefecture shall make efforts to take necessary measures for those who operate a construction business, such as diffusion of knowledge regarding relevant Acts and Ordinances, to ensure that tenders and contracts of public works are properly executed.

Section 9: Attachment

(1) This Act shall be enforced from the date decided by the Cabinet Order (*See Attachment 6), and the date shall be within 3 months counting from the date of the promulgation of this Act. However, the provisions of Section 4 to Section 6, (6), (7) and (9) of Section 7, and (2) of Section 9 (limited to the section revising the provision of Article 28 of the Construction Business Act) shall be enforced from April 1, 2001, and the provision of (8) of Section 7 shall be enforced from April 1, 2002. (Attachment Article 1)

(2) Additionally, necessary provisions for transitional arrangements and the amendments of the Construction Business Act shall be defined. (Attachment Article 2 and Article 3)

Attached Paper No.1

<Tentative Translation>
Main Points of Enforcement Order (Cabinet Order) of
the Act for Promoting Proper Tendering and Contracting for Public Works

1. Quasi-governmental agency defined by Cabinet Order (Article 2 of the Act)
 - (1) Metropolitan Expressway Public Corporation, Narita Airport Authority,
Japan Regional Development Corporation, Urban Development Corporation,
Japan Railway Construction Public Corporation, Hanshin Expressway Public Corporation,
Japan Highway Public Corporation, National Space Development Agency of
Honshu-Shikoku Bridge Authority, Japan, Japan,
Water Resource Development Public Corporation, Postal Life Insurance Welfare
Japan Green Resources Corporation, Corporation,
Japan Science and Technology Corporation, Japan International Cooperation Agency,
Japan Environment Corporation, Teito Rapid Transit Authority,
Labor Welfare Corporation, Japan Nuclear Cycle Development
Kansai International Airport Co., Ltd., Institute,
Employment and Human Resources Development Japan Atomic Energy Research Institute,
Organization of Japan, Government Pension Investment Fund
New Energy and Industrial Technology
Development Organization,
Japan Arts Council,
National Stadium and School Health Center of Japan,
Japan Racing Association,
University of the Air Foundation
 - (2) Organization for Environment Improvement around International Airport
National Organization for Automotive Safety & Victims' Aid,
Telecommunications Advancement Organization of Japan,
Japan Sewerage Works Agency,
Japan Association for Employment of the Disabled,
Commemorative Association for the Japan World Exposition
 - (3) National Olympics Memorial Youth Center, National Science Museum,
National Children's Center, National Women's Education Center,
Japan, National Youth Center, National Museum
National Art Museum
2. Announcement of the prospect of orders by Central Government (Article 4 of the Act)
 - (1) Time: Every fiscal year, after April 1 (or the day of the budget approval, if it is later) without delay
Works objected: For every public works expected to be awarded in that fiscal year except below -

- The works which Central Government's actions related to need to be secret.
- The works whose scheduled prices are not higher than 2.5 million yen.

Items to be made public:

- a) Name, place, term type and outline of the public works
 - b) Method of tender and contract
 - c) Time of tender
- (2) Method: One of the following methods
- a) National Gazette or daily newspaper
 - b) Posting a notice in a place clearly visible to the public or submitting for public inspection (By setting a due place or using Internet. The method shall be notified and term for making public is until Mar. 31 of the same fiscal year.)
- (3) Revise the prospect of orders: at least once a year (on Oct.1 is preferable). If there is some change, it shall be announced.
3. Announcement of process of tenders/contracts and content of the contracts by Central Government (Article 5 of the Act)
- (1) Items follow shall be announced without delay (Same when changed)
- a) Qualifications necessary to attend the Open and Competitive Bidding and the name list of the qualified company.
 - b) Qualifications necessary to attend the Designated Competitive Bidding and the name list of the qualified company.
 - c) Criteria to designate attendants to the competition.
 - d) Criteria of the suspicion that the bidder may not implement the content of the contract accordingly by his/her price who is the first place for the contract.
- (2) Following items of a) - j) should be made public when the public works (except below) are contracted without delay (Item 1 - 8 can be made public before contracting.)
- The works which Central Government's actions related to need to be secret.
 - The works whose scheduled prices are not higher than 2.5 million yen.
- a) Qualification necessary to attend the Open and Competitive Bidding
 - b) Trade names or names of persons who intended to attend the tender of Open and Competitive Bidding and those of persons who was refused to attend the tender and the reason of the refusal.
 - c) Trade names or names of nominees of Designated Competitive Bidding and reason of nomination of them.
 - d) Trade names or names of bidders and the bidding prices.
 - e) Trade names or names of awardees and awarded prices.
 - f) When the examination whether the bidder might not implement the content of the contract accordingly by his/her price who was the first place for the contract, the process between the examination and deciding the winner.
 - g) Process between bidding and decision of the winner when the bidder of second place was awarded.
 - h) When the Central Government awarded a bidder with the most favorable conditions (price and others) for the Government, the reason for awarding.

- i) Content of contracts as follows –
 - 1. Trade names or names of the contractors and their address
 - 2. Names, places, types and outlines of the public works
 - 3. Time of commencement and completion of the works
 - 4. Contract prices
 - j) Reason to select the contractors in the case of discretionary contracts
- (3) When the contract of public works mentioned in (2) is changed including the change of contract price, 2. – 4. of i) and the reason of the change should be made publish.
- (4) Method of announcement of (1) - (3): Posting a notice in a place clearly visible to the public or submitting for public inspection (By setting a due place or using Internet. The method of these shall be notified.)
- (5) Announced items by (2) or (3) are at least published for one year long from the date of announcement.
4. Announcement of the prospect of orders by local government (Article 7 of the Act)
- (1) Time: Every fiscal year, after April 1 (or the day of the budget approval, if it is later) without delay

Works objected: For every public works expected to be awarded in that fiscal year except below –

- The works whose scheduled prices are not higher than 2.5 million yen.
- The works which is closely related to the public safety and the maintenance of public order, and which the local government's actions related to need to be secret.

Items to be made public:

- a) Name, place, term type and outline of the public works
 - b) Method of tender and contract
 - c) Time of tender
- (2) Method: One of the following methods
- a) Official Gazette or daily newspaper
 - b) Posting a notice in a place clearly visible to the public or submitting for public inspection (By setting a due place or using Internet. The method shall be notified and term for making public is until Mar. 31 of the same fiscal year.)
- (3) Revise the prospect of orders: at least once a year (on Oct.1 is preferable). If there is some change, it shall be announced.
5. Announcement of process of tenders/contracts and content of the contracts by the local governments (Article 8 of the Act)
- (1) Items follow shall be announced without delay (Same when changed)

- a) Qualifications necessary to attend the Open and Competitive Bidding and the name list of the qualified company.
 - b) Qualifications necessary to attend the Designated Competitive Bidding and the name list of the qualified company.
 - c) Criteria to designate attendants to the competition
- (2) Following items of a) - j) should be made public when the public work (except below) are contracted without delay (Item 1 - 8 can be made public before contracting.)
- The works whose scheduled prices are not higher than 2.5 million yen.
 - The works which is closely related to the public safety and maintenance of public order, and which the local government's actions related to need to be secret.
- a) Qualification necessary to attend the Open and Competitive Bidding
 - b) Trade names or names of persons who intended to attend the tender of Open and Competitive Bidding and those of persons who was refused to attend the tender and the reason of the refusal.
 - c) Trade names or names of nominees of Designated Competitive Bidding and reason of nomination of them.
 - d) Trade names or names of bidders and the bidding prices.
 - e) Trade names or names of awardees and awarded prices.
 - f) When the bidder(s) with lowest price was not awarded and the bidder with second lowest price was awarded, the reason of this treatment.
 - g) When the lower limit price was set and the bidder(s) with lowest price was not awarded and the bidder whose bid was lowest in the bids not less than the lower limit price was awarded, the trade name or name of the bidder(s) whose price was less than the lower limit price.
 - h) When Comprehensive Evaluation Open and Competitive Bidding or Comprehensive Evaluation Designated Competitive Bidding was conducted, the item below –
 - 1. Reason of conducting of Comprehensive Evaluation Open and Competitive Bidding or Comprehensive Evaluation Designated Competitive Bidding
 - 2. Criteria to decide the awardee
 - 3. Reason for awarding a winner when the local government awarded him/her based on conditions (price and others) was most favorable for the government
 - 4. When the local government did not award the bidder(s) who should have been awarded and, within other bidders, the government awarded the bidder whose condition (price and others) was most favorable for the government, the reason of this treatment.
 - i) Content of contract as follows
 - 1. Trade name or name of the contractor and his/her address
 - 2. Name, place, type and outline of the public works
 - 3. Time of commencement and completion of the work
 - 4. Contract price
 - j) Reason to select the contractor in the case of discretionary contract
- (3) When the contract of public works mentioned in (2) is changed including the change of contract price, 2. – 4. of i) and the reason of the change should be made publish.

- (4) Method of announcement of (1) – (3): Posting a notice in a place clearly visible to the public or submitting for public inspection (By setting a due place or using Internet. The method of these shall be notified.)
- (5) Announced items by (2) or (3) are at least published for one year long from the date of announcement.
6. Date of enforcement

This Act and section 1 of this ordinance shall be enforced from the February 16 2001. Section 2 – Section 5 of this ordinance shall be enforced from April 1, 2001.

Attached Paper No.2

<Tentative Translation>
The Heading of Each Items of "Guiding Principle on Measures for Promoting Proper Tendering and Contracting for the Public Works" (Cabinet Decision)

- This Guiding principle is established by the provision of Paragraph 1 of Article 15, Act for Promoting Proper Tendering and Contracting for Public Works –

Section 1. Basic Idea of the Guiding Principle

Section 2. Measures for Promoting Proper Tendering and Contracting

1. Matters on securing transparency of the procedure of tenders and contract and the contents of contracts
 - (1) Announcement of information on the process of tenders and contracts and the contents of contracts.
 - (2) Measures to reflect properly the opinion of third party persons of academic and experienced standing, etc. on the process of tenders and contracts and the contents of contracts.
2. Matters on promoting fair competitions between persons who intend to attend the tender or who intend to be the contractor.
 - (1) Improving the method of tenders and contracts in order to promote fair competition.
 - (2) Measures to deal with complaints properly on the process of tenders and contracts and the contents of contracts.
3. Matters on entire exclusion of improper actions such as bid rigging from tenders and contracts
 - (1) Proper handling of the bid rigging information
 - (2) Proper handling of the violation of the Construction Business Act such as comprehensive subcontract
 - (3) Liaising with investigating authorities, etc to exclude illegal actions
 - (4) Strict handling when the improper actions arise
4. Matters on securing proper implementation of contracted public works
 - (1) Measures for evaluating the implementation of public works, for the purpose of more proper tendering and contracting in future.
 - (2) Prevention of dumping to secure the proper formation for implementation
 - (3) Complete grasping of the formation for implementation
5. Matters to be considered in relation to the proper tendering and contracting.

- (1) Excluding the defect and unqualified contractors
- (2) Utilizing the standards of International Organization for Standardization (ISO)
- (3) Promotion of utilizing the information technology (IT) in tenders and contracts
- (4) Enforcing the formation of intercommunication and cooperation with heads of related Ministries, Agencies, etc.

Section 3. Items for attention in materializing the Guiding Principle

1. Consideration of the autonomy of quasi-governmental agencies and local governments
2. Improvement of operational formation of commissioning entities

ATTACHMENT 2

Relevant Articles of the Cabinet Order

PP 31 – 42 Offset

ATTACHMENT 3

Public Notice on the Qualification to Participate in Tender (Excerpts) –
Tentative and Unofficial Translation

ATTACHMENT 4

Contact Points of Prefectural Governments and Designated Cities for Information About The
Challenge Procedures Of Individual Sub-Central Governments

ATTACHMENT 5

How to Obtain the Official Gazette, "Kanpō"

ATTACHMENT 6

Complaints filed with the Government Procurement Review Boards

Complaints Filed with the Government Procurement Review Board (concerning entities in annexes 1 and 3).

Case No. 1

1. Date of filing the complaint: 10 June 1996
2. Name of the Complainant: NIPPON MOTOROLA, LTD.
3. Name of the Procuring Entity: National Police Agency
4. Products/services concerning the complaint: Telecommunications system
5. Outline of the status of complaint reviewing: Because this case fell under a complaint relating to procurement that the procuring entity considered to be an exception to the coverage of the Agreement, pursuant to Article XXIII of the Agreement on Government Procurement, the Board decided not to accept it on 16 June 1996. (provisional translation)

Case No. 2

1. Date of filing the complaint: 12 July 2000
2. Name of the Complainant: Motorola Japan Ltd.
3. Name of the Procuring Entity: East Japan Railway Company
4. Products/services concerning the complaint: IC card system for automatic fare collection system
5. Outline of the status of complaint reviewing: On 3 October 2000, the Government Procurement Review Board issued a report concluding "The Board has judged that the tendering procedures concerned did not violate the Agreement on Government Procurement or the voluntary measures on government procurement.", which was delivered to the complainant, Motorola Japan Ltd., the procuring entity, East Japan Railway Company, and the participant, Sony Corporation. (provisional translation)

Case No. 3

1. Date of filing the complaint: 17 February 2001
2. Name of the Complainant: Jobi Co.
3. Name of the Procuring Entity: Yamaguchi University
4. Products/services concerning the complaint: Building-cleaning services
5. Outline of the status of complaint reviewing: The procurement contract concerned was not on building-cleaning services (CPC 874) but on placement and supply services on personnel (CPC 872) that was not covered by Annex 4 of Japan's Appendix I. Since the Agreement on Government Procurement did not apply to the contract, the Board decided not to accept the complaint on 26 February 2001. (provisional translation)

Cases Filed With The Osaka Prefectural Government Procurement Review Board

Case No. 1

1. Date of filing the complaint: 18 April 2000
 2. Name of the Complainant: Jobi Co.
 3. Name of the Procuring Entity: Osaka-fu
 4. Products/services concerning the complaint: Building-cleaning services etc.
 5. Outline of the status of complaint reviewing: Since the date of filing the complaint was later than the time-limit (i.e. within 10 days from when the basis of the complaint was known or should reasonably have been known to the complainant) provided in the review procedures, the Board decided not to accept it. (provisional translation)
-

WORLD TRADE
ORGANIZATION

GPA/12/Rev.1
9 June 1997

(97-2376)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the Republic of Korea

Revision

The attached communication has been received from the Republic of Korea in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Contents

I. SUMMARY OF DOMESTIC REGULATIONS

1. Summary of the ARCSP
2. Summary of the Enforcement Decree of the ARCSP
3. Summary of the Special Regulation of the Enforcement Decree of the ARCSP for Specific Procurement
4. Summary of Other Regulations Related to Government Procurement

II. CONTACT POINTS FOR AN INQUIRY ON GOVERNMENT PROCUREMENT

III. ANSWERS TO THE CHECKLISTS

I. SUMMARY OF DOMESTIC REGULATIONS

1. Summary of the Act Relating to Contracts to which the State is a Party

1)1 *Basic Law for Government Procurement*

The Act Relating to Contracts to which the State is a Party (ARCSP) is the basic regulation for government procurement. Unless otherwise provided for in other laws, government procurement is conducted under this Act.

1.2 *The Scope of the Government Procurement Contract*

The scope of government procurement contracts for international tendering is:

-contracts for goods, construction work and services concluded by governmental agencies (according to the GPA and the international norm based upon the GPA) which exceed the amount determined and publicly announced by the Minister of Finance and Economy.

Exceptions to international tendering allowed by the GPA:

-procurement of goods and services for resale or use in the production of goods for sale or in the provision of services for sale;

-single tendering procurement including set-asides for small and medium enterprises pursuant to the provisions of the Small and Medium Enterprise Products Promotion Act;

-procurement of agricultural, marine or livestock products pursuant to the Foodgrain Management Law, the Law on Marketing and Price Stabilization of Agricultural and Fishery Products and the Livestock Law.

When necessary, the head of each central agency may procure goods and services through international tendering even though the procurement need not undergo international tendering under the GPA.

The threshold values for international tendering are:

-151 million won ex VAT for central government entities• supplies and services procurement;

-5,830 million won ex VAT for central government entities• construction works;

-233 million won ex VAT for local government entities• supplies and services procurement;

-17,490 million won ex VAT for local government entities• construction works;

-524 million won ex VAT for other entities• supplies procurement;

-17,490 million won ex VAT for other entities• construction works.

1.3 *The Principle of Contract: Bona Fides*

- Contracts shall be concluded through the agreement of contracting parties on equal standing and shall be implemented on a bona fide basis.
- All international tendering shall be conducted under the principles of reciprocity. The contract officials shall not impose any special terms or conditions upon the citizens of a member country of the Government Procurement Agreement or upon the products or services produced from those countries.

1.4 *Decision on the Selected Tenderer*

In a competitive tendering, the successful tenderer shall be:

- a person who is deemed fully capable of fulfilling the terms of the contract and offers the lowest bid;
- a person who offers the most favourable bid for the State in conformity with the evaluation criteria specified in the public notice or the tender documentation;
- a person whose bid conforms closest to the criteria if the evaluation criteria are determined by the Presidential Decree considering the nature and scale of contracts.

1.5 *Principles of General Competition in Government Procurement*

- The contract official shall conduct a public procurement according to the competition principle. However, if necessary, taking into consideration the purpose, nature, scale, etc. of the contract, he may nominate participants or restrict the qualification of the participants.

1.6 *Restrictions on Tendering Participation Eligibility for an Improper Business Person*

A person who prevents fair competition or proper fulfilment of the contract, or a person who is deemed unqualified to participate in the tendering may be denied participation for a specified period.

Procedure for this restriction:

- The head of a central agency shall provide the person with an opportunity to state his opinion in advance and, if necessary, shall hear the opinions of other persons concerned.

1.7 *The International Contract Dispute Mediation Committee*

Challenge procedure

- Those who claim to have been disadvantaged in the implementation of the provisions on the scope of the government procurement contract, eligibility for participation, public notice or the decision on the successful tenderer may make an objection to the central agency concerned.
- Anyone dissatisfied with the ensuing measures by the agency may request a review from the International Contract Dispute Mediation Committee established in the Ministry of Finance and Economy.

Effect of the mediation

- The Committee shall undertake an investigation and provide mediation. If no objection is raised within fifteen days regarding the result of the mediation, it shall have the same effect as a judicial conciliation.

2. Summary of the Enforcement Decree of the Act Relating to Contracts to which the State is a Party

2.1 *Principles of Contracts*

- In the conclusion of contracts, a contract official shall not impose any special condition which unreasonably restricts the contractual benefit of the other party, as prescribed by the related provisions.

2.2 *Estimated Value of a Contract and Standard Price*

- The estimated value of a contract is a criterion for determining the value of contracts for purposes of implementing the GPA. It is based upon the budget amount for a procurement and calculated according to the provisions of the GPA. It shall be disclosed in a public notice.
- The Standard Price (presumed price) is a means to determine the best bidding price. It is determined by the illustrative transaction price, the cost price or the appraised price. It shall not be disclosed in advance.

2.3 *Method of Competition & Qualification of Tendering*

- Competition is conducted through competitive tendering in which there are more than two effective bidders.
- The bidder should own or be leasing the facilities required for manufacturing or supplying the contract object.
- When any approval or licence is required pursuant to the provisions of other laws, it should be obtained.

2.4 *Public Notice & Site Presentation*

- A public notice on a domestic tendering will be given ten days before the tendering date. (The related provisions for an international tendering are prescribed by the Special Enforcement Decree.)
- In the case of a construction work tendering, the public notice will be given seven days before the site presentation date.
- The minimum time periods between the site presentation date and the tendering date are:
 - When the estimated price is less than 1 billion won
⇒ 10 days
 - When the estimated price is 1 billion won or more, and less than the notified amount
⇒ 20 days
 - When the estimated price is the notified amount or more

⇒ 33 days

(* The notified amount is determined by the GPA.)

•Details of the public notice:

- Matters assigned for the tendering
- Place, date and time for the tendering and its opening
- Qualification of a bidder
- Decision method for the successful tenderer, etc.

2.5 *Decision Method for the Successful Tenderer*

- Performance ability test method

In a contract above the notified amount, a successful tenderer shall be examined with respect to the performance ability of the contract concerned in the order of the lowest tenderer below the standard price.

- Decision method in a domestic tendering

A successful tenderer is a bidder with the lowest price below the standard price, provided that the bidding price is not less than the amount of 90/100 of the standard price.

In the tender for purchasing goods, the successful tenderer is the lowest price bidder regardless of the proviso above.

2.6 *Single Tendering*

Following are the cases in which a single tendering can be applied:

- in the case of a situation where an Act of God or national security is concerned;
- in the case of a contract with the current construction company to ensure future identification of the construction contractor responsible for any possible defects;
- in the case of a contract to procure goods related to patents or in the case where the supplier is only one person;
- in the case of a work whose estimated price is under 50 million won, or goods and services whose estimated prices are under 20 million won;
- in the case of goods that are set aside for small business;
- in the case of goods that are related to provisions of the Social Welfare Business Act;
- in the case of no bidder, even after a tendering renotification, etc.

2.7 *Restrictions on Tendering Participation for an Improper Business Person*

Restrictions may be imposed for a specific period on:

- a person who has constructed structures defectively or designed them inadequately;
- a person who has caused danger or damage to the public due to the lack of safety measures; or
- a person who has given a bribe in a tendering procedure, etc.

3. Summary of the Special Regulation of the Enforcement Decree of the ARCSP for a Specific Government Procurement (Special Enforcement Decree)

3.1 *Scope of the Special Enforcement Decree*

The Special Enforcement Decree will be applied to all international tendering prescribed by the GPA and other provisions.

For an international tendering which is not covered by the GPA, there is no obligation for observing the provisions of the GPA. However, provisions of the Special Enforcement Decree shall be applied correspondingly.

3.2 *Principles of Contracts for a Specific Procurement*

-Fair competition and non-discrimination principles shall be observed in all international tendering.

-Any procurement requirement shall not be divided with the intention of avoiding the application of GPA.

-Entities shall not impose offsets on suppliers from other GPA members in an international tendering.

3.3 *Tendering Procedure*

There are three types of tendering in the international tendering procedure: open tendering, selective tendering and limited tendering (single tendering).

3.4 *Language in an International Tendering*

-The basic language is Korean. When necessary, however, foreign languages including WTO official languages can be used.

-In a public notice, main items for a tendering shall be written in one of the WTO official languages.

3.5 *Qualification of Suppliers in Open Tendering and a Supplier's List*

-Qualifications for a bidder, such as contract performance record, technical performance ability, financial capacity, etc., can be provided to confirm a supplier's ability to fulfil a contract.

-To simplify the qualification procedures, entities can avail themselves of a permanent supplier's list.

3.6 *Public Notice on Intended Procurement and Decision on the Successful Tenderer*

-Time limits for a tendering shall not be less than 40 days from the date of the public notice.

-The public notice shall contain details related to the tendering according to the provisions of the GPA.

-Information on the contract award shall be published no later than 72 days after the award of each contract.

3.7 *Challenge Procedures & the International Contract Dispute Mediation Committee*

- Suppliers can bring alleged breaches of the GPA before the procurement entities or the International Contract Dispute Mediation Committee.
- The Committee has been established in the Ministry of Finance and Economy to investigate and mediate requests for review by suppliers.
- The chairman of the Committee is the Vice Minister of Finance and Economy. The Committee has 15 members who are professors, barristers, officials, etc.
- The Committee can order interim measures which include suspension of tendering procedures, etc.
- Mediation by the Committee can be provided for the correction of breaches of the GPA or for the compensation of losses or damages suffered.
- The mediation has the same effect as a judicial conciliation when there is no objection.

3.8 *Implementing International Business Practices*

When necessary, in light of the nature of international trade, international business practices can be used for currency, deposits of contract payments, inspection, adjustment for inflation, etc.

4. Summary of Other Regulations Related to Government Procurement

4.1 *The Act on Government Procurement Business (AGPB)*

Character of the AGPB

- The AGPB contains provisions for the central government procurement system implemented by the Office of Supply of the Republic of Korea (OSROK).

Coverage of the AGPB

- The procurement by State and local government entities of goods worth more than 50 million won and construction works worth more than 2 billion won shall be conducted through OSROK.
- Government invested institutions, if necessary, can commit the procurement business to the OSROK.

Centralization of government procurement

- Basically, each government authority is responsible for procuring goods, services and construction services for its own use. However, goods and works of which the estimated value exceeds a given threshold value should be procured and supplied through the Office of Supply of the Republic of Korea on behalf of the other end-user institution (end-user).
- End-users are classified into two categories: obligatory and voluntary. The former consists of central and local government agencies, which are required to purchase their needed goods and works above a given threshold value

through OSROK. The latter consists of government-funded or government-sponsored agencies, which have the option to procure goods, services and works on their own or through OSROK.

- Even obligatory end-users, however, are allowed to purchase goods and conclude construction contracts for themselves in cases of urgent procurement needs, small purchases below a given threshold value or procurement for national defence or security.

OSROK procurement procedures

- Each central and local government agency will forecast its needs for supplies and construction services during the course of a year, determine the purchase request plan with the preparation of budgeted funds, and submit it to OSROK before the beginning of the next fiscal year.
- Upon receipt of the purchase request plans from the end-users, OSROK shall draw up a comprehensive Acquisition Program considering the end-users procurement plan for the coming year as well as the procurement level of the previous year. OSROK will then procure and supply in a cost-effective and timely manner.

4.2 *Local Financing Act*

Character

- The local government procurement system is prescribed by the Local Financing Act and its Presidential Decree, etc.
- The provisions of the Act and its Presidential Decree regulate specialties for local government procurement. However, the main contents of these provisions are quoted from the ARCSP. Therefore, local government entities operate under the same basic procurement system as the central government.

Main differences in provisions from the ARCSP

- In case of local government procurement for a construction work less than 500 million won, a regional restriction can be imposed as a precondition for the bid. For example, according to the provisions of the Local Finance Act or its Enforcement Decree, entities can restrict participants' eligibility to persons doing business within its jurisdiction when the estimated price is less than 5 billion won.

According to the provisions by the ARCSP and its Enforcement Decree, etc., the restriction can be imposed only on those construction works worth less than 3 billion won.

4.3 *The Government-Invested Enterprise Management Law (GIEML)*

- Procurement business by government-invested institutions is prescribed by the Government-Invested Enterprise Management Law and Administrative Regulations by the Ministry of Finance & Economy.
- The difference between GIEML and ARCSP is that the scope of entities covered by each law is different and GIEML has a special provision regarding single

tendering. However, the main contents of these provisions are quoted from the Act Relating to Contracts to which the State is a Party. Therefore, government-invested entities operate under the same basic procurement system as the central government.

II. CONTACT POINTS FOR AN INQUIRY ON GOVERNMENT PROCUREMENT

The Act Relating to Contracts to which the State is a Party

Ministry of Finance and Economy
Government Accounting Policy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Local Financing Act

Ministry of Home Affairs
Local Financing and Economy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Government-Invested Enterprise Management Law

Ministry of Finance and Economy
Government Loan and Enterprise Management Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Act on Government Procurement Business

Office of Supply
Administration and Management Division

Telephone: •82 2 533 5979
Telefax: •82 2 596 9548

III. ANSWERS TO THE CHECKLISTS

I. GENERAL ELEMENTS

1. *Has the agreement been transposed into national law and/or does it apply directly?*

It has been transposed into domestic laws and regulations such as the Act Relating to Contracts to which the State is a Party (•ARCSP•), the Local Financing Act and the Government-Invested Enterprise Management Law.

The Act Relating to Contracts to which the State is a Party (•ARCSP•) is the basic regulation on procurement by central government institutions. It prescribes details

concerning contracts to which the state is a party, including procurement proceedings and contract administration. It contains details related to government procurement contracts through international competitive bidding. It prescribes provisions related to National Treatment, Non-discrimination, and the Transparency of Government Procurement.

The Enforcement Decree of the ARCSP provides details delegated by the ARCSP and those necessary for the implementation of domestic tendering.

The Special Enforcement Decree of the ARCSP for a Specific Government Procurement provides details delegated by the ARCSP and those necessary for the implementation of international tendering.

2. In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?

Entities below the federal or central state level have their own procurement system such as the Local Financing Act. However, this Act generally follows the provisions of the ARCSP.

3. In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?

Procurement by other entities such as government-invested enterprises is controlled by the Government-Invested Enterprise Management Law. This Law also generally follows the provisions of the ARCSP.

4. Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?

There are no significant differences but there are some exceptions such as regional restrictions and conditions for single tendering. Local governments can restrict participants' eligibility to persons doing business within their jurisdictions, when the estimated price of the work is less than 5 billion won. The restriction can be imposed on construction works worth less than 3 billion won by the central government.

5. To what extent is information technology used in the process of government procurement?

We are running a database system offering information on tendering opportunities.

II. SPECIFIC ELEMENTS

6. Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.

ARCSP Article 5 of its Special Enforcement Decree (SED) Article 4

7. Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.

The provisions for a public notice reflect the provisions of the GPA. These are almost the same as the provisions of the GPA. Basically public notice for open or selective tenderings should be given no less than 40 days before the tender date. In some cases, for a selective tendering, the time-limit for a tender is extended to more than 65 days.

A public notice shall contain every item prescribed by the GPA such as the place, date and time for tendering and its opening, qualification of the bidder, contact points, etc. (SED Art. 11, 12).

8. Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.

A notice of planned procurement can be used by any entity according to Article IX:3 of the GPA (SED Art. 13). The entities may notify in the gazette the plan for procurement of goods, construction works and services to be supplied under specific procurement contracts during each fiscal year. The notice on procurement plans shall contain the statements set forth in the related provision of the GPA.

9. In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?

If necessary, entities can use the permanent lists of suppliers. Qualification of suppliers can be determined by entities, taking into consideration construction capacity, skills or management status (SED Art. 10).

It is not necessary for a contract official to change the requirements for the supplier's list on a contract-by-contract basis. It is the same as the current classification system for suppliers. The requirements for the supplier's list are fixed.

10. Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

Negotiations are allowed during the tendering procedure. If necessary, taking into consideration the nature of the contract, urgency and national security, the head of each central agency or its public officials may enter into a contract after receiving proposals from bidders and negotiating technical specifications, quality, etc.

11. Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be not less than X days. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time-limits which have been established.

The time-limits for tendering shall be more than 40 days after a public notice. According to the provisions of the GPA, some exceptions are prescribed as below.

In the case of an emergency notice: more than 10 days after a public notice.

In the case of a planned procurement notice: more than 24 days after a public notice.

12. To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The basic language is Korean in the tendering procedures. When necessary, however, foreign languages, including WTO official languages, can be used (SED Art. 8).

III. CHALLENGE PROCEDURES - ARTICLE XX

13. Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

Anyone who claims to have been disadvantaged due to breaches of the GPA by an entity's measures in the course of international tendering may make an objection and seek revocation or correction of such acts from the International Contract Dispute Mediation Committee.

14. To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

A supplier or a contractor shall submit a complaint within 15 days from occurrence of the act which is the cause of the objection or within 10 days from acquiring knowledge of such an act.

The head of the relevant procuring entity shall, within 10 days from the receipt of the complaint, examine and take necessary measures such as correction and give a prompt notice of the decision to the supplier or the contractor submitting the complaint.

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

In order to examine and mediate the request for a review, a committee is established in the Ministry of Finance and Economy.

- ***How are its members selected?***

The chairman of the Committee is the Vice Minister of Finance and Economy. The Committee has 15 members who are professors and barristers designated by the Minister of Finance and Economy and public officials designated by the heads of major procurement entities.

- ***Are its decisions subject to judicial review?***

The mediation has the same effect as a judicial conciliation when no objection is raised. If there are any objections, the case can be sent to the court.

- ***If not, how are the requirements of paragraph 6 of Article XX taken into account?***

We make the provisions for the various challenge procedures reflect the provisions of the GPA, such as holding hearings before a decision, conducting an open mediation process, providing decisions in writing, etc.

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

The ARCSP contains general provisions on the challenge procedures. The case can be sent to the related institutions for a special consultation. In the process of the Committee's mediation, procedures such as delivery, notice, etc. shall follow the provisions of the Act for the Civil Suit.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

Suspension of tendering proceedings or awarding of contracts may be granted until the arbitration (mediation) process in the Committee is completed.

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

The Committee can make a mediation offer including cancellation and correction of breaches and compensation for losses or damages. There are limits to the compensation. It is limited to costs for tender preparation or protest.

(vi) Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.

The supplier or contractor who has an objection to the measure by the entity concerned can request a review by the Committee for International Dispute Mediation within 15 days from receipt of the notice of decision.

Interim measures by the Committee shall be taken within seven days from the date of receipt of the opinion of a procurement entity.

The Committee, unless there are any other specific reasons, shall review and arbitrate the appeal filed within 50 days from the date of its receipt.

The mediation shall be final unless both parties (the applicant and the head of a central agency concerned) have an objection to it within 15 days from completion of the mediation. It shall have the same effect as an out-of-court settlement.

Legal channels for complaints or appeals are open to any supplier. Appeals can be raised in a civil suit.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

Translation, stenography, appreciation or testing cost can be billed to the appellant.

If there is a prior arrangement between both parties, the cost of challenge procedures is determined by the arrangement. Therefore, there can be no cost in some cases.

RESTRICTED

GPA/12

11 February 1997

(97-0512)

Original: English

WORLD TRADE
ORGANIZATION

Committee on Government Procurement

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the Republic of Korea

The attached communication has been received from the Republic of Korea in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

BASIC REGULATIONS¹

1. The Act Relating to Contracts to which the State is a Party (ARCSP)
2. The Enforcement Decree of the ARCSP
3. The Special Enforcement Decree of the ARCWSP for a Specific Government Procurement

¹Copies (in Korean) are available for consultation in the Intellectual Property and Investment Division (office 3057).

1. SUMMARY OF DOMESTIC REGULATIONS

Summary of Act Relating to Contracts to which the State is a Party

1) *Basic Law for the Government Procurement*

The Act Relating to Contracts to which the State is a Party (ARCSP) is the basic regulation for the government procurement. Except special provisions provided by other laws, the government procurement is governed by this Act.

2) *The Scope of Government Procurement Contract*

The scope of government procurement contracts for an international tendering is:

- the contracts for goods, construction works and services concluded by governmental agencies according to the international norm and the Government Procurement Agreement which exceed the amount determined and publicly announced by the Minister of Finance and Economy.

The exception of an international tendering allowed by the GPA:

- the contracts for goods and services procured with a view to resale or to use in the production of goods or provision of services for sale from small and medium enterprises pursuant to the provisions of the Small and Medium Enterprise Products Promotion Act, and purchasing any agricultural, marine or livestock products pursuant to the Grains Control Act, the Act relating to Distribution and Stability of Agricultural and Marine Products, or the Livestock Industry Act.

The head of each central agency may procure goods and services through an international tendering when necessary.

3) *The Principle of Contract: Bona Fide*

- Contracts shall be concluded according to the principle of bona fide.
- An international tendering shall be implemented according to the principles of reciprocity. The contract officials shall not impose any special terms or conditions upon the citizens of a member country of the Government Procurement Agreement or upon the products or services produced from those countries.

4) *Decision on the Selected Tenderer*

In a competitive tendering, the successful tenderer shall be:

- a person who is deemed fully capable of fulfilling the terms of the contract and offers the lowest bid;
- a person who offers the most favourable bid for the State in conformity with the evaluation criteria specified in the public notice or the tender documentation;

- a person whose bid conforms closest to the criteria if the evaluation criteria are determined by the Presidential Decree considering the contract's nature and scale.

5) *Principles of General Competition in Government Procurement*

- The public officer in charge of contract shall conclude a contract by the means of general competition. Except, if deemed necessary, taking into consideration the contract's purpose, nature, scale, etc., he may nominate participants or restrict the qualification of the participants.

6) *Restriction on Tendering Participation Eligibility for Improper Business Person*

Restriction on tendering participation to an improper business person may be imposed for a specified period:

- a person who might be detrimental to a fair execution of the competition or a proper fulfilment of the contract; or
- a person who is deemed unqualified to participate in the tendering.

Procedure for this restriction:

- The head of a central agency shall give the other party an opportunity to state his opinion in advance and, if necessary, hear the opinion of the interested person.

7) *The International Contract Dispute Mediation Committee*

Challenge procedure

- Those who have got a disadvantage by the matter of the scope of the government procurement contract, eligibility for participation, public notice, and decision on successful tenderer may make an objection.
- Anyone who is dissatisfied with the measures by the demanded institution may request a review for a mediation to the International Contract Dispute Mediation Committee established in the Ministry of Finance and Economy.

Effect of the mediation

- The Committee shall make the investigation and mediation. If not any objection is raised within fifteen days after an agreement, it shall have the same effect as a judicial conciliation.

Summary of Enforcement Decree of the Act Relating to
Contracts to which the State is a Party

1. *Principles of Contracts*

-In the conclusion of contracts, a contract official shall not impose any special condition which unreasonably restricts the contractual benefit of the other party, which is prescribed by the related provisions.

2. *Estimated Value of Contract and Standard Price*

-Estimated value of contract is a criterion opened in a public notice. It is a basic tool for determining the value of contracts for purposes of implementing the GPA. It is based upon the budget amount for a procurement and calculated according to the provisions of the GPA.

-Standard Price is a means to determine a best bidding price. It is determined by the illustrative transactional price, the cost price or the appraised price. It shall not be informed.

3. *Method of Competition & Qualification of Tendering*

-The competition is conducted by means of a competitive tendering in which more than two effective bidders participate.

-The bidder should be owning or leasing the facilities required for manufacturing or supplying of the contract object.

-When any approval or licence is required pursuant to the provisions of the laws, it should be qualified.

4. *Public Notice & Site Presentation*

-A public notice on domestic tendering will be given ten days before the tendering date (international tendering is prescribed by the Special Enforcement Decree).

•In the case of construction work tendering, it will be given seven days before the site presentation date.

•Site presentation will be carried out before following period:

·When the estimated price is less than 1 billion won
⇒ 10 days or more

·When the estimated price is 1 billion or more and less than notified amount
⇒ 20 days or more

·When the estimated price is the notified amount or more
⇒ 33 days or more

(* The notified amount is determined by the GPA.)

•Details of the public notice:

- Matters assigned for the tendering
- Place, date and time for the tendering and its opening
- Qualification of a bidder
- Decision method for the successful tenderer, etc.

5. *Decision Method for the Successful Tenderer*

- Performance ability test method

In a contract above notified amount, a successful tenderer shall be examined with respect to the performance ability of the concerned contract in the order of the lowest tenderer under the standard price.

- Decision method operated only in a domestic tendering

A successful tenderer is a bidder with the lowest price, provided that the bidding price is not less than the amount of 90/100 of the standard price and under the standard price.

In the tender for purchasing goods, the successful tenderer is the lowest price bidder.

6. *Single Tendering*

Following are the cases to which single tendering can be applied:

- in case of an Act of God or national security,
- in case of a contract with the current construction company due to difficulties of assigning liabilities for defects that might happen in relation to future construction works,
- in case of purchasing goods granted patent or in case where the supplier is only one person,
- in case of a work whose estimated price is under 50 million won, or goods and services whose estimated price is under 20 million won,
- goods set-aside for a small business,
- goods related provisions of the Social Welfare Business Act,
- in case of no bidder even in the renotification tendering etc.

7. *Restriction on Tendering Participation for an Improper Business Person*

Restriction may be imposed for a specific period to:

- a person who has constructed structures defectively or designed them inadequately,
- a person who has not been careful in taking safety measures, thereby causing danger or damage to the public, or
- a person who gives a bribe in a tendering procedure etc.

Summary of Special Enforcement Decree of the ARCWSP for a Specific Government Procurement (Special Enforcement Decree)

1. *Scope of Special Enforcement Decree*

The Special Enforcement Decree will be applied to:

-an international tendering prescribed by the GPA and other provisions.

For an international tendering which is not covered by the GPA, there are no obligations for observing the provisions of the GPA. However, provisions of Special Enforcement Decree shall be applied correspondingly to even the cases for the standardization of the procurement system.

2. *Principles of Contracts for a Specific Procurement*

-Fair selection for a successful tenderer and non-discrimination to any tenderer shall be done in an international tendering.

-With the intention of avoiding the application of GPA, any procurement requirement shall not be divided.

-Entities shall not impose any offsets in tendering procedures.

3. *Tendering Procedure*

Following are tendering procedures for an international tendering: open tendering, selective tendering and limited tendering (single tendering).

4. *Language in an International Tendering*

-A basic language is Korean. However, when necessary, foreign languages including WTO official languages can be used.

-In a public notice, main items for a tendering shall be written in one of the WTO official languages.

5. *Qualification of Suppliers in Open Tendering and a Supplier's List*

-Main conditions for suppliers are limited to those which are essential to ensure the supplier's capacity to fulfil the contract in question such as contract performance record, technical performance ability and financial capacity etc.

-To simplify the qualification procedures, entities can operate a permanent supplier's list.

6. *Public Notice on Intended Procurement and Decision of Successful Tenderer*

-Time limits for a tendering shall not be less than 40 days from the date of the public notice.

-The public notice shall contain details related to the tendering according to the provisions of GPA.

-Information on the contract award shall be published not later than 72 days after the award of each contract.

7. *Challenge Procedures & International Contract Dispute Mediation Committee*

-Suppliers can challenge alleged breaches of the GPA to the procurement entities or International Contract Dispute Mediation Committee.

-The Committee is established in the Ministry of Finance and Economy to investigate and mediate the request for review by a supplier.

-The chairman of the Committee is Vice Minister of Finance and Economy. The Committee has 15 members who are professors, barristers or officials, etc.

-The Committee can order the interim measures which include suspension of tendering procedures, etc.

-The mediation by the Committee can be provided for the correction of breaches of the GPA or compensation for the loss or damages suffered.

-The mediation has the same effect as a judicial conciliation when it has no objection.

8. *Implementing the International Business Practices*

When necessary, in light of nature of international trade, international business practices can be applied to determine currency, deposit of contract payment, inspection or adjustment of inflation, etc.

2.SUMMARY OF OTHER REGULATIONS RELATED TO THE GOVERNMENT PROCUREMENT

1. *The Act on the Government Procurement Business*

Character of the Act

-The Act contains the provisions for the central government procurement system implemented by the Office of Supply (OSROK).

Applied Institution

-The State and Local government entities shall commit the procurements for the goods more than 50 million won and the construction works more than 2 billion won to the OSROK.

-Government invested institutions, if necessary, can commit the procurement business to the OSROK.

Centralization of the government procurement

- Basically, each government authority is responsible for procuring goods, services and construction services for its own use. However, goods and works exceeding a given threshold value, which a specialized agency can procure more efficiently, should be procured and supplied through the Office of Supply of the Republic of Korea to central and local government agencies (so-called end-users).
- The OSROK's end-users are classified into two categories: obligatory and voluntary. The former consists of central and local government agencies, which are required to purchase their needed goods and works above a given threshold value through the OSROK. The latter consists of government-funded or government-sponsored agencies, which have options to procure goods, services and works for themselves or through the OSROK.
- Even the obligatory end-users, however, are allowed to purchase goods and conclude construction contracts for themselves in cases of urgent procurement needs, small purchases below a given threshold value or procurement for national defence or security.

System to draw up government procurement

- Each central and local government agency will forecast its need for supplies and construction services during the course of a year, determine the purchase request plan with the preparation of the budgeted funds, and submit it to the OSROK before the beginning of the next fiscal year.
- Upon receipt of the purchase plans from the end-users, the OSROK shall draw up a comprehensive Acquisition Program considering the end-users' procurement plan for the coming year as well as the procurement level of the previous year, which will then procure and supply in a cost-effective and timely manner.

2. *Local Financing Act*

Character

- The local government procurement system is prescribed by the Local Financing Act and its Presidential Decree, etc.
- The provisions of the Act and its Presidential Decree regulate specialties for the local government procurement. However, main contents of these provisions are quoted from the Act Relating to Contracts to which the State is a Party.
- In conclusion, local government entities operate the same procurement system as the central government.

Main different provisions from the ARCSP

- In case of local government procurement, the estimated price for the regional restriction is different from that of the state.

According to the provisions by the Local Finance Act or its Enforcement Decree, entities can restrict participants' eligibility to only the person doing business within its jurisdiction when the estimated price is less than 5 billion won.

According to the provisions by the ARCSP and its Enforcement Decree etc., the restriction can be imposed to the construction work only less than 3 billion won.

3. *The Government Invested Enterprise Management Law*

-Procurement business of the government invested institution is prescribed by the government invested Enterprise Management Law and Administrative Regulation by the Ministry of Finance & Economy.

-These regulations include some specialties for the entities applied and exception in the single tendering from the provisions of the ARCSP. However, main contents of these provisions are quoted from the Act Relating to Contracts to which the State is a Party.

-In conclusion, government invested entities operate the same procurement system as the central government.

3. CONTACT POINTS FOR AN INQUIRY ON THE GOVERNMENT PROCUREMENT

The Act Relating to the Contracts to which the State is a Party

Ministry of Finance and Economy
Government Accounting Policy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Local Financing Act

Ministry of Home Affairs
Local Financing and Economy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Government Invested Enterprise Management Law

Ministry of Finance and Economy
Government Loan and Enterprise Management Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Act on the Government Procurement Business

Office of Supply
Administration and Management Division

Telephone: •82 2 533 5979
Telefax: •82 2 596 9548

4. ANSWER TO THE CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1. *Has the agreement been transposed into national law?*

It has been transposed into domestic laws and regulations such as the Act Relating to Contracts to which the State is a Party (•ARCSP•), the Local Financing Act and the Government Invested Enterprise Management Law.

The Act Relating to Contracts to which the State is a Party (•ARCSP•) is the basic regulation on the procurement by the central government institution. It prescribes details concerning contracts to which the state is a party, including procurement proceedings and contract administrations. It contains details related to government procurement contracts through an international competitive bidding. It prescribes provisions related to National Treatment, Non-discrimination, and the Transparency of Government Procurement.

The Enforcement Decree of the ARCSP provides details delegated by the ARCSP and those necessary for the implementation of a domestic tendering.

The Special Enforcement Decree of the ARCSP for a Specific Government Procurement provides details delegated by the ARCSP and those necessary for the implementation of an international tendering.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Entities below the federal or central state level have their own procurement system such as Local Financing Act. But the Act generally follows provisions of ARCSP.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Other entities such as government invested enterprises are controlled by the Government Invested Enterprise Management Law. But the Law also generally follows provisions of ARCSP.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

There are no significant differences except regional restriction and conditions for a single tendering. For example, a local government can restrict participants' eligibility to

persons doing business within its jurisdiction, when the estimated price of the work is less than 5 billion won. However, the restriction can be imposed by a central government only to the construction work of which the estimated price is less than 3 billion won.

5.To what extent is information technology used in the process of government procurement?

We are running a database system offering information of tendering opportunities.

II. SPECIFIC ELEMENTS

6. Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement?

ARCSP Article 5 and its Special Enforcement Decree (SED) Article 4

7. Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.

Provisions for the public notice are provided reflecting the provisions of the GPA. Those are almost same provisions of the GPA. Basically public notice for open or selective tendering should be done not less than 40 days before the tender date. In some cases for a selective tendering, time limit for a tender will be extended to more than 65 days.

A public notice shall contain every item prescribed by the GPA such as place, date and time for tendering and its opening, qualification of the bidder and contact points etc. (SED Art. 11, 12).

8. Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or notice regarding qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.

Besides a public notice, other provisions for a notice of the planned procurement are prescribed according to the Article IX:3 of the GPA (SED Art. 13).

9. In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?

If necessary, entities can use permanent supplier's lists. Qualifications for registration at supplier's lists can be determined by entities, considering experiences, skills or business conditions of entities (SED Art. 10).

It is not necessary for a contract official to change the requirements for supplier's list on a contract-by-contract basis. It is same as the current classification system for suppliers. The requirements for the supplier's list are fixed.

10. Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

Negotiation can be allowed during the tendering procedure. If it is deemed necessary, taking into consideration the nature of contract, the urgency, national security, the head of each central agency or the public officials may enter into the contract after receiving the proposals from bidders suppliers and negotiating technical specification or qualities, etc.

11. Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be not less than X days. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.

The time-limits for tendering shall be more than 40 days after a public notice. In compliance with the provisions of the GPA, some exceptions are prescribed as below:

In case of an emergency notice: more than 10 days after a public notice.

In case of a planned procurement notice: more than 24 days after a public notice.

12. To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The basic language is Korean in the tendering procedure. However, when necessary, a foreign language including WTO official languages can be used (SED Art. 8).

III. CHALLENGE PROCEDURES - ARTICLE XX

13. Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and making them generally available. Please provide this information.

Anyone who has been disadvantaged due to the breaches of the GPA occurred by an entity's measure in the course of international tendering may make an objection for revocation or correction of such acts to the International Contract Dispute Mediation Committee (SED Art. 28).

14. To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

A supplier or contractor shall submit a complaint within 15 days after the occurrence of the act which is the cause of the objection or 10 days after acquiring knowledge of such an act.

The head of the relevant procuring entity shall, within 10 days of the receipt of the complaint, examine and take necessary measures such as correction and give a prompt notice of the decision to the supplier or the contractor submitting the complaint.

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

In order to examine and mediate the request for a review, a committee is established in the Ministry of Finance and Economy.

- How are its members selected?

The chairman of the Committee is Vice Minister of Finance and Economy. The Committee has 15 members who are professors, barristers designated by the Minister of Finance and Economy or public officials designated by the heads of major procurement entities.

- Are its decisions subject to judicial review?

The mediation has the same effect as a judicial conciliation when there is no objection. If there are any objections, the case can be sent to the court.

- If not, how are the requirements of paragraph 6 of Article XX taken into account?

We have the provisions for various challenge procedures reflecting the provisions of the GPA such as hearing before a decision, open mediation process, decision by writing, etc.

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

ARCSP has general provisions for the review of the challenge procedures, reviewing, examining and investigating. The case can be sent to the related institutions for a special appreciating. During the process, the provisions for the procedures such as delivery or notice etc. shall follow the provisions of the Act for the Civil Suit.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

Suspension of tendering proceedings or awarding of contracts may be granted until the arbitration (mediation) process in the Committee is completed.

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

The Committee can make a mediation offer including cancellation and correction of the breaches and compensation for loss or damages. There are limits to the compensation. It will be limited to the expense for a preparation for the tendering and mediation.

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

A supplier or contractor who has an objection to the measure by the entity concerned can request a review of the Committee for International Dispute Mediation within 15 days of the receipt of the notice of decision.

Interim measures by the Committee shall be taken within seven days of the receipt of the opinion of a procurement entity.

The Committee, unless there are any other specific reasons, shall review and arbitrate the appeal filed within 50 days of its receipt.

The mediation shall be final unless the applicant for appeal or the head of a procuring entity concerned raises any objection to it within 15 days of the completion of mediation. It shall have the same effect as an out-of-court settlement.

Legal channels for complaints or appeals are open to any suppliers. Appeals can be raised to a civil suit.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

Translation, stenography, appreciation or testing cost can be billed to the appellant.

If there is a prior arrangement between both parties, the cost of challenge procedures can be imposed by the arrangement. Therefore, there can be no cost in some cases.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

KOREA

The present document reproduces the questions put to the delegation of the Republic of Korea and the responses given and comments made during the review of national implementing legislation at the Committee's meetings of October 1998 to September 2000.¹ Korea's notification of its national implementing legislation in accordance with the Committee's Decision in GPA/1/Add.1 has been circulated in document GPA/12/Rev.1, dated 9 June 1997.

**REPLIES TO THE QUESTIONS FROM CANADA, THE EUROPEAN COMMUNITY,
SWITZERLAND AND THE UNITED STATES**

**I. THE ACT RELATING TO CONTRACTS TO WHICH THE STATE IS A PARTY
(ARCSP)**

A. SCOPE OF THE GOVERNMENT PROCUREMENT CONTRACT

Question from Canada

1. *In the section on scope, Korea refers to contracts "according to the international norm and the GPA which exceed the amount determined and publicly announced by the Minister of Finance and Economy". What are the international norms that are referred to and does the Minister have the authority to change the amounts from what is in the Agreement on Government Procurement?*

"International norm" is international trade practices that do not deviate from the GPA in their content and purpose. The Minister of Finance and Economy holds no authority to change the amounts of the threshold value, but notifies biannually the corresponding amount of the Won to the SDR.

B. COVERAGE

Question from the United States

2. *Which government entities must follow the requirements of the Act Relating to Contracts to which the State is a Party (ARCSP)? Paragraph I.1 of the summary of Domestic Legislations (GPA/12/Rev.1) indicates that "[u]nless provided for in other laws, government procurement is conducted under the [ARCSP]". Please explain instances in which other laws provide that the ARCSP does not apply. In addition, when a government entity is required to follow the ARCSP, are all of the entity's subordinate units (including its subordinate linear organizations, special local*

¹ The minutes of these meetings have been circulated in documents GPA/M/10-14.

administrative organs, and attached organs) also required to follow the ARCSP? Do government entities that are not bound by the requirements of the ARCSP and/or its associated enforcement decrees and regulations follow procurement practices based on international contracting principles, including those contained in the WTO Agreement on Government Procurement? Please explain.

The ARCSP applies to contracts to which a state is a party, such as government contracts through international tendering subject to the GPA or contracts between state and a citizen of the Republic of Korea.

The term "state" covers central government agencies established under the Constitution and the Government Organization Act of the Republic of Korea, the National Assembly Secretariat, the Ministry of Court Administration, the Constitutional Court Secretariat, and the Central Election Management Committee Secretariat. Among the agencies covered by the ARCSP, the central government agencies listed in Annex 1 of the Korean Appendix I shall conduct government procurement through international tendering pursuant to the provisions of the GPA.

With respect to the extent of the applicability of ARCSP there are a limited number of provisions under the Korean laws which allow procurement procedures differing from the ARCSP. For example, the acquisition, management and disposal of government properties are subject to the Government Property Law while the procurement of goods for national defence is subject to the Special Law for National Defense Industry.

When a government agency is required to follow the ARCSP, the subordinate units of the agency are also required to follow the ARCSP if the units are government agencies. This is because the central government agencies may establish subordinate units such as subordinate linear organizations, special local administrative organs, and attached organs pursuant to the Government Organization Act of the Republic of Korea. Therefore, subordinate units can comprise central government agencies.

It is not clear what is meant by "government entities that are not bound by the ARCSP and/or its associated enforcement decrees and regulations". The ARCSP basically applies to all central government agencies mentioned above. The entities of Annex 1 of Korean Appendix I are required to follow the international contracting principles pursuant to the GPA. Annex 2 and Annex 3 entities are required to follow the principles under the Local Financing Act, and the Government Invested Enterprise Accounting Regulations. Entities not covered by the GPA are expected to operate procedures of procurement pursuant to general international trade practice when international tendering is necessary.

Small and Medium Enterprise Products Promotion Act

Question from Canada

3. *Could Korea please describe the purpose and content of the provisions in the Small and Medium Enterprise Products Promotion Act related to procurement from small and medium-sized businesses and their relationship to the Act Relating to Contracts to which the State is a Party and its Presidential Decree? What is the meaning of the expression "international tendering"?*

The purpose and content of the Small and Medium Enterprise Products Promotion Act related to procurement is to contribute to the balanced development of the national economy by promoting sales and outlets of the products made by small and medium enterprises. Korea's basic act relating to the government procurement is the Act Relating to Contracts to which the State is a Party (ARCSP) and its Presidential Decree. ARCSP is based on general competition, and private contracts are recognized as exceptional cases, including the private group contracts, as specified in the Small and Medium Enterprise Products Promotion Act.

"International tendering" means giving bidding opportunities to all GPA Parties for procurements with values greater than the threshold value.

Question from the European Community

4. According to Note 3 to Annexes 1 and 2 and Note 2 to Annex 3 of the Korean Appendix I, Korea may exclude "the single tendering procurement including set-asides for small and medium-sized businesses" according to the Budget and Account Law, the Local Finance Law, the Government Invested Enterprise Management Act and the various Presidential Decrees and Accounting Regulations.

This exception relates to Small and Medium-sized Enterprises (SMEs). Could Korea please specify if the single tendering procedure exception is applied to anything else? How does Korea decide that a contract is set aside for SMEs? How is an SME defined in terms of size? Does Korea have any figures concerning purchases from SMEs (percentage of total procurement, etc.)?

The instances when the central government can enter into a procurement contract by a single tendering are described in detail in Article 26 of the Enforcement Decree of the ARCSP. According to Note 3 to Annexes 1 and 2, and Note 2 to Annex 3, Korea may exclude single tendering procurement from the GPA. The following are the cases in which single tendering can be applied:

- (a) when an act of God or national security is concerned;
- (b) when a former construction contractor is re-contracted in order to ensure responsibility for any possible defects in the future;
- (c) when a contract to procure goods is related to patents, or there is only one supplier;
- (d) when the contract is for construction work whose estimated value is under W 100 million, or for goods and services whose estimated value is under W 30 million;
- (e) when goods are being procured from small and medium-sized enterprises under the Act regarding Small and Medium Enterprise Promotion and Products Purchase Promotion;
- (f) when goods are being procured from agencies for the disabled;
- (g) when no bidder or successful tenderer can be found, even after a tendering re-notification.

The cases when local governments and government-invested enterprises can enter into a procurement contract by single tendering are prescribed in the Local Financing Law and Government-Invested Enterprise Accounting Regulations, in which the main content of the provisions of the Enforcement Decree are quoted.

In Korea, the term small and medium enterprises (SMEs) is defined as a company which employs less than 300 persons and whose assets amount to less than W 80 billion.

Each year, the Small and Medium Business Administration (SMBA) publishes a list of products to be procured only from SMEs. For the products listed, qualified suppliers may enter into a procurement contract with SAROK (formerly OSROK) as prescribed in provisions 9 and 9.2 of the Act regarding Small and Medium Enterprise Promotion and Products Purchase Promotion.

C. PRINCIPLES OF GENERAL COMPETITION

Question from Canada

5. *What is the extent and purpose of the discretion provided to contract officers to nominate participants or restrict qualifications of the participants, as provided for in the section on principles of general competition?*

The procurement entities may conduct reviews for qualification of suppliers participating in the tendering to increase efficiency of the procurement process. However, procurement entities have objective criteria for the qualification reviews, and subjective judgments by the contract officers are excluded.

D. RESTRICTIONS ON TENDERING PARTICIPATION ELIGIBILITY FOR IMPROPER BUSINESS PERSONS

Question from the United States

6. *In Section I.6 of the summary of domestic legislation, Korea states that a person who is "deemed unqualified" may be denied the opportunity to participate in a tender. Under what circumstances or conditions may a person be "deemed unqualified"? In view of GPA Article VIII(b), are all of these conditions essential to ensure the person's capability to fulfil the contract or contracts in question?*

In Section I.6 of the Summary of Domestic Legislation (GPA/12/Rev.1), Korea states restrictions on participation eligibility for tendering. These restrictions apply to suppliers who impede or deviate from fair competition or proper fulfilment of a government contract, or suppliers who are deemed unqualified. Grounds for the restrictions are prescribed specifically in the Enforcement Decree of the ARCSP and Enforcement Regulation of the ARCSP in order to prevent procuring entities from making arbitrary decisions. The term "deemed unqualified" does not directly relate to the capabilities of suppliers. Rather, it means suppliers are "considered as unqualified" to participate in tendering because of activities which are viewed by the entity as detrimental to fair competition or to proper fulfilment of a government contract.

Question from the European Community

7. *The Korean Fair Trade Commission may intervene against cartels of suppliers which limit competition in public procurement. How does Korea intend to ensure that suppliers behave in a competitive manner? Can Korea give details on the activity of the Fair Trade Commission with respect to this issue? In particular, can Korea indicate whether it has already taken any concrete action on bid-rigging and the like; and whether in doing so it made a distinction between foreign suppliers and domestic ones?*

Korea takes strong action against bid-rigging by implementing the ARCSP, and the Fair Trade Commission also plays a role to ensure fair competition in the procurement market. If a supplier is found to have committed improper activities detrimental to fair competition including bid-rigging, the procuring entities must bar suppliers' eligibility for tendering for no less than one month but for no more than two years. The circumstances and periods of restrictions are described in detail in Article 76 of the Enforcement Decree of the ARCSP and Article 76 of the Enforcement Regulation of the ARCSP. The provisions are quoted by the Local Financing Law and the Government-Invested Enterprise Accounting Regulations. The procuring entity concerned must publish the restriction in an official gazette (Kwan-Bo). Other procuring entities may also disqualify the supplier from participating in tendering during the period of restriction.

Question from Switzerland

8. *Please provide additional information on the criteria used to judge a business person as "improper" and on the length of the specified period this person may be deemed unqualified to participate in the tendering. Can this decision also be challenged?*

Restrictions on participation eligibility for tendering apply to suppliers who impede or deviate from fair competition or proper fulfilment of a government contract, and to suppliers who are deemed unqualified. Article 76 of the Enforcement Decree of the ARCSP and Appendix 2 related to Article 76 of the Enforcement Regulation of the ARCSP prescribe specifically the grounds for restrictions and the lengths of the period of restrictions in order to prevent procuring entities from making arbitrary decisions. When the restrictions apply, a hearing must be given for the supplier concerned, according to the Act on Administrative Procedure. The supplier concerned can challenge a restriction under the Law for Administrative Review.

II. ENFORCEMENT DECREE OF THE ARCSP

A. SINGLE TENDERING

Question from Switzerland

9. *The single tendering procedure can be applied "... in case where the supplier is only one person". How can this exception from open or limited tendering be explained?*

As stated in the answer to the question from the European Community on small and medium-sized enterprises, the cases of a single tendering are prescribed specifically in Article 26 of the Enforcement Decree of the ARCSP. According to Note 3 to Annexes 1 and 2, and Note 2 to Annex 3, Korea may exclude single tendering procurement from applying the GPA. When there is only one supplier of the concerned goods and the purpose of procurement can not be achieved with other suppliers, the procuring entity has to enter into a contract with the concerned supplier through single tendering because there is an absence of competition. This case is in line with Article XV:1(b), which states that one of the cases for limited tendering is "when, ..., 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".

Question from Canada

10. *In the case of "single tendering" what is meant by act of God?*

"Act of God" means natural disasters which cannot be prevented by the power of man.

Question from Canada

11. *In response to question above, it was stated that "Act of God means natural disasters which cannot be prevented by the power of man". For this case and for each of the cases listed in Section 2.6 - Single Tendering, of GPA/12/Rev.1, please provide the corresponding condition provided for in Article XV - Limited Tendering, parts (a) through (j) of the Agreement on Government Procurement that provides for each case.*

Article 26 of Korea's Presidential Decree of the Act Relating to the Contract to which the State is a Party (ARCSP) specifies in detail the conditions for single tendering, including "Act of God". In accordance with Korea's Annexes to the WTO Agreement on Government Procurement (Annex 1, Note 3, Annex 2, Note 3 and Annex 3, Note 2), the Agreement on Government Procurement does not apply to the single tendering procurement in Korea.

Question from Japan

12. *In June 1998, the Enforcement Decree of the ARCSP was amended by adding a new provision that stipulates that the central government is empowered to use single tendering procedures in cases where goods are procured from domestic small and medium size enterprises with a "good quality mark" that has been certified by the relevant national authority. When did this amendment take effect? Does the amendment only apply to procurement by the central government or does it also apply to procurement by sub-central entities and national enterprises? Is this amendment consistent with Korea's obligations under the GPA, specifically, Articles III and VI:3 of the GPA or with the derogation clause in Note 3 to Korea's Annex 1 of Appendix I?*

The enforcement Decree of the ARCSP was amended in September 1999. The amendment applies to central government procurement and also applies to procurement by sub-central entities and Annex 3 entities. Korea believes that the amendment is consistent with its current GPA obligations. Korea specified a single tendering procedure exception in its Appendix which is applied to small and medium size businesses. The amendment to the ARCSP enforcement decree allows the use of single tendering procedures in cases where goods with a "good quality mark" are supplied by small and medium-sized enterprises in accordance with the Small and Medium Enterprises Product Promotion Act and law relating to the development of environmental technologies.

B. INTERNATIONAL CONTRACT DISPUTE MEDIATION COMMITTEE

Question from the United States

13. *In Section I.1.7 of GPA/12/Rev.1, Korea states that: "Those who claim to have been disadvantaged in the implementation of the provisions on the scope of the government procurement contract, eligibility for participation, public notice or the decision on the successful tenderer may make an objection to the central agency concerned." Is a supplier claiming to have been disadvantaged in one of the ways described above permitted to seek immediate redress with the International Contract Dispute Mediation Committee, or must the supplier first make its objection to the specific central agency concerned?*

The International Contract Dispute Mediation Committee (ICDMC) is established to mediate disputes which may occur in international tendering. Any supplier who claims to have been a victim of a breach of the GPA and discriminated against by a procuring entity must seek resolution from the entity concerned first. When the supplier is dissatisfied with the response or resolution offered by the procuring entity, the supplier may request a review from the International Contract Dispute Mediation Committee.

Question from the United States

14. *Do the procedures of the International Contract Dispute Mediation Committee apply to government entities that are not bound by the requirements of the ARCSP and/or its associated enforcement decrees and regulations? If not, please provide information about the bid protest and challenge system available to such entities to which the International Contract Dispute Mediation Committee procedures do not apply.*

The ICDMC is established pursuant to Article XX of the GPA in order to mediate disputes in international tendering covered by the GPA. Therefore, the procedures of the ICDMC apply to the cases involving procuring entities covered by the GPA. In addition, the Construction Dispute Mediation Committee is established by the Ministry of Construction and Transportation in order to deal with disputes between procuring entities (including both government and private entities) and suppliers in the course of fulfilling their construction contracts.

Question from Switzerland

15. *If a claim is first addressed to the procurement entity (Point 3.7 of GPA/12/Rev.1) and does not lead to a satisfactory solution for the suppliers claiming a breach of the GPA, can he still address this claim to the Committee?*

Please refer to the answers to the above questions from the United States.

III. OTHER GENERAL REGULATIONS RELATED TO GOVERNMENT PROCUREMENT

A. THE ACT ON GOVERNMENT PROCUREMENT BUSINESS AND THE OFFICE OF SUPPLY (OSROK)

Question from the United States

16. *Section 4.1 of GPA/12/Rev.1 relating to the Act on Government Procurement Business states that, "Basically, each government authority is responsible for procuring goods, services and construction services for its own use". It also states that central and local government agencies are "required to purchase their needed goods and works above a given threshold value through OSROK". Please explain how these seemingly contrasting statements can be reconciled.*

Korea maintains a centralized supply system for government procurement of goods and services exceeding a given threshold value. For example, any central government contract for construction services valued over W 3 billion must be conducted through the SAROK. The main roles of the SAROK are to publish tendering notices, to decide the award of contract, to enter into a contract by a request from a procuring entity, and to assume relevant responsibilities. Each procuring entity must prepare an annual plan and a budget for its procurement. Each entity is also responsible for matters related to the fulfilment of contracts such as supervision of construction works, inspection of work completion and payment.

Question from the European Community

17. *One of the prevalent features of the Korean procurement system is the large amount of procurement made by OSROK on behalf of different public entities. In practice, centralized procurement favours the use of selective or restricted procedures and indeed OSROK requires all potential suppliers to be registered with it before submitting a bid. While this is not in contradiction to the letter of the GPA, it does not facilitate access from GPA countries who should be registered before having the possibility to tender. In practice, this can act as a barrier for foreign suppliers. How is Korea ensuring that Article VIII of the GPA is complied with (with particular reference to subparagraphs (b), (c) and (d))? Would Korea please specify if the financial, commercial and technical capacity of suppliers from GPA countries is judged on the basis of that supplier's global business activity?*

In Korea, pursuant to the GPA, the Special Regulation of the Enforcement Decree of the ARCSP for Specific Procurement (hereafter "Special Regulation") prescribes that procuring entities may maintain lists of suppliers in order to conduct procurement efficiently. On the list, suppliers register general information such as address of location, name of representative, business entity registration and ownership of factories or stores. A supplier may apply at different times of the year to be put on a list, by submitting forms issued by agencies in the applicant's country. The information on a list will not be reviewed again in the process of qualifying suppliers for a specific tendering.

Procuring entities, if necessary, may determine qualification for participation in tendering based on a supplier's previous experience in fulfilling contracts similar to the contract concerned, construction capacity, level of technology, and financial statement. It is prescribed in the Special

Regulation that when a supplier who is not on the list wishes to participate in tendering, the procuring entity should begin to review the supplier's qualifications as soon as possible. If it is determined that there is enough time for the supplier to complete the qualifying process by the day preceding the deadline for submitting tenders, the procuring entity must allow the supplier to submit a tender. These provisions are in line with Article VIII of the GPA. The purpose of qualifying suppliers is to enhance the efficiency of the procurement process by reviewing the ability of suppliers to fulfil their previous contracts. Suppliers are judged on the basis of their activities as suppliers in both domestic and foreign areas.

Question from Switzerland

18. *Please explain in more detail how procurement is organized in Korea. Are State and Local government entities required to commit the procurement of goods, services and construction works above a certain threshold to OSROK or is it up to them to decide whether they procure themselves or commit the job to OSROK? If procurement is done by OSROK, who is the procuring entity, OSROK or the obligatory or voluntary end-users?*

As stated above in the answer to question from the United States, Korea basically maintains a centralized supply system for procurements of goods and construction services. Under the system, procurement exceeding a given threshold value set by central and local government entities (which are obligatory end-users) must be contracted by SAROK (formerly OSROK). That is, for any central government procurement of construction work valued over W 3 billion, or for a local government procurement of construction work valued over W 10 billion where suppliers must be pre-qualified or must submit design drawings for the construction work together with a tender document, as provided in Article 15 of the Enforcement Decree of the Act on Government Procurement Business, or for goods valued over W 50 million, SAROK will publish an invitation to tender, award the contract, and enter into a contract on behalf of the end-users. The obligatory end-users are, however, allowed to procure goods if procurement is urgently necessitated by an act of God, or is for military supplies for national defence, etc. For the responsibilities of SAROK and end-users, please refer to the answer to question 7 from the United States.

B. LOCAL FINANCING ACT

Question from Switzerland

19. *Although the provisions of the Local Financing Act and its Presidential Decree regulate specialities for the local government procurement, we understand that the requirements of the GPA for local entities covered by the Agreement are met. Is this understanding correct? How do the specialities mentioned affect the requirements of the GPA?*

Korea does not believe that the provisions are incompatible with any requirements of the GPA at this time, as the main contents of ARCSP are quoted by the provisions of the Local Financing Act. We have never implemented nor have intention to implement the provisions concerned in a way that would violate any binding international agreement.

Question from the United States

20. *Have copies of the Government-Invested Enterprise Management Law and Administrative Regulations, the Act on Government Procurement Business, the Local Financing Act (and its Enforcement Decree), the Act for the Civil Suit, and the Government Organization Act of the Republic of Korea been submitted to the WTO Secretariat? If so, are they available in an official WTO language?*

The ARCSP and the relevant subordinate regulations have already been submitted in English to the WTO Secretariat.

IV. INFORMATION ON PROCUREMENT OPPORTUNITIES

Question from the European Community

21. *Korea is running a database system offering information on tendering opportunities. Has this database on-line access? If so, where is it accessible from? Can foreign-based suppliers connect to this database from abroad?*

All entities as indicated in the Korean Annexes 1, 2 and 3 are required to publish tendering notices in an official gazette, the Kwan-Bo, but may additionally announce tendering opportunities through information technology. Accordingly, each procuring entity may provide information on international tendering opportunities through on-line services (Hitel, Unitel, Chollian) as well as in the Kwan-Bo. In the case that a procuring entity requests SAROK to enter into a contract, SAROK may provide information on tendering opportunities on its Internet home page (<http://www.sarok.go.kr>). Foreign suppliers can thus access the service from abroad. However, it should be noted that providing information on tendering opportunities is not required for entities covered by the GPA.

Question from the United States

22. *The response to the question on information technology in government procurement (GPA/W/24/Add.3) noted that Korea was operating a database system offering information on tendering opportunities. Please provide information regarding the extent to which Annex 3 entities utilise information technology in offering information on tendering opportunities, and whether these entities publish summaries of opportunities in an official WTO language.*

Annex 3 entities are required to publish summaries of tendering opportunities in official WTO languages in an official gazette (Kwan-Bo) pursuant to the GPA. However, although publishing tendering opportunities through information technology is not a requirement, the procuring entities may announce international tendering opportunities through local electronic media such as Hitel, Unitel, and Chollian. In addition, Annex 3 entities may request the Supply Administration of the Republic of Korea (SAROK, formerly OSROK) to enter into a contract on their behalf. In that case, the SAROK may announce tendering opportunities on its Internet home page (<http://www.sarok.go.kr>).

Question from the European Community

23. *According to Article XVIII of the GPA, purchasers shall inform suppliers of decisions on contract awards (upon request in writing) and shall publish Post-information or Contract Award Notices. Can Korea explain how this has been implemented into its law and how it is done in practice?*

As to the openness of information on the award of a contract, the Special Regulation prescribes that procuring entities publish a notice in an official gazette, the Kwan-Bo, no later than

72 days after the award of a contract. It is also prescribed that entities provide information on the award of a contract upon request from suppliers. The provisions are quoted by the Local Financing Act and the Accounting Regulation on Government-Invested Enterprise.

V. TIME-LIMITS

Question from the European Community

24. *Which measures have been taken to ensure that the minimum period of 40 days for introducing bids in open procedures is respected in all cases?*

Korea enacted the ARCSP in 1995 in line with the GPA. In particular, the Special Regulation, which was enacted by presidential decree in order to closely regulate procedures for international tendering, entered into force on 1 January 1997.

The Special Regulation prescribes principles and procedures pursuant to the GPA. Accordingly, Annex 1 entities of Korean Appendix I are required to observe the minimum period of 40 days for introducing bids in open competition. For sub-central government entities and government-invested enterprises, the provisions of the ARCSP and Special Regulation are quoted by the Local Financing Act and the Accounting Regulation on Government-Invested Enterprises respectively.

VI. INFORMATION ON SPECIFIC EXCEPTIONS

Question from the European Community

25. *Note 4 to Annexes 1 and 2 and Note 3 to Annex 3 of Appendix I of the GPA exempts the procurement of satellites pursuant to the Aviation and Space Industry Development Promotion Law for a duration of five years from entry into force of the Agreement. Does Korea have any figures concerning purchases under this exemption? Has Korea foreseen in its legislation that from 1 January 2002 this kind of procurement should be open to competition?*

Since 1997, there has been one instance of satellite procurement as shown below. The procurement was open to international competition.

THE KOREASAT III PROJECT

23 August 1996	Public Notice on Tendering *Participants in Tendering: Lockheed Martin (US), Hughes (US), Aerospatiale (France)
5 December 1996	Award of Contract *Successful Tenderer: Lockheed Martin (US)
14 March 1997	Conclusion of Contract Contract Amount: US\$10,825 million

With relation to the Korean Government's position on the expiration of the exception clause, a decision has not been made on this matter.

Question from Canada

26. *Pursuant to GPA Appendix I, Annex 1, Note 5 for Korea, could Korea please indicate which piece of legislation it is using to implement its commitments regarding Ministry of National Defence purchases? Also, could Korea please provide a summary of this legislation as it pertains to the procurement of defence-related products?*

Regarding Note 5 in Annex 1 for Korea, there are no special legislations for procurement of defense-related products. For such procurement, the Act Relating to Contracts to which the State is a Party (ARCSP) and its Presidential Decree are applied.

WORLD TRADE ORGANIZATION

GPA/46
19 December 2000

(00-5530)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Liechtenstein

The following communication has been received from the Permanent Mission of the Principality of Liechtenstein in accordance with the Committee Decision of 4 June 1996, relating to the procedures for the notification of national implementing legislation (GPA/1/Add.1).

1. Summary of Liechtenstein's Legislation on Public Procurement

Liechtenstein's international obligations in the area of public procurement have been implemented in its national legislation by the following acts:

- Law on Public Procurement: Gesetz über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Gesetz über das öffentliche Auftragswesen, ÖAWG), LGBl.¹ 1998 No. 135, LR² 172.051.
- Regulation on Public Procurement: Verordnung über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Verordnung über das öffentliche Beschaffungswesen, ÖAWV), LGBl. 1998 No. 189³, LR 172.051.1.

Both law and regulation entered into force on 1 January 1999.

These provisions not only implement the WTO Agreement on Government Procurement (GPA)⁴ but also the relevant directives of the European Economic Area (EEA). To a large extent, GPA rules coincide with those of the EEA.

The Law and Regulation cover procurements above and below thresholds. In the GPA context, the procurement rules apply to procurements above the thresholds. The thresholds currently amount to:

Annex 1

Goods	Sw F 248,950
Services	Sw F 248,950
Construction	Sw F 9,575,000

Annex 2

Goods	Sw F 383,000
Services	Sw F 383,000
Construction	Sw F 9,575,000

Annex 3

Goods	Sw F 766,000
Services	Sw F 766,000
Construction	Sw F 9,575,000

The thresholds have to be published according to Article 4 of the Law on Public Procurement:

- Publication of the thresholds: Kundmachung vom 10. Oktober 2000 der Schwellenwerte nach dem Abkommen über den Europäischen Wirtschaftsraum (EWRA) sowie nach dem Übereinkommen über das öffentliche Beschaffungswesen (WTO-Übereinkommen), LGBl. 2000 No. 196⁵, LR 172.051.11.

¹ Liechtenstein Law Gazette, copy available for consultation in the WTO Secretariat.

² Systematic collection of the Liechtenstein legislation.

³ Copy available for consultation in the WTO Secretariat.

⁴ The GPA entered into force for Liechtenstein on 18 September 1997. See also the publication of the Agreement in LGBl. 1998 No. 8, copy available for consultation in the WTO Secretariat.

⁵ Copy available for consultation in the WTO Secretariat.

The Law on Public Procurement (ÖAWG) guarantees non-discriminatory access to public procurement markets in Liechtenstein for Liechtenstein suppliers and suppliers established in a contracting party to the GPA or other countries as far as they grant reciprocity and in accordance with applicable international obligations (i.e. GPA, EEA or special agreements between Liechtenstein and another country). See also the answer to question 6 of the checklist.

The following procedures are foreseen:

- *Open procedure*: all interested suppliers may submit a tender.
- *Restricted procedure*: upon public invitation, all interested suppliers may submit an application for participation. Participation is limited to a certain number of selected suppliers (at least five, but not more than twenty) which are invited to submit a tender.
- *Negotiated procedure*: at least three interested suppliers (if possible) are invited for negotiations on a contract. Effective competition has to be granted among the invited suppliers.

Procurements above the thresholds have to be published and procured in an open or restricted procedure. A negotiated procedure is permissible in particular situations (see the answer to question 10 of the checklist).

The award is given to the economically most advantageous offer, specified by objective criteria which must already be included in the publication or in the tender documentation. To measure the value of an offer, criteria such as delivery dates, quality, price, efficiency, overhead expenses, service to clients or environmental impact can be considered.

The possibility to challenge a procurement is given. A tenderer whose offer has been rejected may claim damages, if the rejection was inconsistent with the regulations.

The Regulation on Public Procurement (ÖAWV) regulates details of the provisions contained in the corresponding law, such as valuation of contracts, procurement procedures (publication, technical specifications, types of procedures time-limits), award of contracts and provisions on information and statistical reporting.

2. Other Regulations Related to Government Procurement

None.

3. Contact Point

Amt für Auswärtige Angelegenheiten
Heiligkreuz 14
9490 Vaduz
Principality of Liechtenstein

4. Responses to Checklist of Issues

I. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

Liechtenstein follows the monistic theory with respect to the relation of national and international law. The Agreement was, however, implemented through a Law on Public Procurement, a Regulation on Public Procurement and the Publication of the thresholds.⁶ The national implementing legislation aimed at establishing a single, transparent and user-friendly procurement regime in accordance with all international obligations of Liechtenstein in this area.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

No. The above-mentioned provisions cover state level and sub-central levels, i.e. local entities.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

The national legislation mentioned in the answer to question 1 also applies to Annex 3 entities.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The implementing legislation is the same for state and local levels and covers also Annex 3 entities.

5. *To what extent is information technology used in the process of government procurement?*

Every contract above the relevant thresholds has to be published in the database Tenders Electronic Daily (TED) according to the EEA Agreement. Besides that, information technology is not much used yet.

⁶ Gesetz über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Gesetz über das öffentliche Auftragswesen, ÖAWG), LGBl. (Liechtenstein Law Gazette) 1998 No. 135.

Verordnung über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Verordnung über das öffentliche Beschaffungswesen, ÖAWV). LGBl. 1998 No. 189.

Kundmachung vom 10. Oktober 2000 der Schwellenwerte nach dem Abkommen über den Europäischen Wirtschaftsraum (EWRA) sowie nach dem Übereinkommen über das öffentliche Beschaffungswesen (WTO-Übereinkommen), LGBl. 2000 No. 196 (most recent publication).

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

Article 3 of the Law on Public Procurement (ÖAWG):

The Article says that if according to the international law reciprocity is granted, national and foreign suppliers are to be treated equally. Cases in which an international obligation for equal treatment exists without reciprocity shall remain reserved.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

For public procurement above thresholds, tender notices have to be published. According to Article 14 of the Law, such a notice shall contain in particular the following information:

- name and address of the procuring entity;
- subject-matter of the contract;
- address and time-limits for the submission of tenders;
- type of procedure;
- address(es) where documents relating to the contracts may be requested;
- if the contract falls under the WTO GPA Agreement.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Pre-information notices are published in addition to invitation to tender notices. Pre-information notices are not binding, but for information purposes only (Article 14 of the Regulation). In works contracts, contracting entities publish indicative notices containing the essential characteristics of the works contracts they intend to award. In services and supplies contracts, contracting entities shall make known through indicative notices to be published as soon as possible after the beginning of the budgetary year, the intended total procurement during the next 12 months.

According to Article 16 of the Law/Article 17 of the Regulation, different forms for a call for competition are possible in the sectors (water, energy, transport and telecommunication): a notice stating the intention to award a particular contract, a pre-information notice or a notice on the existence of a qualification system. Details with regard to the establishment of a qualification system are regulated in Article 38 of the Regulation.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the sectors, contracting entities may establish and operate a system of qualification of suppliers, contractors and service providers (Article 43 of the Law, Article 38 of the Regulation). Suppliers, contractors and service providers must at any time have the possibility to ask for an inclusion

in such a list. The system operates on the basis of objective criteria and rules. Updating of the rules is possible. Refusal of qualification or bringing the qualification to an end must be reasoned and applicants or service providers have to be notified. If the list is not limited to a period of three years, the list and conditions to be fulfilled and the methods of verification of those conditions have to be published annually. At present, no entity in the utilities sector has established a qualification system.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

According to Article 22, paragraph 2 of the Law, entities may use the negotiated procedure, but only in particular situations. These situations are specified in Article 23 and especially Article 24, paragraphs 2 and 3 of the Regulation:

With prior publication of a contract notice:

- in case of irregular tenders or tenders which are unacceptable under Liechtenstein law in response to an open or restricted procedure;
- in exceptional cases, when the nature of the works/services or the risks attaching thereto do not permit overall pricing;
- when the works involved are carried out for the purpose of research, experiment and development;
- when the nature of services to be procured is such that contract specifications cannot be established with sufficient precision to permit the award of the contract by using open or restricted procedures.

Without prior publication of a contract notice:

- in the absence of tenders or suitable tenders in response to an open or restricted procedure insofar as the original terms for the contract are not substantially altered;
- when for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, there is only one supplier or contractor;
- when it is strictly necessary for reasons of extreme urgency brought about by unforeseeable events;
- for new works/services consisting of the repetition of similar works/services entrusted to the contractor/service provider to which the same contracting authorities awarded an earlier contract, under certain conditions;
- for additional works/services (up to a limit of 50 per cent of the amount of the main contract) becoming necessary for the carrying out of the work/for the performance of the service through unforeseen circumstances, if the non-separation is justified by technical or economic reasons;
- when the products involved are manufactured for the purpose of research, experiment, study and development;
- for additional deliveries by the original supplier, justified by the risk of technical incompatibility of disproportionate technical difficulties;

- when the contract follows a design contest and must be awarded to the successful candidate or one of the successful candidates.

In the sectors, entities have free choice between open, restricted and negotiated procedures (see Article 22, paragraph 4 of the Law).

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Liechtenstein legislation has established time-limits as set out in the EEA and GPA Agreements (see Articles 30 et seq. of the Regulation):

In open procedures, the time-limit for receipt of tenders shall not be less than 52 days from the date of dispatch of the notice. This time-limit may be reduced to 36 days if a pre-information notice according to Article 14 of the Regulation has been published (only for works and services).

In restricted procedures and negotiated procedures, the time-limit for receipt of requests to participate shall not be less than 37 days from the date of dispatch of the notice. The time-limit for receipt of tenders may not be less than 40 days from the date of dispatch of the written invitation. This time-limit may be reduced to 26 days if a pre-information notice (indicative notice to make known the contracts they intend to award, according to Article 14 of the Regulation) has been published. In case of justified urgency, those time-limits may be reduced to not less than 15 days for the receipt of request, and not less than 10 days for the receipt of tenders.

In the sectors, the time-limits for open procedures are the same as indicated above. In restricted and negotiated procedures, the time-limit for receipt of requests to participate shall be, as a general rule, not less than 37 days from the date of dispatch of the notice, but in no case less than 22 days. The time-limit for receipt of tenders may be fixed by mutual agreement between the contracting entity and the selected candidates. If such an agreement is not reached, the time-limit shall be, as a general rule, 22 days, but under no circumstances less than 10 days from the date of the invitation to tender.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

The legislation does not exclude that tenders may be submitted in another language other than German. It is up to the entities to define which other languages are accepted (see Article 15, paragraph 2 lit. i of the Law). In practice, such other languages might be English or French.

III. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Any supplier who participates in a particular public procurement procedure may complain about alleged breaches of the rules.

After the award of the contract, the entity has to inform the winning tenderer and the unsuccessful tenderers within 14 days (Article 41 of the Regulation) by an award note (Vergabevermerk, see Article 46 of the Law). This note has to contain the following information:

- the name of the contracting entity;

- the award of the contract;
- the value of the winning award;
- the type of procedure;
- a short reasoning for the award, if necessary;
- the procedure for the service of an award order (Vergabeverfügung).

Unsuccessful tenderers may request an award order. Such a request has to be made not later than 10 days after the service of the award note (Article 47 of the Law).

According to Article 53 of the Law, complaints against decisions or orders of contracting entities may be lodged with the Government within 14 days from the service. If the awarding entity is the Government, the complaint has to be lodged with the Administrative Tribunal (Verwaltungsbeschwerdeinstanz).

Only negative damages (*damnum emergens*) may be claimed.

Article 55 of the Law sets out the necessary contents of the petition of appeal, such as the name of the contracting entity, the procedure in question and the decision which is the subject of appeal, a statement of the facts of the case including the interest of the appellant in the conclusion of the contract, information on the alleged incurred or imminent damage and the reasons for the alleged unlawfulness.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

According to Article 53 of the Law it is 14 days.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

If the awarding entity is not the Government itself, the first appellate instance is the Government.

A decision by the Government is subject to appeal before the Administrative Tribunal (Verwaltungsbeschwerdeinstanz). The Administrative Tribunal is a court which consists of a chairperson, a vice-chairperson and four appeal judges and their substitutes elected by the Parliament. The chairperson is to be appointed by the Prince on the proposal of the Parliament.

- *How are its members selected?*

See above.

- *Are its decisions subject to judicial review?*

Decisions of the Government are subject to appeal before the Administrative Tribunal. Its decisions are final. Complaints against alleged breaches of rights accorded by the constitution are to be lodged with the State Tribunal (Staatsgerichtshof).

- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

Not applicable.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

It is the Law and Regulation on Public Procurement, interpreted in the light of applicable international law, and the general procedural provisions contained in the Administrative Procedure Act (Gesetz über die allgemeine Landesverwaltungspflege (die Verwaltungsbehörden und ihre Hilfsorgane, das Verfahren in Verwaltungssachen, das Verwaltungszwangs- und Verwaltungsstrafverfahren), LVG, LGBl. 1922 No. 24, LR 172.020).

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

According to Articles 58 and 59 of the Law, a supplier who has the right to appeal may apply for provisional measures which include the possibility to ask for a suspension of the procurement process. An interim injunction may lead to the suspension of the procurement process if the interest of the appellant outweighs the public interest in the procurement being executed without delay.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The Government or the Administrative Tribunal may nullify decisions or orders of contracting entities which are found to be contrary to the applicable legislation (see Article 60 of the Law). They can also instruct the concerned entity to eliminate certain discriminatory conditions.

Compensation for loss and damages suffered may be claimed (Article 61 of the Law). Only expenses related to the procurement and challenge procedures are covered.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Information on time-periods for the stages of the challenge process are difficult to obtain. There are no fixed time-limits for the different stages of the process.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

In proceedings before the Government, the costs depend on the complexity of the case according to which the fee may be fixed between Sw F 150 and 300.

In proceedings before the Administrative Tribunal, the costs depend on the value in dispute (court fees and lawyer's tariff).

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

Liechtenstein

The present document reproduces the questions put to the delegation of Liechtenstein, the responses given and the comments made during the review of national implementing legislation at the Committee's meetings of 3 May 2001 and 2 October 2001.¹ Liechtenstein's notification of its national implementing legislation in accordance with the Committee decision in GPA/1/Add.1 has been circulated in document GPA/46 dated 19 December 2000.

REPLIES TO THE QUESTIONS FROM THE UNITED STATES

I. IMPLEMENTING LEGISLATION

Question from the United States

In the summary of Liechtenstein's legislation on public procurement, GPA/46 states that the Law on Public Procurement and the Regulation on Public Procurement implement both the GPA and the relevant directives of the European Economic Area (EEA). Liechtenstein states that: "To a large extent, GPA rules coincide with those of the EEA."

In areas where GPA and EEA rules coincide, does Liechtenstein consider that those rules are the same?

No, but in many points the guidelines are identical.

If they are not the same, are Liechtenstein's procurement Law and Regulation designed to conform with EEA rules or GPA rules?

Liechtenstein's procurement Law and Regulation conform with both rules (EEA and GPA). If the rules are different, in the national law and regulations the stricter guidelines are applied.

¹ The minutes of these meetings have been circulated in documents GPA/M/15 and M/16.

Please identify the areas in which Liechtenstein considers that GPA and EEA rules do not coincide. In these areas, how does Liechtenstein's procurement Law and Regulation implement GPA rules?

GPA and EEA rules do not coincide for example in the areas of the thresholds value, the time-limits or the rules for notices/information of planned procurement. In the areas where EEA and GPA guidelines are not identical, the stricter guidelines have been transposed into the national law and regulation.

II. SCOPE AND COVERAGE

Question from the United States

Does the response to question 9 relate only to the utilities sectors specifically identified in the response to question 8 (i.e., water, energy, transport and telecommunication)?

Yes, the response to question 9 relates only to the utilities sectors (Article 43 of the Law, Article 38 of the Regulation).

III. BID CHALLENGE PROCEDURES

Question from the United States

In Liechtenstein's response to question 13, please explain the purpose and effect of an "award order".

There is no possibility to complain directly against an award note. The award note contains however the indication for the delivery of an award order. A complainant can appeal against this award order, which is a decision.

Question from the United States

Liechtenstein's response to question 14(iv) states that suppliers who have the right to appeal "may apply for provisional measures which include the possibility to ask for a suspension of the procurement process. An interim injunction may lead to the suspension of the procurement process if the interest of the appellant outweighs the public interest in the procurement being executed without delay". Do the Law, Regulation or any relevant administrative or judicial decisions provide guidance on how to assess the interest of the appellant and the circumstances in which that interest may be outweighed by public interest in concluding a procurement without delay?

So far no relevant administrative or judicial decisions provide guidance on how to assess the interests. The interests of the appellant can outweigh the public interests, if the procurement allows for example a temporary postponement. However, the public interest would be given priority if the basic needs of a public utility company, for example with regard to electricity or water supply, would be endangered.

RESTRICTED

WORLD TRADE
ORGANIZATION

GPA/10

10 January 1997

(97-0045)

Original: English

Committee on Government Procurement

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Norway

The attached communication has been received from Norway in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. SUMMARY OF THE NORWEGIAN LEGISLATION ON PUBLIC PROCUREMENT¹

Norway's international obligations in the area of public procurement have been transposed into national legislation through one law and four regulations, hereinafter •the regulations•, transposing both the European Economic Area (EEA) Directives and the WTO Agreement on Government Procurement (GPA). These are:

- Lov om offentlige anskaffelser mv• of 27 November 1992 (The Public Procurement Act)
- Forskrift om tildeling av kontrakter om offentlige varekjøp• of 4 December 1992 (The public supplies Regulation, SPR)
- Forskrift om tildeling av kontrakter om offentlige tjenestekjøp• of 1 July 1994 (The public services Regulation, SR)
- Forskrift om tildeling av offentlige bygge- og anleggskontrakter• of 4 December 1994 (The public works Regulation, WR)
- Forskrift om innkjøpsregler for oppdragsgivere innen vann- og energiforsyning, transport og telekommunikasjon• of 16 December 1994 (The Regulation of procurement procedures of entities operating in water, energy, transport and telecommunications sectors, UR).

The Regulations on supplies, services and works contracts cover entities in the •Public Sector•. The Regulation on procurement procedures of entities operating in the water-, energy-, transport- and telecommunications sectors is called •the Utilities Sector• Regulation.

Since the GPA rules on public procurement to a large extent coincide with the EEA rules, only minor amendments were made in the law and the regulations in 1996 to bring the Norwegian legislation in accordance with the GPA.

THE BASIC PRINCIPLES

1. The detailed rules of the regulations apply to procurements with an expected total contract value above certain threshold values.

The threshold values after the entry into force of the GPA are:

- NOK 1,100,000 ex VAT for central government entities• supplies and service procurements. This threshold value is brought about by the GPA;

¹The following publications (in Norwegian) are available for consultation in the Intellectual Property and Investment Division (office 3057): the Public Procurement Act (*Lov om offentlige anskaffelser m.v. - Ajourført med endringer, senest ved lov av 15. mars 1996 nr. 15*); the Public Supplies Regulation (*Forskrift om tildeling av kontrakter om offentlige varekjøp -Fastsatt ved kgl.res. av 4. desember 1992 med endringer, sist ved kgl res av 13. september 1996*); the Public Services Regulation (*Forskrift om tildeling av kontrakter om offentlige tjenestekjøp - Fastsatt ved kgl.res. av 1. juli 1994 med endringer, sist ved kgl res av 13. september 1996*); the Public Works Regulation (*Forskrift om tildeling av offentlige bygge- og anleggskontrakter -Fastsatt ved kgl.res. 4. desember 1992 med endringer, sist ved kgl res av 13. september 1996*); and the Regulation of Procurement Procedures of Entities Operating in the Water, Energy, Transport and Telecommunications Sectors (*Forskrift om innkjøpsregler for oppdragsgivere innen vann- og energiforsyning, transport og telekommunikasjon (forsyningssektorene) -Fastsatt ved kgl.res. av 16. desember 1994 med endringer, sist ved kgl res av 13. september 1996*)

- NOK 1,650,000 ex VAT for other Public sector entities• supplies and service contracts;
- NOK 41,500,000 ex VAT for all covered entities• works projects;
- NOK 3,300,000 ex VAT for utilities entities• supplies and service contracts other than in the telecommunications sector;
- NOK 4,950,000 ex VAT for supplies and service contracts awarded by telecom utilities.

There are detailed rules concerning the calculation of estimated contract values regarding these thresholds. These have been explained in document GPA/W/12/Add.6.

2. No discrimination on the grounds of nationality of suppliers and service providers from GPA Parties is allowed when conducting public procurement.

In addition, there is a principle of equal treatment of suppliers, even where only national suppliers and service providers are involved in the competition for a specific contract.

3. International publicity is warranted by publicizing Contract Notices, Contract Award Notices and Periodic Indicative Notices etc. in the Official Journal of the EC (OJEC) and in the database Tenders Electronic Daily (TED).

4. International competition is assured by tender procedures; negotiated procedures are only allowed in exceptional situations. There are more flexible rules regarding notices and the use of negotiated procedures in the Utilities sector.

5. There is obligatory use of objective, non-discriminatory criteria in both the

- selection of candidates and for
- the award of contracts.

The selection criteria to be used and the documentation that can be asked for are regulated in detail by the Regulations.

The award criteria must in principle be of direct economic relevance to the procuring entity. Criteria such as local employment conditions, national content and local, national tax revenue or general environmental aspects may not be considered. Aesthetic and functional aspects may however be duly taken into account.

6. Any firm that participates in a public procurement procedure may bring an action against the contracting entity before the local Court of Justice concerning alleged breaches of the rules. In addition there is a challenge procedure available for suppliers and service providers through the EFTA Surveillance Authority.

APPLICABILITY OF THE REGULATIONS

Several conditions have to be fulfilled if a procurement is to be covered by the regulations:

1. The procurer must be a (central, regional, local) government authority or a •body governed by public law• in the Public sector, or, only in the Utilities sector, a public undertaking or a private undertaking enjoying special rights.

2. In the Utilities sector, it is also necessary to establish that the procurement is connected to one or more of the covered activities in the sectors of

- provision of water, electricity, gas or heat,
 - the exploration and exploitation of oil, gas and coal fields,
 - the provision of air, land and sea transport terminal facilities,
 - the provision of public transport networks or
 - the provision of public telecommunication services.
3. The procurement must be a commercial contract, not e.g. •in-house•.
 4. In the Public sector, it has to be decided which of the three regulations applies.
 5. Exemptions have to be checked, such as
 - many research and development service contracts;
 - contracts awarded by international organizations such as the UN or in connection with common bilateral projects etc.;
 - when a service or works procurement consists of several lots, individual lots below a value ECU 80,000/1 mill. respectively accounting for up to 20% of the total project cost can be exempted.

In the Utilities sector, there are several additional exemption rules.

PROCUREMENT PROCEDURES TO BE USED

1. Tender procedures

In the Public sector, the principle is that tender procedures with a prior Tender Notice have to be used.

The contracting authority can choose freely between open and selective tender procedures.

In open tender procedures, which consist of one round, any undertaking established in a country party to the EEA Agreement or the GPA can participate. The qualitative selection of candidates and the selection of the winning tenderer (two separate evaluations) are done one directly after the other.

In selective tender procedures, which consist of a •selection round• and a separate •tender round•, any firm can request to be invited to tender, but only the candidates selected by the contracting authority on the basis of their general qualification for the type of contract to be performed, are sent the tender documents and asked to bid.

2. Negotiated procedure

The negotiated procedure, also consisting of a selection round and an •offer/ negotiation round•. Here, the contracting authority can negotiate freely with the qualified suppliers on the basis of their offers. It can only be used in exceptional cases in the Public sector.

In certain situations, the contracting authority can use the negotiated procedure with prior notice, especially when procuring services and works.

In exceptional situations defined narrowly by the regulations the negotiated procedure without prior notice can be made use of, for instance in emergency situations or when supplies are procured only for research and development purposes.

However, the other rules of the regulations do still apply in such cases, e.g. the obligation to publish a contract award notice, and the principle of equal treatment.

3. *The Utilities sector*

In the Utilities sector, both tender procedures and the negotiated procedure with a prior call for competition can always be used. Furthermore, the list of exceptional situations which allow the use of the negotiated procedure without prior call for competition is much longer, covering e.g. supplies procured at a commodity exchange.

In addition, procuring entities can operate qualification systems which only are made known in one single annual notice. A procurement falling into a category the entity operates a qualification system for will not be individually announced. Selective tender procedures or negotiated procedures are used within the qualification systems.

4. *Design contests*

When procuring services, procuring entities in the Public and Utilities sector can organize design contests (with prior notices) and can negotiate with the winner/winners of the design contest in order to arrive at a final agreement.

5. *Minimum time limits*

The regulations state certain minimum time limits to be respected by the procuring entities. They can be reduced in cases of justified haste or when the entity has published a so-called Periodic Indicative Notice about its procurement plans in the following year. The time limits are calculated from the day the notice is sent by the procuring entity. It takes up to 12 days to publish them in the Official Journal.

Tenders are only to be accepted when they arrive at the procuring entities' office within the set deadline. This means that the amount of time available to tenderers is less ample than it might seem to be.

The time limits must not be used in order to discriminate against foreign suppliers. This means that it can be necessary to give tenderers more time when the object of the contract is very complicated or very large.

RULES ON THE USE OF TECHNICAL SPECIFICATIONS

It is not compulsory to use technical specifications.

If specifications are used, the principle is that *European technical specifications* or their national identical copies have to be used. There are, however, a number of exceptions.

Individual brand names can only be used when there is absolutely no other method of describing the required commodities, and must be followed by the words 'or equivalent'.

The GPA has introduced an explicit rule on the use of professional advice in the preparation of technical specifications for a specific procurement. Such advice may not be accepted from firms which may have a commercial interest in the procurement itself if this would preclude competition.

RULES ON TRANSPARENCY - JUSTIFICATION

Procuring entities have to prepare and keep reports covering certain information for every procurement, which the EFTA Surveillance Authority can ask for in the course of monitoring or infraction procedures.

The procuring entity is obliged to justify its award decision vis-à-vis any unsuccessful tenderer who so demands in writing, within 15 days. It must give reasons both for why the unsuccessful tenderer was not chosen, and as to the relevant advantages of the winning tender, but not disclose any public or commercial secrets.

PROTECTION OF COMMERCIAL SECRETS

Any tenderer has the right vis-à-vis the procuring entity that commercial secrets, contained in the information he gives in the course of a tender procedure, be kept secret from other competitors. The interests of transparency and protection of commercial secrets have to be weighed against each other by the procuring entity on an individual basis in each case.

REVIEW PROCEDURES AND SANCTIONS

Any firm that participates in public procurement procedures can complain about alleged breaches of the rules. The supplier is first of all encouraged to take up the matter with the entity concerned directly. If this does not give any results, the formal procedure is to bring an action against the contracting entity before the competent national Court of Justice.

In the Public sector, the review procedures open for three types of sanctions if the supplier is established in an EEA/GPA country:

- Rapid interim measures (court injunctions) temporarily suspending procurement procedures during the challenge procedure.

However, the national review bodies can weigh the interest of the complainant in securing the contract against the public interest in the procurement being executed without delay, and deny injunctions where the public interest outweighs the supplier's interest.

After a contract has been awarded, the national remedies procedures do not open for injunctions.

- The setting aside/nullification of acts and decisions taken by the procuring entity in breach of the regulations. This type of sanction does not allow the re-opening of procurement procedures after the contract has been awarded.
- The award of damages to the offended supplier or suppliers. The damages will not necessarily be limited to •negative interest• (the costs and losses incurred by participating in the award procedure). It is also possible to demand damages for the lost profit, or at least a part of it (positive interest).

In the Utilities sector, the same applies with the following special elements:

- Instead of allowing for rapid interim measures that stop an ongoing procurement procedure, Norway has chosen to open for imposing on the procuring entity a conditional fine

•*high enough to dissuade*• the entity from committing or continuing the act which is claimed to be in breach of the rules.

•In order for damages to be adjudged, the complaining supplier only has to prove that he •would have had a *real chance*• of being awarded the contract, had the discrimination not occurred. No greater burden of proof must be laid on the complainant. In the Utilities sector, the Norwegian Act on Public Procurement only allows for damages for bid costs (negative interest) to be awarded to offended undertakings.

2.OTHER LEGISLATION GIVING EFFECT TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

The EEA Act of 27 November 1992.

3.CONTACT POINT

Requests from another Party concerning the GPA shall be addressed to:

The Ministry of Industry and Trade
P.O. Box 8014 Dep
0030 Oslo
Norway

4. ANSWERS TO CHECKLIST OF ISSUES

I. General elements

1) *Has the Agreement been transposed into national law and/or does it apply directly?*

The Agreement has been transposed into national law. It does not apply directly.

2) *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

No.

3) *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities apply the legislation laid down by the Government.

4) *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

There are no differences.

5) *To what extent is information technology used in the process of government procurement?*

Every contract above the relevant thresholds in the Regulations has to be published in the database Tenders Electronic Daily (TED) according to the EEA Agreement. Otherwise, information technology is not much used in government procurement. This will however increase in the future due to several projects in the field of information technology such as the SIMAP, PROPLAN, EDIRAM and DOFFIN projects. The latter projects have been described in the documents GPA/IC/W/7/Add.6/Suppl.1 and GPA/W/24/Add.1.

II. Specific elements

6) *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

• 5A in each of the Regulations on the Public sector and • 13 nr 1 in the Utilities Regulation.

7) *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

According to the Regulations the tender notice has to follow certain models. The tender notice shall give details of the project, say where and when the tenders shall be delivered and call for tenderers or suppliers who wish to be considered to make tenders (SPR • 19, 20, SR • 19, 20, WR • 21, 22, UR • 26, 27).²

²SPR • The Supplies Regulation, SR • The Service Regulation, WR • The Works Regulation, UR • The Utility Regulation

8)Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.

The Norwegian legislation does not provide for this opportunity at sub-central level, just in the Utilities sector (• 18 No 1c in the Utilities Regulation).

9)In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?

Only in the Utilities sector it is allowed to use a permanent list of suppliers, UR • 34. In the Public sector the suppliers have to be selected on a contract-to-contract basis.

10)Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

All categories of entities may use the negotiated procedure under certain conditions. These are:

- (a)-In the case of irregular tenders in response to an open or restricted tender procedure or in the case of tenders which are unacceptable under national provisions in so far that the original terms for the contract are not substantially altered (SPR • 10 No 2, SR • 10 No 2a, WR • 10 No 2a)
- when the nature of the works/services or the risks attaching thereto do not permit overall pricing (only work and services, SR • 10 No 2b, WR • 10 No 2c)
- when the art of the service makes it difficult to make the necessary specifications for an open or a restricted procedure (only services, SR • 10 No 2c)
- when the works are only for research and development purposes (only work, WR • 10 No 2b)
- instead of a tender procedure, UR • 17 No 1.

In these cases a tender notice shall be published.

(b)Negotiated procedure without a prior tender notice can be used in the following cases:

- In the absence of tenders or appropriate tenders (SPR • 10 No 3a, SR • 10 No 3a, WR • 10 No 3a, UR • 17 No 2a)
- when for technical or artistic reasons, or for reasons connected with protections of exclusive rights there is only one supplier (SPR • 10 No 3c, SR • 10 No 3c, WR • 10 No 3b, UR • 17 No 2c)
- when it is strictly necessary and for reasons of extreme urgency brought up by reasons unforeseen for the procurer, the time limits for open, restricted or negotiated procedure cannot be kept (SPR • 10 No 3d, SR • 10 No 3d, WR • 10 No 3c, UR • 17 No 2d)

- when the products involved are manufactured purely for the purpose of research, experiment, study or development (only goods, SPR • 10 No 3b, UR • 17 No 2b)
- for additional deliveries by the original supplier *under certain conditions* (only goods, SPR • 10 No 3e, UR • 17 No 2e)
- when the service contract concerned is part of the follow-up of a design contest *under certain conditions* (only services, SR • 10 No 3c, UR • 17 No 2l)
- for additional works/services not included in the project initially considered or in the contract first concluded *under certain conditions* (only works and services, SR • 10 No 3e, WR • 10 No 3d, UR • 17 No 2f)
- for new work consisting of a repetition of similar works entrusted to the undertaking to which the same procurer awarded a similar contract *under certain conditions* (only works and services, SR • 10 No 3f, WR • 10 No 3e, UR • 17 No 2g)
- for supplies quoted and purchased on a commodity market (only the Utility sector, UR • 17 No 2h)
- for contracts to be awarded on the basis of a framework agreement *under certain conditions* (only the Utility sector, UR • 17 No 2j)
- for bargain purchases *under certain conditions* (only the Utility sector, UR • 17 No 2j)
- for purchases of goods under particularly advantageous conditions *under certain conditions* (only the Utility sector, UR • 17 No 2k).

11) Article XI contains the time-limits for tendering and delivery. *Time-limits shall normally be not less than X days. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Norwegian legislation has established time limits as set out in the EEA and GPA Agreements. These include 12 days for sending the notices and publishing them through the publication Office in Luxembourg. The time limits hence are:

- (a) In open procedures the time limit for receipt of tenders shall not be less than 52 days from the date of dispatch of the notice (SPR • 15 No 1, SR • 16 No 1, WR • 16 No 1, UR • 24 No 1).
- (b) The time limit in open procedures may be reduced to 36 days where the procurer has published an indicative notice making known the contracts it intends to award (only work and services, SR • 16 No 1, WR • 16 No 1, UR • 24 No 1).
- (c) In restricted procedures and negotiated procedures the time limit for receipt of requests to participate shall be not less than 37 days from the date of dispatch of the notice (SPR • 17 No 1, SR • 17 No 1, WR • 17 No 1).

In the Utility sector the time limit shall as a general rule not be less than 37 days from the date of dispatch of the notice, but under no circumstances less than 22 days or 15 days *under certain conditions* (UR • 24 No 2).

- (d) The time limit in restricted procedures and negotiated procedure may be reduced to 26 days where the procurers have published an indicative notice making known the contracts they intend to award (only work and services, SR • 17 No 4, WR • 17 No 3)

12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The entities are allowed to permit tenders to be submitted in any languages, including the official languages of WTO (SPR • 33, SR • 42, WR • 39, UR • 43).

Among the large Norwegian public procurers about 75% permit tenders to be submitted in other languages than Norwegian. Most common is to permit tenders to be submitted in Swedish, Danish and English.

III. Challenge procedures - Article XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

Any firm that participates in public procurement procedures may complain about alleged breaches of the rules. The supplier is first of all encouraged to take up the matter with the entity concerned directly. If this does not give any results, the formal procedure is to bring an action against the contracting entity before the competent national Court of Justice (the county court). All of the normal national legislation on civil court procedures applies.

In the Public sector, the review procedures open for three types of sanctions (PPA • 3, 4 and 5³):

-Rapid interim measures (court injunctions) temporarily suspending procurement procedures during the challenge procedure.

However, the national review bodies can weigh the interest of the complainant in securing the contract against the public interest in the procurement being executed without delay, and deny injunctions where the public interest outweighs the suppliers' interest.

After a contract has been awarded, the national remedies procedures do not open for injunctions.

-Nullification of acts and decisions taken by the procuring entity in breach of the regulations. This type of sanction does not allow re-opening of procurement procedures after the contract has been awarded.

-Award of damages to the offended supplier or suppliers. The damages will not necessarily be limited to •negative interest• (the costs and losses incurred by participating in the award procedure). It is also possible to demand the positive interest or at least a part of it in damages (lost profit).

In the Utilities sector, the same applies with the following special elements:

-Instead of rapid interim measures that stop an ongoing procurement procedure, the procuring entity may get a conditional fine high enough to dissuade the entity from committing or continuing the act which is claimed to be in breach of the rules.

³PPA • the Public Procurement Act

-In order for damages to be adjudged, the complaining supplier has to prove that he would have had a real chance of being awarded the contract, had the discrimination not occurred.

14) *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is •not less than 10 days•. What are the limits in domestic legislation?*

There are no special time limits in the area of public procurement.

(ii) *What body is responsible for the challenge procedures? Is this a •court• or an •impartial and independent review body•? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*

-If not, how are the requirements of paragraph 6 of Article XX taken into account?

A complaint about formal faults in a tendering procedure may be brought before a national Court of Justice (PPA • 3).

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Public Procurement Act, the Law Courts Act and the Civil Dispute Act.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

-Do these measures include the possibility to suspend the procurement process? On what conditions?

The supplier can ask for rapid interim measures (court injunctions) temporarily suspending the procurement procedure if the interests of the complainant outweigh the public interest in the procurement being executed without delay before the conclusion of the contract, PPA • 4 (not the Utility sector).

Before the conclusion of the contract, the court may also annul decisions taken during the procurement process, PPA • 3 (not the Utility sector).

In the Utilities sector the Court may instead fine the procuring entity with a conditional fine high enough to dissuade the entity from committing or continuing the act which is claimed to be a breach of the rules (PPA • 4).

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

No such system is established, but the court may award damages to the offended supplier if there have been infringements of the Act/Regulations.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The time periods for the stages of the challenge process will depend on the different cases, but a court injunction is possible to get almost immediately (1-2 days).

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

The costs to conduct a challenge procedure vary. The legal fee is NOK 2,970 (the Legal Fee Act • 8), but in addition to that come the costs of getting legal counsel.

It is possible to get legal fee and legal aid free of charge, but only under special conditions. In most cases the complainant must cover the expenses to conduct a challenge procedure.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

NORWAY

The present document reproduces the questions put to the delegation of Norway, the responses given and the comments made during the review of national implementing legislation at the Committee's meetings of 8 March and 29 September 2000.¹ Norway's notification of its national implementing legislation in accordance with the Committee decision in GPA/1/Add.1 has been circulated in documents GPA/10, dated 10 January 1997.

REPLIES TO THE QUESTIONS FROM CANADA AND THE UNITED STATES

I. IMPLEMENTING LEGISLATION

Question from Canada

In Norway's Notification of National Implementing Legislation - GPA/10, we have been unable to locate any reference to the implementation of Norway's Notes 10, 11 and 12 to Norway's General Notes in Appendix I of the GPA. What procedures are being used by Norway to implement these notes? Please provide data on the number and value of procurements that have been excluded from the provisions of the Agreement as a result of these notes since the inception of the Agreement.

Notes 10, 11 and 12 have been implemented through various general provisions found in legislation in force prior to the enactment of the Act of 27 November 1992 no. 116 on Government Procurement.

More specifically, Note 10 must be read in the context of Section 11 of the Royal Decree of 17 May 1972, as last amended by the Royal Decree of 7 October 1988 relating to "Instructions regarding security". Its Section 11 restricts access to certain classified documents to persons who are duly authorized for such access.

Note 11 is implemented through Section 3 of the Act of 27 November 1992 no. 116 on Government Procurement, which empowers the King in Council of State (i.e. the Norwegian cabinet) to make decisions as mentioned in Note 11.

Note 12 is implemented through the Act of 17 July 1925 relating to Spitzbergen. From Section 2, second paragraph read in conjunction with the first paragraph, it follows directly that statutory provisions of an administrative nature do not apply to Svalbard. Moreover, in paragraph 10.3.5 of the Proposition to the Storting no. 65 (1993-94) on the Ratification of the

¹ The minutes of these meetings have been circulated in documents GPA/M/13 and 14.

Agreement establishing the World Trade Organization, it is specifically stated that the provisions of the Act of 27 November 1992 no. 116 on Government Procurement shall not apply to Svalbard.

We have not been able to quantify the value or the number of procurement cases exempted under Notes 10 and 12. No exemptions have been made under Note 11.

II. NON-DISCRIMINATION

Question from the United States

*In the section **Summary of the Norwegian Legislation on Public Procurement** from Norway's Notification of National Implementing Legislation (GPA/10), it is stated that the Regulation of Procurement Procedures of Entities Operating in the Water, Energy, Transport and Telecommunications Sectors (the "Utilities Sector Regulation") has been "transposed into national legislation".² However, Article 36:2 and Article 36:3 of the Utilities Sector Regulation call for discrimination against countries other than the Contracting Parties to the EEA Agreement (as amended by Annex XVI of the EEA Agreement).*

To what extent does Norway apply Article 36 of the Utilities Sector Regulation in procurements in the Water, Energy, Transport and Telecommunications sectors? To what extent does paragraph "n" of the Sectoral Adaptations of the Utilities Sector Regulation in Annex XVI of the EEA Agreement, which indicates that "the operation of paragraph (3) [of Article 36] is without prejudice to the existing degree of liberalization towards third countries" and that "[t]he application of this regime will be jointly reviewed during 1996", effect Norway's application of Article 36 of the Utilities Sector Regulation?

Article 36 allows discrimination against third countries. However, it is explicitly stated in the Norwegian transposition to the Agreement, that discrimination can only take place as long as this does not violate other international agreements. When the WTO Agreement on Government Procurement applies, suppliers and service providers from Parties to the Agreement on Government Procurement cannot be discriminated against.

III. PROCUREMENT PROCEDURES

Question from the United States

*Section 5 of **Procurement Procedures to be Used** from Norway's Notification of National Implementing Legislation (GPA/10) states that time-limits are calculated from the day the notice is sent by the procuring entity and that it takes up to 12 days to publish them in the Official Journal. Please explain if the time-limit for the submission of bids for GPA covered contracts is calculated from the date the notice is sent by the procuring entity, or the date of publication in the Official Journal.*

In national legislation, time-limits are calculated from the day the notice is sent by the procuring entity. The time-limit in the national legislation is 12 days longer than in the Agreement on Government Procurement, i.e. the rules concerning time-limits in the national legislation are in conformity with the Agreement on Government Procurement.

² In addition, the Utilities Regulation was cited under the "Answers to the Checklist of Issues" as the basis for non-discrimination commitments.

IV. TECHNICAL SPECIFICATIONS

Question from Canada

Under the heading "Rules on The Use of Technical Specifications", it is stated that "It is not compulsory to use technical specifications". If no technical specifications are used, how is the nature of the requirement made known to potential suppliers?

Buyers are allowed either to specify according to technical standards or according to function. If the buyers specify according to function, the bidders are allowed to offer different and possibly innovative technical solutions, which in many cases may lead to the most efficient solution.

V. BID CHALLENGE PROCEDURES

Question from the United States

*The description of the three types of sanctions available in the Review Procedures and Sanctions section of the **Answers to the Checklist of Issues** of Norway's Notification of National Implementing Legislation (GPA/10), appears to indicate that remedies are not available after the contract has been awarded. Please describe what possible remedies, if any, are available to suppliers protesting alleged breaches of the rules following the award of a contract.*

If the rules following a procurement process have been violated, a supplier can complain and get economic compensation for the damages incurred by the violation. Following the award of the contract general Norwegian contract law applies, including the principle of recovery of losses.

Question from the United States

*Within the **Answers to the Checklist of Issues, Challenge Procedures**, of Norway's Notification of National Implementing Legislation (GPA/10), it is stated that there are no special time-limits to launch a complaint in domestic legislation in the area of public procurement. Please explain if this means that a complaint can be launched at any time.*

Procurement cases are handled by the civil court system and rules of civil procedures apply. The general rule of expiration of claims is three years. This also applies to procurement complaints, i.e. remedies are available also after a contract has been awarded.

Question from Canada

In Section 4(I)(14)(i), which refers to the time-limit to launch a complaint, it is stated that "There are no special time-limits in the area of public procurement". Please elaborate on this statement. If there are no time-limits, how are bid challenges determined to be "timely"?

Complaints in procurement cases are handled by civil courts, where the general rules of civil procedure apply. There are no special statutes of limitations in procurement cases. The general statute of limitations, which is normally three years, therefore also applies to procurement complaints. The exact timing of a bid challenge may, however, influence remedies available.

Question from Canada

Please provide detail on how members are selected to the national Court of Justice and how procurement complaints are heard by the Court of Justice. In the event that a party is not satisfied with the decision regarding a procurement complaint that has been made by the Court of Justice, what is the route of appeal?

Procurement cases are handled by the civil court system under the general rules of civil procedure, administered by independent judges appointed by the King in Council of State. A party that is not satisfied with a court decision, may appeal to a higher court, and again, if the case is of sufficient legal or economic interest, to the Supreme Court.

Question from Canada

In Section 4(I)(14)(ii) it is stated that "A complaint about formal faults in a tendering procedure may be brought before a national Court of Justice". Please elaborate on what is considered to be a "formal" fault. What is the procedure for dealing with less formal faults or perceived faults in a tendering procedure?

Any alleged non-compliance with any rules on public procurement may serve as a basis for a complaint. There is no legal distinction between formal and less formal faults, and it will be up to the court to decide on remedies.

Question from Canada

With regard to Section 4(I)(14)(vii), is it necessary for a complainant to be represented by legal counsel in order to conduct a challenge procedure?

It is not necessary for a complainant to be represented by legal counsel in order to conduct a challenge procedure, as a party is free to represent oneself, except before the Supreme Court. However, in practice, most complainants will choose to be represented by legal counsel.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Singapore

Addendum

The following communication, received from the Permanent Mission of the Republic of Singapore, should be included in document GPA/39 as part of the Attachment.

Friday, 17 October 1997
No. 3676 -

**ENTRY INTO FORCE FOR SINGAPORE OF THE 1994 AGREEMENT
ON GOVERNMENT PROCUREMENT**

WHEREAS the Government of the Republic of Singapore has, on 20 September 1997, acceded to the Agreement on Government Procurement done at Marrakesh on 15 April 1994 ("the Agreement"), by depositing an instrument of accession with the Director-General of the World Trade Organization pursuant to paragraph 2 of Article XXIV of the Agreement.

AND WHEREAS the said paragraph 2 of Article XXIV provides that the Agreement shall enter into force for an acceding government on the 30th day following the date of accession to the Agreement.

AND WHEREAS paragraph 2 of Article XX of the Agreement requires Parties to the Agreement to provide procedures enabling suppliers to challenge alleged breaches of the Agreement.

AND WHEREAS paragraph 3 of the said Article XX requires such challenge procedures to be provided in writing and be made generally available.

IT IS HEREBY NOTIFIED for general information that:

- (1) The Agreement on Government Procurement will come into force for the Government of the Republic of Singapore on 20 October 1997.
- (2) The Government has provided a set of challenge procedures pursuant to its obligations under paragraph 2 of Article XX of the Agreement.
- (3) The Government is making copies of the said challenge procedures generally available to any person who submits a written request, accompanied by a stamped self-addressed envelope, for the same to the:

./.

Expenditure and Procurement Policies Unit
Ministry of Finance (Budget Division)
The Treasury
100 High Street #10-01
Singapore 179434
Republic of Singapore

WORLD TRADE ORGANIZATION

GPA/39
22 August 2000

(00-3358)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Singapore

The following communication has been received from the Permanent Mission of the Republic of Singapore in accordance with the Committee Decision of 4 June 1996, relating to the procedures for the notification of national implementing legislation (GPA/1/Add.1).

1. Summary of Legislation

A. CENTRAL GOVERNMENT ENTITIES

A gazette dated 17 October 1997 gave notification that the WTO Agreement on Government Procurement came into force on 20 October 1997. Subsequently, the President of the Republic of Singapore gave assent to the Government Procurement Act 1997.

The Act sets out the Government Procurement Adjudication Tribunal for the purposes of hearing and determining challenges related to government procurement. The Tribunal consists of a Commissioner and a Deputy Commissioner, supported by a Registrar. The Commissioner, Deputy Commissioner and Registrar are appointed by the Minister for Finance.

The Tribunal is empowered to hear challenge proceedings from suppliers. The Act provides for lodgement of a Notice of Challenge, hearing of the challenge and the issue of a suspension order. The Tribunal shall issue its determination on a challenge within 45 days from the date of lodgement of the Notice of Challenge, unless there are exceptional circumstances justifying an extension of time.

The Act empowers the Tribunal to call witnesses, admit evidence and conduct proceedings. The Act also provides for the submission of information and the retention of documents.

B. SUB-CENTRAL ENTITIES

Singapore is a city-state and does not have any sub-central entities.

C. LEGISLATION ON GOVERNMENT PROCUREMENT

A copy of the Act is attached.

2. Contact Point

Requests and clarifications from another Party concerning Singapore's legislation shall be addressed to:

Ministry of Finance
Expenditure and Procurement Policies Unit
100, High Street 03-01
The Treasury
Singapore 179434

Tel: (65) 800-272-0118 (toll-free)

Fax: (65) 3328-509

3. Responses to Checklist of Issues

I. GENERAL ELEMENTS

1. Has the Agreement been transposed into national law and/or does it apply directly?

It has been transposed into national law; at the same time it also applies directly. In other words, the procedures for a bid challenge are specifically spelt out in legislation, whilst a copy of the GPA plus Singapore's offer has been circulated to all GPA-covered entities in Singapore for compliance. A copy of the legislation is attached.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Singapore does not have sub-central entities.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities follow the same procurement regime prescribed by the Ministry of Finance, Singapore.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

None. They all follow the same procurement regime.

5. *To what extent is information technology used in the process of government procurement?*

Tender notices and tender awards information can be found at <http://www.gebiz.gov.sg>.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached).

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached).

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached). In practice, however, as can be seen from the GeBIZ Internet website, open tenders are the norm.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

Singapore does not maintain a permanent list of suppliers from which contracting authorities choose from for selective tendering procedures. Contracting authorities who wish to adopt selective tendering procedures have to do so on a contract-by-contract basis.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

GPEs are discouraged from negotiations with tenderers, especially over price. Minor variations in tender specifications, mostly to take into account practical difficulties in implementing complex solutions, are allowed.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached).

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

Tenders are submitted in English (mandatory) and may or may not also be submitted in one of the other three official national languages (Malay, Tamil, and Chinese).

III. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Singapore's challenge procedures are found in the Government Procurement Act 1997 and in the accompanying Government Procurement (Challenge Proceedings) Regulations. The Government Procurement Adjudication Tribunal was established in accordance with the Act.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

The time-limit to launch a complaint is 15 days from the time the supplier knew or should have known of the basis of the protest.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*

- *Are its decisions subject to judicial review?*

- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Tribunal has the authority to decide how the hearing of a challenge is conducted and to decide how the case is disposed. It is an independent review body. The Commissioner and Deputy Commissioner of the Tribunal are appointed by the Minister for Finance, and the Registrar of the Tribunal is the Ministry of Finance.

If any of the contracting entities is not satisfied with a determination or order of the Tribunal, either party may challenge the decision of the Tribunal in Court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The applicable law is Singapore law.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

Pending the disposal of the challenge by the Tribunal, the complainant may apply to the Tribunal for a suspension order on the award of the contract. The Tribunal has 45 days from the date the Notice of Challenge is lodged to issue its determination.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the Tribunal determines that any part of the tender process did not comply with the provisions of the GPA, it may order the contracting authority to do one or more of the following:

- (a) set aside the decision or action taken;
 - (b) make a decision or action in accordance with appropriate procurement regulations in place of what had been set aside;
 - (c) amend the procurement document;
 - (d) pay the costs of participation in the qualification of suppliers or the costs of tender preparations.
- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

On receipt of a Notice of Challenge from any supplier, the Registrar will forward a copy of the Notice to the contracting entity concerned and arrange a hearing, giving 14 days notice of the hearing to the applicant and the contracting entity concerned.

At the same time, the supplier may, at any time after he has lodged a Notice of Challenge, apply to the Tribunal for a suspension order pending the disposal of the challenge.

The Tribunal shall issue its determination on a challenge within 45 days of the lodgement of the Notice of Challenge.

The Registrar must send certified copies of the determination or order to the applicant and the relevant contracting authority within seven days of making the determination or order.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The fee for bringing a challenge before the Tribunal is S\$500, payable to the Registrar. In addition to this, there is a refundable deposit of S\$5,000, which is released to the applicant upon completion of the proceedings.

ATTACHMENT

REPUBLIC OF SINGAPORE GOVERNMENT PROCUREMENT ACT

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Government Procurement Act and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

"Agreement on Government Procurement" means the Agreement by that name done at Marrakesh on 15th April 1994;

"award", in relation to a contract or tender, means to accept an offer made;

"challenge proceeding" means any proceeding under Part III;

"Commissioner" means the Commissioner appointed under section 8(2) and includes an acting Commissioner appointed under section 8(9);

"contracting authority" means a ministry or department of the Government, an organ of State or a statutory board declared, by order made under section 4(1), as a contracting authority for the purposes of this Act;

"Deputy Commissioner" means a Deputy Commissioner appointed under section 8(2);

"document" includes an electronic record;

"legal officer" has the same meaning as in the Government Proceedings Act (Cap.121);

"procurement" means procurement of goods or service or a combination of goods and service by any contractual means, such as purchase or lease, rental or hire purchase, with or without an option to buy the goods or service or combination of goods and service;

"procurement subject to the Act" means a procurement declared, by order made under section 4(2), to be a procurement subject to the Act;

"qualification of suppliers" means a process undertaken by a contracting authority to shortlist suppliers for a particular procurement, a particular type of procurement or procurement in general;

"relevant State" means a country or territory declared, by order made under section 3, as a relevant State for the purposes of this Act;

"relevant supplier" means a supplier —

- (a) who is a national of Singapore or a relevant State; or
- (b) which is a company or association or body of persons, corporate or unincorporate, which is formed under the laws of Singapore or a relevant State and has its principal place of business in Singapore or a relevant State;

"supplier" means a person who sought, or who seeks, or who would have wished, to be the person to whom a contract of procurement, being a procurement subject to the Act, is awarded;

"Tribunal" means the Government Procurement Adjudication Tribunal established under section 8.

Relevant State

3. The Minister may, from time to time, by order published in the *Gazette*, declare any country or territory as a relevant State for the purposes of this Act.

Application

4. (1) The Minister may, by order published in the *Gazette*, declare any ministry or department of the Government, organ of State or statutory board as a contracting authority for the purposes of this Act.

(2) The Minister may, by order published in the *Gazette*, declare a procurement to be subject to the Act.

(3) An order made under subsection (2) may identify the procurement by one or more of the following:

- (a) the means by which the procurement is undertaken;
- (b) the contracting authority undertaking the procurement;
- (c) the goods or service, or combination of goods and service, to be procured;
- (d) the value of the procurement.

(4) An order made under subsection (2) may specify —

- (a) the method by which the procurement is to be valued;
- (b) the circumstances under which the procurement is not a procurement subject to the Act;
- (c) the grounds on which the contracting authority may exclude a procurement, or an act or measure to be taken in relation to a procurement, from the application of all or any of the regulations made under section 6; and
- (d) the effect of an exclusion referred to in paragraph (c).

Certification by Minister

5. (1) The Minister may issue a certificate certifying that a particular procurement is not a procurement subject to the Act by virtue of section 4(4)(b).
- (2) The Minister may issue a certificate certifying that a ground referred to in section 4(4)(c) exists in relation to a particular procurement or an act or measure in relation to a particular procurement.
- (3) A certificate issued under subsection (1) or (2) shall be conclusive evidence of the matters so certified.

PART II

REGULATIONS GOVERNING PROCUREMENT

Power to make regulations

6. (1) The Minister may, for the purposes of implementing the Agreement on Government Procurement, make regulations to govern procurements subject to the Act.
- (2) Without prejudice to the generality of subsection (1), the regulations may prescribe —
- (a) the technical specifications for a procurement;
 - (b) the procedure for qualification of suppliers for a procurement;
 - (c) the procedure for the award of a procurement contract and the procedure following such award; and
 - (d) the provision of any information pertaining to a procurement.

Duty of contracting authority

7. (1) Subject to an order made under section 4(2), a contracting authority shall, in undertaking a procurement subject to the Act, comply with the regulations made under section 6.
- (2) The duty of a contracting authority referred to in subsection (1) is a duty owed to —
- (a) relevant suppliers; and
 - (b) such other supplier or class of suppliers as the Minister may, by order published in the *Gazette*, declare.
- (3) A breach of a duty referred to in subsection (1) shall not be the subject of any proceedings in any court but may be the subject of a challenge brought before the Tribunal by a supplier to whom the duty is owed and who has suffered, or reasonably risks suffering, loss or damage as a result of the breach.

PART III
CHALLENGE PROCEEDINGS

Government Procurement Adjudication Tribunal

8. (1) For the purposes of hearing and determining challenges referred to in section 7(3), there shall be established a Tribunal to be called the Government Procurement Adjudication Tribunal consisting of the Commissioner or a Deputy Commissioner.
- (2) The Minister shall appoint a Commissioner and such number of Deputy Commissioners as he thinks fit.
- (3) The Commissioner and Deputy Commissioners shall be appointed for a period of 2 years and shall be eligible for reappointment.
- (4) No person shall be appointed or shall continue to hold office as Commissioner or Deputy Commissioner if he —
- (a) is of unsound mind;
 - (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
 - (c) is convicted of an offence involving dishonesty, fraud or moral turpitude or has not received a free pardon.
- (5) The Commissioner or a Deputy Commissioner may at any time resign from his office by giving notice in writing to the Minister.
- (6) The Commissioner and Deputy Commissioners shall be deemed to be public servants within the meaning of the Penal Code (Cap.224), and shall enjoy the same judicial immunity as is enjoyed by a Judge of the Supreme Court.
- (7) The Commissioner and Deputy Commissioners shall be paid such remuneration and allowances as the Minister may from time to time determine.
- (8) The Minister may at any time revoke the appointment of a Commissioner or Deputy Commissioner who —
- (a) ceases to be eligible to hold that appointment in accordance with subsection (4);
 - (b) has become permanently incapable of discharging the functions of a Commissioner or Deputy Commissioner, as the case may be; or
 - (c) has misconducted himself in such a manner as to render him unfit to continue holding the appointment.
- (9) When the Commissioner is or is expected to be absent from duty, the Commissioner or, if the Commissioner is absent, the Minister may appoint a Deputy Commissioner to be acting Commissioner during the absence of the Commissioner.

Registrar and officers of Tribunal

9. (1) The Minister shall appoint a Registrar of the Tribunal and such other officers of the Tribunal as the Minister considers necessary.
- (2) The duties of the Registrar and other officers of the Tribunal shall, subject to this Act and any regulations made thereunder, be as the Minister directs.
- (3) The Registrar and other officers of the Tribunal shall be deemed to be public servants for the purposes of the Penal Code (Cap.224).

Constitution of Tribunal

10. (1) Subject to subsection (2), a challenge proceeding shall be heard and disposed of by the Tribunal consisting of the Commissioner or a Deputy Commissioner designated by the Commissioner.
- (2) The Commissioner or a Deputy Commissioner shall not hear or dispose of any challenge proceeding if he is, directly or indirectly, interested in the procurement in relation to which the proceeding is brought.
- (3) Where the Commissioner has commenced the hearing of a challenge proceeding and is unable through death, illness or other cause to complete the hearing or to dispose of the proceeding —
- (a) the acting Commissioner appointed under section 8(9); or
 - (b) if the acting Commissioner is, directly or indirectly, interested in the procurement in relation to which the proceeding is brought, a Deputy Commissioner designated by the acting Commissioner, shall complete the hearing and dispose of the proceeding.
- (4) Subject to subsection (2), where a Deputy Commissioner who has commenced the hearing of a challenge proceeding is unable through death, illness or other cause to complete the hearing or to dispose of the proceeding, the Commissioner may designate another Deputy Commissioner to complete the hearing and dispose of the proceeding, or may himself complete the hearing and dispose of the proceeding.

Parties may be represented at challenge proceedings

11. (1) The applicant and the contracting authority concerned may be represented by an advocate and solicitor at the hearing of any challenge proceeding.
- (2) Where the contracting authority concerned is a ministry or department of the Government or is an organ of State, a legal officer may appear as advocate on behalf of the contracting authority and may make and do all appearances, acts and applications in respect of the proceeding on behalf of the contracting authority.

Initiation of challenge

12. (1) A supplier who wishes to bring a challenge before the Tribunal (referred to in this Act as the applicant) shall, within 15 days from the date the facts constituting the basis of the challenge first took place —

- (a) lodge with the Registrar a notice of challenge (referred to in this Act as the Notice of Challenge);
- (b) pay the Registrar such fee as may be prescribed for bringing a challenge before the Tribunal; and
- (c) serve a copy of the Notice of Challenge on the contracting authority undertaking or who has undertaken the procurement which is the subject of the challenge.

(2) The Notice of Challenge shall be in such form and shall contain such information, and be accompanied by such documents, as may be prescribed.

Deposit

13. (1) The applicant shall, at the time of lodgment of the Notice of Challenge with the Registrar of the Tribunal, deposit in cash or in such other form as the Registrar in a particular case may allow, such sum as may be prescribed (referred to in this Act as the deposit).

(2) The challenge shall be deemed to have been withdrawn if the applicant fails to comply with subsection (1).

(3) The deposit shall be used by the Registrar to pay any costs awarded by the Tribunal to the contracting authority concerned under section 21 in relation to the challenge.

(4) Where the deposit is insufficient to cover the costs referred to in subsection (3), the contracting authority concerned may recover the balance of the costs in the manner referred to in section 21.

(5) The Registrar shall, after the challenge has been disposed of by the Tribunal and if he is satisfied that there is no outstanding claims for costs by the contracting authority concerned against the applicant, release the deposit or the balance of the deposit, as the case may be, to the applicant.

Fixing of hearing of challenge

14. On receipt of a Notice of Challenge, the fee referred to in section 12(1)(b) and the deposit, the Registrar shall —

- (a) forward a copy of the Notice to the contracting authority concerned;
- (b) fix a time and place for the hearing of the challenge; and
- (c) give 14 days' notice of the hearing to the applicant and the contracting authority concerned.

Preliminary hearing

15. (1) The Tribunal may at any time, on its own motion or upon the application of the contracting authority concerned, hear and determine, as a preliminary issue and with a view to a possible final disposal of the challenge, the validity of the challenge.

(2) For the purposes of subsection (1), the Tribunal shall declare a challenge invalid if —

- (a) the procurement which is the subject of the challenge is not a procurement subject to the Act;
- (b) the regulation made under section 6 which the contracting authority concerned is alleged to have breached is inapplicable, by virtue of an order made under section 4, to the procurement or the act or measure in relation to a procurement, which is the subject of the challenge;
- (c) the procurement which is the subject of the challenge is a procurement which has been initiated before the commencement of this Act within the meaning of section 26;
- (d) the applicant is not a supplier entitled to bring a challenge under section 7(3);
- (e) the applicant did not lodge or serve the Notice of Challenge within the time prescribed by section 12(1), unless the Tribunal is satisfied that there has been no unreasonable delay on the part of the applicant; or
- (f) the Notice of Challenge does not comply with section 12(2).

(3) For the purposes of subsection (2)(e), the Tribunal shall take into account the date the applicant became aware, or ought reasonably to have become aware, of the facts constituting the basis of the challenge, and may, in granting any permission to the applicant to proceed with the challenge, impose such conditions as it considers just on the applicant.

(4) If the applicant fails to comply with any of the conditions imposed by the Tribunal under subsection (3), the Tribunal may declare the challenge invalid.

Suspension order

16. (1) The applicant may, at any time after he has —
- (a) lodged the Notice of Challenge with the Registrar;
 - (b) paid the fee referred to in section 12(1)(b) and the deposit to the Registrar; and
 - (c) served the Notice of Challenge on the relevant contracting authority, apply to the Tribunal for an order to suspend, pending the disposal of the challenge —
 - (i) the procedure leading to the award of the contract for the procurement which is the subject of the challenge; or
 - (ii) the implementation of any decision made while undertaking the procedure referred to in sub-paragraph (i).
- (2) The Tribunal may, in its discretion, make the order either unconditionally or upon such terms and conditions as the Tribunal thinks just.
- (3) The Tribunal shall not make an order under this section if —
- (a) such suspension is against the public interest; or
 - (b) the contract referred to in subsection (1)(i) has already been awarded at the date of hearing of the application for the order.

(4) If the Tribunal refuses to make an order under this section, the Tribunal shall give the reasons for its refusal in writing.

(5) Where an order under this section has been made, the contracting authority concerned may, at any time before the determination on the challenge referred to in section 18 is made, apply to the Tribunal for the order to be varied or rescinded.

(6) Subject to subsection (7), the Tribunal may, in its discretion, vary or rescind the order either unconditionally or upon such conditions as it thinks just.

(7) The Tribunal shall rescind the order if the continuance of such suspension is against the public interest.

(8) The Minister may issue a certificate that such suspension, or the continuance of such suspension, in a particular case is against the public interest, and such a certificate shall be conclusive evidence of the matters so certified.

Onus of proof, etc.

17. (1) The onus of proving the breach of duty which is the subject of the challenge shall be on the applicant.

(2) Except with the consent of the Tribunal and in accordance with such conditions as the Tribunal may determine, the applicant may not, at the hearing of the challenge, rely on any breach of duty other than that identified in the Notice of Challenge.

Determination on challenge

18. (1) The Tribunal shall issue its determination on a challenge within 45 days from the date of lodgement of the Notice of Challenge by the applicant unless there are exceptional circumstances justifying an extension of time.

(2) Subsection (1) shall not apply if the challenge has been disposed of under section 15.

(3) If the Tribunal makes a determination in favour of the applicant, the Tribunal may do one or more of the following:

- (a) order any decision or action taken by the contracting authority concerned in relation to the procurement which is the subject of the challenge to be set aside;
- (b) order the contracting authority to make a decision or take action, in accordance with the applicable regulations made under section 6, in place of that which has been set aside under paragraph (a);
- (c) order the contracting authority to amend any document pertaining to the procurement;
- (d) order the contracting authority to pay to the applicant the costs of participation in the qualification of suppliers, or the costs of tender preparation, reasonably incurred by the applicant for the purposes of the procurement.

(4) An order made under subsection (3)(b) may specify the decision or action which the contracting authority is to make or take.

- (5) Notwithstanding subsection (3), if —
- (a) the Tribunal makes a determination in favour of the applicant; and
 - (b) the contract for the procurement has already been awarded, the Tribunal may only —
 - (i) make an order under subsection (3)(d); or
 - (ii) if the applicant did not incur any of the costs referred to in subsection (3)(d), award the applicant the costs of the challenge proceeding in accordance with section 21.

Determination and order to be in writing

- 19.** (1) Every determination and order of the Tribunal shall be given in writing and shall include a statement of the Tribunal's reasons for the determination or order, as the case may be.
- (2) The Registrar shall, within 7 days of the making of the determination or order, send certified copies of the determination or order to the applicant and the relevant contracting authority.

Satisfaction of order

- 20.** (1) A contracting authority against whom an order under section 16 or 18(3)(a), (b) or (c) is made shall comply with the order.
- (2) An applicant in whose favour an order under section 18(3)(d) is made may recover the amount ordered to be paid to him by an action for a debt in any court of competent jurisdiction.
- (3) This section is without prejudice to the right of the contracting authority to seek judicial review of a determination or order of the Tribunal.

Costs of challenge proceeding

- 21.** (1) Subject to any regulations made under this Act, the costs of any challenge proceeding, including the costs of the Tribunal, shall be at the discretion of the Tribunal.
- (2) The costs may be recovered as if they were costs in a suit in the High Court and as if the determination of the Tribunal in relation to the costs were a decree made in the High Court.

Procedure and powers of Tribunal

- 22.** (1) Subject to the provisions of this Act and any regulations made thereunder, the Tribunal shall have the power to determine the procedure to be adopted for any challenge proceeding.
- (2) The Tribunal shall have the following additional powers:
- (a) to summon to attend at any challenge proceeding any person whom it may consider able to give evidence in respect of the proceeding, to examine him as a witness either on oath or otherwise and to require him to produce such books, records or documents as the Tribunal may think necessary for the proceeding;

- (b) to allow any person so attending any reasonable expenses necessarily incurred by him in so attending;
- (c) to fix the remuneration of any expert witness appointed by the Tribunal for any challenge proceeding;
- (d) with the consent of the applicant and the relevant contracting authority, to refer the parties for mediation by such person as the parties may agree or failing such agreement, as the Tribunal may appoint;
- (e) all the powers of the Supreme Court with regard to the enforcement of attendance of witnesses, hearing evidence on oath and punishment for contempt;
- (f) to admit or reject any evidence adduced, whether oral or documentary, and whether admissible under the provisions of any written law for the time being in force relating to the admissibility of evidence;
- (g) to conduct its proceedings or any part of its proceedings in camera; and
- (h) generally to give any direction, or to do anything, necessary or expedient for the expeditious and just hearing and disposal of any challenge proceeding.

(3) The expenses referred to in subsection (2)(b) and the remuneration referred to in subsection (2)(c) shall form part of the costs of the challenge proceedings and, pending and subject to any order made by the Tribunal as to such costs, shall be paid by the applicant or the contracting authority concerned, as the Tribunal may direct.

(4) Evidence of any thing said, or of any admission made, in the course of any mediation referred to in subsection (2)(d) shall not be admissible in any proceedings before the Tribunal or any court.

(5) Where the Minister certifies that it is against the public interest for any challenge proceeding to take place in public, the Tribunal shall conduct the proceeding in camera.

PART IV

MISCELLANEOUS

Submission of information to Minister

23. A contracting authority shall give to the Minister, in such form and at such intervals as may be prescribed, such information as may be prescribed in relation to any procurement subject to this Act which the contracting authority has undertaken or is undertaking or proposes to undertake.

Retention of documents

24. A contracting authority shall ensure that all documents relating to procurements subject to this Act are retained for a minimum of 3 years from the date of their creation.

Power to make regulations

25. The Minister may make regulations prescribing —

- (a) the manner in which challenges shall be brought to the Tribunal;
- (b) the procedure to be adopted by the Tribunal in the hearing and disposal of challenge proceedings and the records to be kept by the Tribunal;
- (c) the places where and the times at which challenge proceedings are to be heard by the Tribunal;
- (d) the costs and fees in respect of challenge proceedings; and
- (e) anything which is required to be prescribed under this Act or which may be necessary or expedient for carrying out or giving effect to the provisions of this Act.

Transitional provision

26. (1) This Act shall not apply to or affect any procurement which has been initiated before the commencement of this Act.

- (2) For the purposes of subsection (1), a procurement is deemed to have been initiated if —
- (a) the invitation to tender in respect of the procurement has been issued;
 - (b) the qualification of suppliers, being a qualification of suppliers undertaken solely for that particular procurement, has commenced; or
 - (c) in a case where no tender is to be called for the procurement, the contracting authority concerned had communicated with a potential supplier with a view to the making or obtaining of an offer in relation to the procurement.
-

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

SINGAPORE

The present document reproduces the questions put to the delegation of Singapore, the responses given and the comments made during the review of national implementing legislation at the Committee's meetings of 20 September 2000 and 3 May 2001.¹ Singapore's notification of its national implementing legislation in accordance with the Committee decision in GPA/1/Add.1 has been circulated in documents GPA/39, dated 22 August 2000 and GPA/39/Add.1 dated 4 October 2000.

REPLIES TO THE QUESTIONS FROM THE UNITED STATES

I. IMPLEMENTING LEGISLATION

In response to question I:1 of the Checklist of Issues, Singapore indicates that the requirements of the Agreement on Government Procurement are transposed in domestic law and apply directly. However, it appears that the Government Procurement Act ("the Act") only transposes provisions relating to bid challenge.

Aside from the bid challenge procedures, are other Agreement on Government Procurement requirements transposed in domestic law? If so, please provide citations to relevant laws.

If provisions of the Agreement on Government Procurement apply directly, please cite the domestic laws and regulations which require procuring entities to adhere to the procedural and other requirements of the Agreement on Government Procurement.

Gazette No. 3676, dated 17 October 1997, which was circulated at the Committee on Government Procurement on 29 September 2000 is the notification informing the entry into force of the WTO Agreement on Government Procurement in Singapore. The Secretariat has since published the gazette as a WTO job. Paragraphs 2 and 3 of the gazette mention that the Government has provided a set of challenge proceedings, and these are the challenge proceedings cited in the Government Procurement Act. The rules and obligations on the part of procurement entities stem directly from the WTO Agreement on Government Procurement.

¹ The minutes of these meetings have been circulated in documents GPA/M/14 and 15.

Singapore's response to a number of the questions in GPA/39 is that "the Agreement in its entirety applies to Singapore's procurement regime".

In light of Singapore's response to question no. 1, above, please cite the national laws and regulations which require procuring entities to adhere to the specific Agreement on Government Procurement requirements referred to in GPA/39.

Please see the answer to question 1.

Article 6 of Part II of the Act states that: "The Minister may, for the purposes of implementing the Agreement on Government Procurement, make regulations to govern procurements subject to the Act".

This provision appears to provide authority, but not a requirement, to develop regulations for implementing the Agreement on Government Procurement. Has Singapore, in fact, developed regulations for implementing the procedural requirements of the Agreement on Government Procurement? Are there some Agreement on Government Procurement requirements that have not been specifically addressed in those regulations? How are Singapore's procurement regulations published?

The procedural requirements are implemented *vide* the Gazette No. 3676, dated 17 October 1997. All the requirements of the Agreement on Government Procurement automatically apply to all the listed entities as a result of this gazette.

II. BID CHALLENGE PROCEDURES

Part III, section 13 of the Act refers to the deposit by a bid challenge applicant of a sum in cash, or other form as deemed necessary by the Tribunal Registrar, which is to be used to pay any costs awarded by the Tribunal to the contracting authority. In addition, section 21 of the Act refers to the costs of any challenge proceeding, including the costs of the Tribunal, to be at the discretion of the Tribunal and that these costs may be recovered as if they were costs in a suit in the High Court and as if the determination of the Tribunal in relation to the cost were a decree made in the High Court.

Please indicate what types of costs are generally incurred by bid review applicants, the frequency that deposits are deemed inadequate for the costs of the review and the general amount of these costs. Please explain whether such costs may affect the ability of suppliers to challenge alleged breaches of the Agreement.

The clause cited above allows the Tribunal to decide on award of damages and costs in similar fashion to the Courts deciding on the award of damages and costs, either to the plaintiff or defendant. This way, both the supplier or the procuring entity need not go to the Court again to decide on any claims for damages or costs incurred. This will in effect reduce the time, resources and costs incurred by both suppliers and procuring entities in respect of any bid challenge. The Act however allows for both the supplier and the procuring entity to appeal to the Courts to review the Tribunal's decisions.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Switzerland

Addendum

During the review of the national implementing legislation of Switzerland at the Committee meeting of 23 February 1999, the representative of Switzerland made a statement, updating the communication made by Switzerland (GPA/15), in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1). Accordingly, the information contained in the respective sections of document GPA/15 should be modified as follows.

On page 3 of GPA/15, Swiss Telecom is referred to as one of the entities which falls under the scope of the Federal Ordinance on Government Procurement. However, Swiss Telecom is now Swisscom. Swisscom was privatized in 1998 and, therefore, is no longer within the scope of the Ordinance. Accordingly, the reference to Swiss Telecom on page 3 of GPA/15 should be deleted.

On page 3, footnote 3 mentions the thresholds that were calculated for 1997. The same thresholds applied in 1998 and 1999.

Page 6 contains an overview of the procedures for hearing and reviewing complaints and appeals. Procedures available to lodge complaints against the award of a contract are outlined. Notably, the procedures do not only apply against the award of a tender or of a contract where an appeal is possible but also against any decision having the effect of limiting market access. This means, for instance, that the tender notice is also subject to appeal. Therefore, for example, if a potential supplier sees discriminatory criteria contained in the tender notice, the supplier can make an appeal against the tender notice. Another case where an appeal is possible is in relation to a decision to list or not to list a supplier on a permanent list of suppliers. Furthermore, it is also possible to appeal against a decision regarding the selection of a supplier or the non-selection of a supplier in a selective tendering procedure. Finally the exclusion of a supplier, for instance, because of bid-rigging or because of corruption could also be the subject of an appeal.

On page 8 it is noted that there is likely to be change in the future in relation to Switzerland's use of information technology for government procurement following Switzerland's participation in SIMAP (the EU's project) and there are plans to edit the Swiss Official Trade Gazette electronically. The Swiss Official Trade Gazette is on the Internet at the address <http://www.shab.admin.ch>. From July 1999 on, all the tender notices and publications covered by the GPA are available on this website. Furthermore, since 11 January 1999, the Swiss Official Trade Gazette office has electronic access through the EC's [TED](#) and various trade notices are being published there.

WORLD TRADE
ORGANIZATION

GPA/15
30 July 1997

(97-3240)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Switzerland

The attached communication has been received from the Permanent Mission of Switzerland in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. SUMMARY OF THE SWISS LEGISLATION ON GOVERNMENT PROCUREMENT

Switzerland's international obligations in the area of public procurement have been transposed into national legislation through a federal law on government procurement and a federal ordinance on government procurement covering the entities on the national level and the entities operating in the water, energy and transportation sector owned or controlled by federal entities. Both have entered into force on 1 January 1996. On the cantonal level, an agreement has been concluded between the Swiss cantons covering the entities on the subfederal level and the entities operating in the water, energy and transportation sector which are owned or controlled by cantonal entities.

-Federal Law on Government Procurement of 16 December 1994 (SR¹ 172.056.1)

-Federal Ordinance on Government Procurement of 11 December 1995 (SR 172.065.11)

-Inter-cantonal Agreement on Public Procurement of 25 November 1994 (SR 172.056.4)

(a) Federal Law on Government Procurement of 16 December 1994

Scope: Procurement of goods (i.e. supplies), services and construction services mentioned in Appendix I, Annex 4 and Annex 5 of the GPA by:

Federal agencies mentioned in Appendix I, Annex 1 of the GPA with a value above the following thresholds²: supplies: Sw F 263,000; services: Sw F 263,000; construction services: Sw F 10,070,000.

Exemptions: The list of exemptions coincides with the exemptions according to Article XXIII of the GPA.

Content: The law provides for the implementation of the provisions of the WTO Agreement on Government Procurement (GPA) on the federal level. In line with these provisions, it guarantees non-discriminatory access to public procurement markets for suppliers established in Switzerland and in the signatories of the GPA or in other countries, as far as they grant reciprocity. Procurement above the thresholds has to be published and procured in an open or selective procedure. The award is given to the economically most advantageous offer, specified by objective criteria which must already be included in the publication. It furthermore provides for the possibility to challenge a procurement before an independent body for every relevant part of the procurement procedure. A tenderer whose offer has been rejected may claim damages, if the rejection has breached the regulations.

(b) Federal Ordinance on Government Procurement of 11 December 1995

¹Reference to the Swiss systematic law collection

²The thresholds have been adapted according to the Decision of the GPA Committee (document GPA/1 of 5 March 1996) and therefore amount for 1997 to: Sw F 248,950 for supplies and services on national level and Sw F 766,000 for supplies and services by entities in the sectors water, energy and transportation and Sw F 9,575,000 for construction services for all covered entities.

Scope: On the one hand, the ordinance gives some details on the provisions contained in the federal law. On the other hand, the ordinance regulates the procurement of goods, services and construction services by the federal agencies mentioned in Appendix I, Annex 1 of the GPA not attaining the thresholds. It also regulates the procurement of goods, services and construction services by Swiss Telecom, the Swiss Federal Railways as well as the procurement by entities in the military sector.

Content: The ordinance aims at full competition for the procurement of goods, services and construction services by setting clear rules on publications, opening and treatment of offers.

(c) Inter-cantonal Agreement on Public Procurement of 25 November 1994

Scope: Public procurement of goods, services mentioned in Appendix I, Annex 4 and construction services mentioned in Appendix I, Annex 5 of the GPA by: (a) cantonal entities mentioned in Appendix I, Annex 2 of the GPA and public enterprises owned or controlled by the cantons; (b) communities and other corporations under public law; (c) private or public entities which are active in the field of supply of water, energy and transport or in the telecommunications sector and which are controlled by cantonal or local agencies mentioned under (a) and (b); (d) other organizations covered by GPA or by other international agreements; (e) any procurement that is subsidized by 50% or more by the Swiss Federal Government or by entities mentioned under (a). Thresholds³: Sw F 403,000 for goods (supplies) and services; Sw F 10,070,000 for construction services; Sw F 806,000 for procurement of goods and services in the field of supply of water, energy and transport, and telecommunication.

Exemptions: The same exemptions apply as in Article XXIII of the GPA and in the Federal Law on Government Procurement.

Content: The agreement implements the provisions of the WTO Agreement on Government Procurement (GPA) on the subfederal level. In line with these provisions, it guarantees non-discriminatory access to public procurement markets, through non-discriminatory tendering procedures, by setting clear rules on publications, opening and treatment of offers. It furthermore provides for the possibility to challenge the award of a procurement before an independent cantonal body.

Procurement procedure

Public procurement on a federal level

• Procurements governed by the Federal Law and Ordinance on Government Procurement

The following procedures are foreseen:

³The thresholds have been adapted according to the Decision of the GPA Committee (document GPA/1 of 5 March 1996) and therefore amount for 1997 to: Sw F 383,000 for supplies and services on subfederal/cantonal level and Sw F 766,000 for supplies and services by entities in the sectors water, energy and transportation and Sw F 9,575,000 for construction services for all covered entities.

- public or open tendering procedure under which all interested suppliers may submit a tender;
- selective or restricted tender procedures: upon public invitation all interested suppliers may submit an application for participation. Participation is limited to a certain number of selected suppliers (at least three), and these suppliers are invited to submit a tender;
- private contract or single tender under the conditions mentioned in the GPA;
- invitation procedure (no publication, direct invitation; if possible three suppliers have to be invited); this procedure applies to some procurement contracts below the GPA thresholds and to some procurement contracts covered by GPA exemptions.

Public procurement on cantonal level

•Procurement governed by the Inter-cantonal Agreement on Public Procurement

The following procedures are foreseen:

- public or open tendering procedure under which all interested suppliers may submit a tender;
- selective or restricted tender procedures: upon public invitation all interested suppliers may submit an application for participation. Participation is limited to a certain number of selected suppliers, and only these suppliers are invited to submit a tender;
- private contract or single tender under the same conditions as foreseen in the GPA.

Publication

•Procurement under the Federal Law of Government Procurement and under the Ordinance on Government Procurement

- Invitations to participate in a tendering procedure and awards in public or selective procedure or in private contracting procedure are to be published. Publication in at least two (of the three) official languages (except for construction services, where at least publication in the official language of the site is required). In case there is publication in Italian and German only, a summary in French, English or Spanish has to be attached. The publication is mandatory in the •Swiss Official Trade Gazette• and may be also published in any other publication.

•Procurement under the Inter-cantonal Agreement on Public Procurement

- Invitation is published. Publication of public or selective tenders at least in •the official cantonal publication•. Publication in at least one official language (German, French or Italian). Publications in Italian or German have to be accompanied by a summary in French, Spanish or English.

Minimum set of information required to be published

•*Procurement under the Federal Law and Ordinance on Government Procurement*

- The following minimum set of information is required to be published: procuring entity (name, address), description of the service to be procured, delivering place and time, conditions of participation (economic and technical conditions and required financial guarantees), place and time for submission of the tender, language used in the procurement procedure, the address where to get tender documentation and the amount payable for this documentation, awarding criteria (if there is no tender documentation) whether the entity intends to hold negotiations, indication on whether the procurement falls under the provisions of the GPA, indication of challenging procedures and entity.
- Summary in English, French or Spanish contains the following information: the service to be procured, time-limits for submission of applications for participation or for submission of bids, enquiry point.

•*Procurement under the Inter-cantonal Agreement on Public Procurement*

- Equivalent minimum set of information required as under the federal law, following the obligations of the GPA;
- If the publication is not in French, a summary in French has to contain the following information: the service to be procured, time-limits for submission of applications for participation or for submission of bids, enquiry points.

Opening of tenders

•*Procurement under the Federal Law on Government Procurement*

- At least two representatives of the procuring entity register and open the tenders. In the case of procurement of construction services, the opening procedure has to be summarized in written form. The record should include at least the following information: names of persons attending the opening procedure, names of tenderers, submission dates of offers, prices offered, variety of offers.

•*Procurement under the Inter-cantonal Agreement on Public Procurement*

- At least two representatives of the procuring entity open the offers. The opening procedure has to be summarized in written form. The record includes at least the following information: names of persons attending the opening procedure, names of tenderers, submission of dates of offers, prices offered. All tenderers have the right to examine the records.

Award criteria

The economically most advantageous offer. To measure the value of an offer, criteria such as delivery dates, quality, price, efficiency, overhead expenses, service to clients, environmental impact can be considered. Criteria taken into account have to be

published in advance. For standardized goods the award can be based on the lowest price only.

Procedures for hearing and reviewing complaints/appeals

Procedures available for parties, domestic and foreign, to lodge complaints against the award of a contract

-institutional status

Federal level: against decisions concerning a procurement falling under the scope of the Federal Law, complaint/appeal can be made to the •Federal Appeals Commission•. This Commission is an independent judicial authority which takes a final decision on the case.

Cantonal level: cantonal authority (in most cases: administrative court).

-time-limits for complaints/appeals

Federal level: 20 days from publication of decision.

Cantonal level: 10 days from publication of decision.

-type of remedy that may be granted

Federal level: the Commission can take procedural decisions, e.g. take precaution measures, such as giving suspensive effect to a complaint. It decides itself on the case or reverts the case for decision with binding recommendations to the contracting entity. If a contract has been already concluded, the award cannot be revoked and the Commission for appeal can only state that federal law has been violated. Only expenses caused by the tender and the behaviour of the procuring entity are being reimbursed.

Cantonal level: remedy equivalent to federal level.

2. OTHER REGULATIONS RELATED TO GOVERNMENT PROCUREMENT

(a)Law on National Budget of 6 October 1989 (SR 611.0)

(b)Ordinance on National Budget of 11 June 1990 (SR 611.01)

Scope: Principles for managing the budget such as legality, urgency, efficiency and economy.

(c)Federal Law (SR 725.11) of 8 March 1960 and Ordinance on National Highways of 18 December 1995

Scope: Principles for government procurement are laid down. Furthermore the cantonal legislation is applicable. Although the cantons are competent in this domain, they need the approval of the Swiss Federal Highways Office (which is supervising the construction of national highways) before a contract is awarded.

(d)Law on the Establishment of a Swiss Common Market of 6 October 1995

Scope: Persons, whether national or foreign, domiciled in Switzerland, shall have, in pursuit of their commercial activities, equal access to the market all over the Swiss territory. In particular, the law aims at improving professional mobility within Switzerland, strengthening the competitiveness of the Swiss economy, supporting cantons in their efforts to harmonize conditions for market access. Concerning public procurement, Article 5 states the principle of non-discrimination and the obligation of public tendering of procurement of a •certain significance•. The law provides for a challenge procedure against any restrictions to market access.

3. CONTACT POINT

Requests from other Parties to the GPA concerning implementing legislation or other questions related to government procurement may be addressed to:

Federal Office for Foreign Economic Affairs
Division for World Trade - WTO
Palais Federal Est
3003 Berne

4. ANSWERS TO THE CHECKLIST

I. GENERAL ELEMENTS

1)Has the Agreement been transposed into national law and/or does it apply directly?

The Agreement has been transposed into national/subfederal law by the Federal Law on Government Procurement and the Inter-cantonal Agreement on Public Procurement.

Although Switzerland follows the monistic theory with respect to the relation of national and international law, implementation of the Agreement by federal and inter-cantonal instruments was necessary (e.g. to introduce the challenge procedure).

2)In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?

Yes. However, according to the Swiss constitution, any inter-cantonal agreement has to be approved by the federal government in order to ensure that the agreement does not violate federal law.

3)In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?

These are either covered by national or cantonal legislation.

4)Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?

The implementing legislation for sub-central level and for Annex 3 entities falling under sub-central level legislation, has to be adopted by all 26 cantons.

In substance and with respect to the GPA, there are only minor differences in the implementing legislation (e.g. the time-limit for complaints is 20 days on federal and 10 days on subfederal level).

5) *To what extent is information technology used in the process of government procurement?*

Invitation to submit offers and information on contract awards for supplies above the thresholds on central government level is published in the database TED (Tender Electronic Daily) of the EC. Otherwise information technology is not yet much used in the process of government procurement. This is likely to change in the future: Switzerland participates in the EU project SIMAP for electronic tendering and there are plans to edit the •Swiss Official Trade Gazette• or at least the part relating to government procurement publications electronically.

II. SPECIFIC ELEMENTS

6) *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

-Federal Law on Government Procurement: Article 1, paragraph 2.

-Inter-cantonal Agreement on Public Procurement: Article 1, paragraph 2, lit. b.

7) *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

For open and selective tendering, a tender notice has to be published. The regulations on national and sub-central level describe in detail the information to be provided such as name and address of the procuring entity, the type of procedure (open or selective), place of delivery, content of contract, date of execution or delivery, place and time-limit for the offer, amount of securities (if required), all technical and economic requirements, award criteria, if no specific documentation is being handed out and further information.

8) *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Swiss implementing legislation does also provide for this opportunity: according to Article 18, paragraph 2 of the Federal Law on Government Procurement, Annex 3 entities owned or controlled by federal entities and the automobile services of PTT can publish notices simultaneously with a qualification system. The Inter-cantonal Agreement also foresees this possibility for Annex 2 entities and Annex 3 entities owned or controlled by cantonal entities.

9) *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

Entities are allowed to make use of permanent lists of suppliers. Suppliers and service providers must at any time have the possibility to ask for inclusion in the list. The

respective entity has to examine the request within due time. If the procuring entity refuses to accept a supplier on the list, it has to deliver a contestable decision. It is possible to challenge this decision before the Federal Appeals Commission or the cantonal administrative courts independent body. Suppliers and service providers which are not yet on the list have to be included in the procurement procedure, if the procurement is not being delayed by their inclusion in the list. If the list is not limited to a period of three years, the list and 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 are verified by the entity concerned have to be published annually.

10) Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

The Federal Law on Government Procurement foresees the possibility of negotiations (Article 20) under the conditions that in the tender notice suppliers have been informed about possible negotiation procedures or if none of the offers appears to be the economically most advantageous.

The Inter-cantonal Agreement on Public Procurement does not foresee this possibility (Article 11 lit. c).

11) Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be •not less than X days•. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.

Time-limits have been established in the domestic legislation as set out in the GPA (Article 19 Ordinance on Government Procurement for central government procurement and paragraphs 17 and 18 of the Procurement Directives to the Inter-cantonal Agreement).

12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The Federal Law on Government Procurement does not foresee any limitation of languages allowed for tenders. It is the practice to accept tenders to be submitted in one of the official Swiss languages, which are German, French (WTO language) and Italian. For certain very technical tenders also English has been accepted.

Paragraph 21 of the Procurement Directives to the Inter-cantonal Agreement lays down the obligation to submit tenders in the language of the procedure.

III. CHALLENGE PROCEDURES - ARTICLE XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

Under the coverage of the Law on Government Procurement, suppliers having an interest in a nullification or modification of a decision of a covered entity may appeal against alleged breaches. A special independent judicial authority (•Federal Appeals Commission•) has been set up which decides definitively on the case. The appeal does not automatically have suspensive effect. If asked for by the complainant, suspensive effect can

be given to the appeal. But this is only possible as long as the contract has not yet been awarded. Time-limit to hand in appeals is 20 days. The Commission for appeals can either decide itself or revert the case to the respective entity with instructions. If the respective entity has already concluded a contract with another supplier, the Commission can only state whether the law has been violated.

Only damages (negative interest) can be claimed. The claim has to be handed in with the respective entity. Here the Federal Appeals Commission decides definitively also in this case.

Under the coverage of the Inter-cantonal Agreement, appeal can be made against decisions of sub-central entities or Annex 3 entities falling under the Inter-cantonal Agreement before a cantonal administrative court or independent review body according to cantonal law (each of the 26 cantons has to define in its cantonal law the independent review body). The time-limit is 10 days. The appeal has no automatic suspensive effect, but such effect can be granted if required and justified. The independent cantonal authority can decide on the matter itself or revert the case with or without instructions. If a contract has already been concluded, compensation in the amount of the negative interest can be claimed.

14) *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

*(i) The time-limit to launch a complaint contained in the Agreement is **not less than 10 days**. What are the limits in domestic legislation?*

See under 13 above.

*(ii) What body is responsible for the challenge procedures? Is this a **court** or an **impartial and independent review body**? If the latter:*

An independent review body (**Federal Appeals Commission**) according to the law on government procurement for challenge procedures involving central government entities or Annex 3 entities falling under the law on government procurement and an independent review body or an administrative court according to cantonal law.

- *How are its members selected?*

Federal Appeals Commission: members are appointed by the Federal Council (Swiss Government) for a period of four years.

Cantonal courts or review bodies: members of administrative courts are generally appointed by the cantonal parliament, members of an independent review body sometimes by the cantonal government.

- *Are its decisions subject to judicial review?*

These decisions are not subject to judicial review but they have procedures as described in Article XX GPA paragraph 6.

-If not, how are the requirements of paragraph 6 of Article XX taken into account?

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

For procurement under the Federal Law on Government Procurement: Federal Law on Government Procurement and federal law on the administrative procedure (systematic collection of Swiss legislation number: 172.021).

For procurement under cantonal law: Inter-cantonal Agreement, implementing cantonal law on government procurement, Law on the Establishment of a Swiss Common Market and cantonal legislation on administrative procedure.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

-Do these measures include the possibility to suspend the procurement process? On what conditions?

The supplier who has the right to appeal may ask for suspension of the procurement process if the contract with another supplier has not yet been concluded. In such a case, the interest of the complainant has to outweigh the public interest in the procurement being executed without delay.

For procurement under cantonal law, some cantonal procedural laws provide for automatic suspensive effect which can be withdrawn by the court.

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

The court or independent review body may decide itself in the case or revert it to the respective entity with instructions. Compensation for loss or damages suffered covers only the negative interest, that means that the supplier should get compensation for his expenses, not compensation for the contract he has not been awarded.

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

Information on time-periods for the stages of the challenge process is difficult to obtain. There are no fixed time-limits for the different stages. Interim measures can be obtained in a very short period (if necessary within one or two days).

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

Costs have to be borne by the unsuccessful party in general. The successful party bears no cost and can even get compensation for the costs.

Monitoring of the enforcement of the GPA

Commission for the implementation and monitoring of the international obligations of Switzerland in the area of government procurement

In order to monitor the compliance with international obligations, the Federal Council (Swiss Government) has established an independent authority, whose services are available for suppliers and service providers from countries members to the GPA, if they face systemic difficulties with the way the Swiss authorities implement the GPA.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

Switzerland

The present document reproduces the questions put to the delegation of Switzerland, the responses given and the comments made during the review of national implementing legislation at the Committee's meetings of 23 February and 5 October 1999.¹ Switzerland's notification of its national implementing legislation in accordance with the Committee decision in GPA/1/Add.1 has been circulated in documents GPA/15, dated 30 July 1997, and GPA/15/Add.1, dated 15 September 1999.

**REPLIES TO THE QUESTIONS FROM CANADA; THE EUROPEAN COMMUNITY;
HONG KONG, CHINA; AND THE UNITED STATES**

I. TENDERING PROCEDURES

Question from Canada

On page 4 of its Notification of National Implementing Legislation (GPA/15) Switzerland notes that its federal legislation provides for:

"... selective or restricted tender procedures: upon public invitation all interested suppliers may submit an application for participation. Participation is limited to a certain number of selected suppliers (at least 3), and these suppliers are invited to submit a tender;"

On page 9 of the same document, in paragraph 9, Switzerland describes the procedures for adding additional suppliers to a permanent list of suppliers and notes:

"... Suppliers and service providers which are not yet on the list have to be included in the procurement procedure, if the procurement is not being delayed by their inclusion in the list."

Would Switzerland please explain how additional suppliers are accommodated when the procurement has been limited to a pre-set number of selected suppliers after the pre-set number has been invited to submit a tender?

The first text is misleading and should read: "... selective or restricted procedures: ... Participation may be limited ...". This means that in a restricted procedure, the tendering entity may decide, in order to ensure that the tender procedure is executed efficiently, to limit the number of participants to a minimum of three.

¹ The minutes of these meetings have been circulated in documents GPA/M/11 and 12.

The procedure referred to on page 8 is different and refers to the establishment of a suppliers' list. In such a case, if a tendering entity plans to use such a list to invite tender's submissions, new applicants can be included provided their clearance and inscription in the list can take place without delaying the procedure.

Question from Hong Kong, China

Whether the entities, in Switzerland, covered by the GPA have in place a system for qualification of suppliers and if so, what is the deadline for suppliers that are not yet qualified to obtain the qualification in order to be considered in a particular tender?

According to our information, there are only very few entities covered by the GPA having in place a system for qualification of suppliers up to now. Therefore, limited experience exists as to the functioning and use of such a system. With regard to a precise deadline for suppliers not yet qualified to obtain the qualification in a particular tender procedure, no exact time-limit is foreseen in Swiss procurement law. In principle, suppliers and service providers by law have the possibility to ask for inclusion in such a list at any time, provided this doesn't cause unreasonable procedural delays.

Question from the United States

The response in Switzerland's submittal that addresses the issue of negotiation states that the Inter-cantonal Agreement on Public Procurement does not foresee this possibility. Can this response be understood to mean that negotiation does not take place at the cantonal level? If negotiation does take place at the cantonal level, under what conditions?

At the federal level, the possibility of negotiation exists. However, at the cantonal level, it is correct that such a possibility does not exist.

II. PUBLICATION

Question from the European Community

According to Article IX of the GPA, notices of proposed procurement shall be published in the appropriate publication listed in Appendix II. To what extent does Switzerland consider that the information provided by Appendix II in regard to Switzerland respects all of the transparency conditions laid down in Article IX, particularly in view of the fact that none of the 26 cantonal publications are mentioned?

It was considered necessary to name each of the official publications for the 26 Cantons in Appendix II. The Swiss Official Trade Gazette is the publication used for notices of intended procurement of entities of the central government in Annex 1 of Appendix I. Publication of notices of intended procurement of entities under Annex 2 of Appendix I - entities at the sub-central level - can be found in the official publication of each of the 26 Cantons.

A list of the addresses of the 26 cantonal publications is contained in the Annex to this document. As there is only one such official publication in each Canton, it was not seen as necessary to indicate the title of each publication. However, in order to render the Appendices of the GPA more transparent, Switzerland is ready to add the names of the 26 official cantonal publications to Appendix II of the GPA as soon as all of the other signatories of the GPA having sub-federal entities are ready to do so, and supports such a decision to be taken by the GPA Committee.

Moreover, increasingly, summaries of cantonal notices which are contained in the relevant cantonal gazettes are published in the Swiss Official Trade Gazette which is available on the Internet.

In the future, Switzerland foresees that the Swiss Official Trade Gazette will become more and more important, particularly in relation to publication on a municipal level. For the time being, the cantonal gazettes are not on the Internet. While some cantons are seeking to do this, it may take some time more before this is achieved.

III. BID CHALLENGE PROCEDURES

Questions from United States

The response in Switzerland's submittal under the section "Procedures for hearing and reviewing complaints/appeals" states that at the cantonal level, the cantonal authority to which complaints against the award of a contract can be lodged is in most cases an administrative court. Please list the canton and describe the cantonal authority to which complaints can be lodged for those cantons that utilise an authority other than an administrative court.

The relevant cantons are Solothurn and Schaffhausen. In the Canton of Solothurn, the cantonal authority having jurisdiction as to the complaints against the award of a contract is the "Cantonal Valuation Commission" (Kantonale Schätzungskommission). This commission is an independent judicial body. In the Canton of Schaffhausen, the respective authority is the Court of Appeal (Obergericht).

The response in Switzerland's submittal notes that there are no fixed time-limits for the different stages of the challenge process. Can this be understood to mean that there is no specific time requirement to initiate challenge procedures and notify the procuring entity from the time when the basis of the complaint is known or reasonably should have been known, as stated in Article XX:5 of the GPA?

No, at the federal level, the time-limit to initiate challenge procedures is 20 days from the time when the basis of the complaint is known or reasonably should have been known. At the cantonal level, the respective time-limit is 10 days. Since, in general, the published invitation to tender or the published award of contract announcement form the basis of the complaint, the respective time-limit has to be calculated from the day of publication in the official gazette. As to the referred passage in the Swiss notification cited by the United States, it is the different stages of the challenge procedure after a complaint has been initiated that, in general, are not subject to a specific time-limit, neither at the federal nor at the cantonal level.

The last page of Switzerland's notification in GPA/15 states that the Federal Council has established an independent authority, "whose services are available for suppliers and service providers from countries members to the GPA, if they face systemic difficulties with the way the Swiss authorities implement the GPA". Please provide information about this body, including the scope of its authority and its operational procedures, and where suppliers wishing to avail themselves of this body can obtain additional information.

The concerned independent authority is the "Government Procurement Commission Swiss Confederation-Cantons". It is based on decisions of the respective federal and cantonal authorities and is composed of representatives from Cantons and from the Confederation. Its aim basically is to advise on and support the coherent implementation of the international obligations of Switzerland in the domain of public procurement on all levels. The Commission has advisory competence and can mediate in specific cases. The main task of this body is the exchange of information and opinions between representatives of the federal authorities and the cantonal authorities concerning the implementation of the WTO Agreement on Government Procurement and to discuss specific questions touching upon the application and surveillance of these provisions. Moreover, the Commission addresses individual cases as well, namely difficulties arising from the application of the procurement rules in practice, raised by suppliers, authorities or members of the Commission. The

efforts taken to urge the relevant entities to act according to the respective legal framework have turned out to be quite effective.

It has been announced that in December 1998, Switzerland and the European Community reached a bilateral agreement which included an agreement on public procurement. Reportedly, pursuant to the agreement, Switzerland will create an independent monitoring body and make provision for appeals on the lines of EU procedures. Please provide information on the expected impact and/or effects of this agreement on Switzerland's implementation of the WTO GPA. For example, will this agreement create an independent monitoring body that is open to foreign entities? And are the appeals procedures' described in Switzerland's notification expected to change for GPA-covered contracts?

The implementation of the bilateral agreement with the EU is being discussed on the federal and the cantonal level. Regarding the specific question of the monitoring body, the relevant authorities are evaluating whether it would be appropriate if the Commission mentioned in the previous answer would be entrusted with these tasks. As to the impact of this agreement on the existing appeals procedures, no changes of the mechanism according to Article XX of the Agreement on Government Procurement are to be expected.

Question from Canada

On page 11, in paragraph 14(vii), Switzerland notes that the costs of bid challenge are borne by the unsuccessful party. Would Switzerland please clarify whether the government, if it were the unsuccessful party, would be responsible for costs?

Costs have in general to be borne by the unsuccessful party. The procedural costs of purely administrative nature have to be distinguished from other costs such as party compensation. In case the government is the unsuccessful party, no procedural costs are charged in general. With a view to a party's expenditures in the conduct of a challenge procedure, the Federal Appeals Commission may decide for compensation of necessary and reasonably high costs arisen from the challenge. Such compensation in favour of the successful party has to be borne by the unsuccessful party, no matter if it is the government or a bidder.

ANNEX

Addresses of the Cantonal Official Gazettes

(Official publication organs for cantonal tenders)

Canton	Name and Address	Tel./Fax (+41)
Aargau	Amtsblatt des Kantons Aargau Verlag Zofinger Tagblatt AG Henzmanristrasse 18, Postfach 4800 Zofingen	Tel: 062 745 93 55 Fax: 062 745 93 59
Appenzell A.Rh.	Amtsblatt des Kantons Appenzell A.Rh. Regierungsgebäude 9102 Herisau	Tel: 071 351 31 31 Fax: 071 325 51 26
Appenzell I.Rh.	Appenzeller Volksfreund Engelgasse 3, Postfach 9050 Appenzell	Tel: 071 787 52 74 Fax: 071 787 37 53
Basel-Landschaft	Amtsblatt des Kantons Basel-Landschaft Postfach 4410 Liestal	Tel: 061 925 50 26 Fax: 061 925 69 65
Basel-Stadt	Kantonsblatt Basel-Stadt Rathaus Marktplatz 9 4001 Basel	Tel: 061 272 55 23 Fax: 061 272 55 73
Bern	Amtsblatt des Kantons Bern Postfach 133 3000 Bern 6	Tel: 031 368 18 18 Fax: 031 351 27 07
Fribourg/Freiburg	Feuille officielle du canton de Fribourg/ Amtsblatt des Kantons Freiburg Rue des Chanoines 17 1700 Fribourg	Tél.: 026 426 44 96 Fax: 026 426 44 60
Genève	Feuille d'avis officielle de la République et Canton de Genève Rue de l'Hôtel de Ville 2 1204 Genève	Tél: 021 319 22 06 Fax: 021 312 08 92
Glarus	Amtsblatt des Kantons Glarus (in- Glarner Nachrichten) Postfach 366 8750 Glarus	Tel: 055 646 69 64 Fax: 055 646 60 99
Graubünden	Amtsblatt des Kantons Graubünden 7002 Chur	Tel: 081 258 33 33 Fax: 081 258 33 34

Canton	Name and Address	Tel./Fax (+41)
Jura	Journal officiel de la République et Canton du Jura Case postale 135 2900 Porrentruy	Tél: 066 66 10 13 Fax: 066 66 51 04
Luzern	Luzerner Kantonsblatt Staatskanzlei Bahnhofstrasse 15 6002 Luzern	Tel: 041 228 50 25 Fax: 041 228 67 83
Neuchâtel	Feuille officielle de la République et Canton de Neuchâtel Château 2001 Neuchâtel 1	Tél: 038 39 40 01 Fax: 038 39 60 71
Nidwalden	Amtsblatt Kanton Nidwalden Rathaus 6370 Stans	Tel: 041 618 79 02 Fax: 041 618 79 11
Obwalden	Amtsblatt des Kantons Obwalden 6060 Sarnen	Tel: 041 660 59 70 Fax: 041 660 59 54
Solothurn	Amtsblatt des Kantons Solothurn Rathaus 4509 Solothurn	Tel: 032 627 20 21 Fax: 032 627 29 94
Schaffhausen	Amtsblatt für den Kanton Schaffhausen Rathaus 8201 Schaffhausen	Tel: 052 632 73 64 Fax: 052 632 72 00
Schwyz	Amtsblatt des Kantons Schwyz 6430 Schwyz	Tel: 041 819 11 24 Fax: 041 819 26 19
St. Gallen	Amtsblatt des Kantons St. Gallen Staatskanzlei 9001 St. Gallen	Tel: 071 229 32 59 Fax: 071 229 35 45
Thurgau	Amtsblatt des Kantons Thurgau Regierungsgebäude 8500 Frauenfeld	Tel: 052 723 55 11 Fax: 052 721 54 04
Ticino	Foglio Ufficiale della Repubblica e Cantone del Ticino Palazzo governativo 6500 Bellinzona	Tel: 091 804 43 49 Fax: 091 804 44 01
Uri	Amtsblatt des Kantons Uri Gitschenstrasse 9 6460 Altdorf	Tel: 044 874 16 16 Fax: 044 874 16 36

Canton	Name and Address	Tel./Fax (+41)
Valais/Wallis	Bulletin officiel du Canton du Valais/ Amtsblatt des Kantons Wallis Case postale/Postfach 543 1950 Sion/Sitten 1	Tél: 027 29 77 10 Fax: 027 29 77 11
Vaud	Feuille des avis officiels du Canton de Vaud Château cantonal 1014 Lausanne	Tél: 021 316 40 40 Fax: 021 316 40 48
Zug	Amtsblatt des Kantons Zug Poststrasse 18 Postfach 30 6301 Zug	Tel: 041 729 77 77 Fax: 041 729 77 45
Zürich	Amtsblatt des Kantons Zürich Postfach 8157 Dielsdorf	Tel: 01 854 82 82 Fax: 01 854 82 62

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the United States

The following communication has been received from the Permanent Mission of the United States in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

SUMMARY OF LEGISLATION

1. Basic Legislation on Government Procurement, and Legislation Giving Effect to the Agreement

The Uruguay Round Agreements Act (19 U.S. Code §§ 3501 et seq.) approves the trade agreements resulting from the Uruguay Round of multilateral trade negotiations and provides for implementation and entry into force of those agreements. The Act, through amendments to the Trade Agreements Act of 1979 (19 U.S. Code §§ 2511 et seq.), authorizes the President to implement United States obligations under the Agreement on Government Procurement. Pursuant to the Act, the Agreement on Government Procurement entered into force for the United States on 1 January 1996.

The Federal Acquisition Regulation (FAR) System codifies and publishes uniform policies and procedures for acquisition by all United States executive agencies (central government entities). The FAR System consists of the FAR, which is the primary legal document, and agency-specific acquisition regulations that implement or supplement the FAR.

Copies of the following laws and regulations relating to government procurement have been submitted:

- The Uruguay Round Agreements Act (19 U.S. Code §§ 3501 et seq.)
- The Trade Agreements Act of 1979, as amended (19 U.S. Code §§ 2511 et seq.)
- Federal Acquisition Regulation (48 Code of Federal Regulation parts 1-99)
- Armed Services Procurement Act (10 U.S. Code §§ 2301 et seq.)
- Federal Property and Administrative Services Act (40 U.S. Code §§ 471 et seq. and 41 U.S. Code §§ 251 et seq.)
- The Office of Federal Procurement Policy Act (41 U.S. Code §§ 401 et seq.)

These statutes can be located electronically by accessing the Federal Acquisition Virtual Library of the United States Government's Acquisition Reform Network. The Internet site for the Acquisition Reform Network is: <www.arnet.gov>.

2. Additional Legislation Giving Effect to the Agreement

Each state listed in Annex 2 of the United States schedule for coverage under the GPA has statutes and regulations applicable to government procurement in that state.

3. Contact Point for Information Regarding Laws, Regulations, Final Judicial Decisions, Administrative Rulings or other Measures Relevant to the Agreement

Office of WTO and Multilateral Affairs
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508
(202) 395-3063

In addition, interested parties are encouraged to consult the Acquisition Reform Network (ARNET), a central United States Government electronic website that contains information regarding United States Government procurement laws, regulations, executive orders, and other relevant information, including the Federal Acquisition Regulation and Bid Protest Decisions of the United States General Accounting Office. ARNET is located on the Internet at: <www.arnet.gov>.

CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

Pursuant to the Uruguay Round Agreements Act (Public Law 103-465), the Government Procurement Agreement (GPA) entered into force for the United States on 1 January 1996. The Uruguay Round Agreements Act approved the agreements resulting from the Uruguay Round of multilateral trade negotiations, including the GPA, and implements those agreements in United States law. Although no statutory amendments were required to implement the obligations of the GPA, certain amendments to the Federal Acquisition Regulation were necessary.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

The federal laws and regulations cited above in section 1 of the Summary govern procurement by federal government agencies and generally do not apply to state government procurements. Where state governments are expending grant monies from the federal government or have been allocated monies directly by the federal government, those state governments must comply with certain federal statutory requirements. Each state has its own laws and regulations pertaining to government procurement.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or subcentral level?*

The following Annex 3 entities are subject to the federal procurement laws and regulations cited above in section 1 of the Summary: the Power Marketing Administrations of the Department of Energy (except the Bonneville Power Administration); and the St. Lawrence Seaway Development Corporation. Due to the commercial nature of the activities carried out by certain Annex 3 entities, procurements by the other Annex 3 entities are not subject to the Federal Property and Administrative Services Act and the Office of Federal Procurement Policy Act. These entities are instead subject to specific laws governing each such entity.

In accordance with the Tennessee Valley Authority Act (16 U.S. Code §831h), the Tennessee Valley Authority's (TVA) procurements are subject to the Tennessee Valley Authority Procurement Standards and Guidelines, which contain a statement of procurement policy and a body of interpretive regulations governing TVA procurement. The Bonneville Power Administration's procurement operations are conducted under the Bonneville Power Administration Act, 16 U.S. Code §832 et seq. and 16 U.S. Code §474(d)(20), as well as the Federal Columbia River Transmission System Act, 16 U.S. Code §838i(b), and the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S. Code §839f(a) and 839f(b). These entities follow procurement procedures that are similar to those contained in the FAR.

The Port Authority of New York and New Jersey is a municipal corporate entity and subdivision of the States of New York and New Jersey. The Port Authority has written instructions in the form of administrative procedures and memoranda for its purchasing agents. The New York Power Authority is required by state law to follow comprehensive guidelines detailing operating policy and instructions regarding procurement contracts.

All federal government entities in Annex 3 are subject to the Trade Agreements Act of 1979.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the subcentral level and for Annex 3 entities?*

With respect to entities at the subcentral level, state government procurements are governed by laws enacted by the individual states. These laws establish transparent government procurement procedures and are aimed at establishing a level playing field for suppliers. One of the principal differences that exists between federal government and state government laws is the degree of centralization of procurement. The federal government generally conducts procurements on a more centralized basis than do the states. States also vary among themselves as to the extent to which their procurements are decentralized. In addition, states have different designated publication for advertising procurement opportunities.

5. *To what extent is information technology used in the process of government procurement?*

Information technology (IT) is used throughout the government procurement process, as in all other administrative processes. Information is passed from requirements offices to buying offices and paying offices via computer. Solicitations are prepared using computers that link directly to data bases of standard contract clauses. Contracts are managed through extensive computer systems. Wherever possible, the paper process has been supplanted by an IT solution. The United States Government has begun to use electronic commerce to streamline, consolidate and eliminate processes wherever possible through the following initiatives:

Commerce Business Daily on the Internet

With certain exceptions, agencies are required to publish notices of procurement opportunities in excess of US\$25,000 in the Commerce Business Daily (CBD). The CBD is distributed by the United States Government Printing Office in paper form, and is also available on the Internet. The Internet site, known as *CBDnet*, is the official online listing of government contracting opportunities published in the CBD. *CBDnet* provides convenient and universal user access to these notices through a single point of entry. In addition, *CBDnet* provides users with three search engines to conduct: (1) text searches; (2) field searches; and (3) searches by classification code. Access to *CBDnet* is free. The site can be accessed at <http://cbdnet.access.gpo.gov/index.html>. The United States Government is working towards enhancements that, among other things, will permit sellers to download solicitations and related documents from the Internet for local printing and editing and to receive automatic email notification about procurement opportunities in specific categories of interest.

Conducting Small Dollar Purchases through Electronic Commerce

Each year the Federal government makes approximately 22 million purchases from the private sector worth about US\$200 billion. Federal government agencies are currently finding that electronic commerce is especially beneficial in helping them conduct smaller dollar purchases, in light of the high volume of transactions (often for the same supplies or services) and the amount of associated transaction processing that can be improved by the application of current electronic commerce and related technologies.

Among other things, agencies are using purchase cards (credit cards for business) to make micro-purchases (purchases of US\$2,500 or less). Purchase cards are also used to support other smaller dollar ordering from "electronic catalogs" to fulfill needs better, faster and more cheaply.

Improved Integration of Procurement and Payment Procedures

In March 1998, the President's Management Council's Electronic Processes Initiatives Committee issued a Strategic Plan for Electronic Commerce for Buyers and Sellers. The Plan sets forth policy principles for making and successfully managing investments in electronic commerce and a variety of focused activities to facilitate the use of electronic commerce to strengthen and integrate buying and paying process in government agencies. The Strategic Plan can be accessed at <http://policyworks.gov/epic>.

The Debt Collection Improvement Act of 1996 requires that all Federal payments be made electronically by 1999.

Making Procurement Information Available on the Acquisition Reform Net (ARNET)

Many agencies have developed their own "home pages" on the Internet to broadcast electronically a variety of procurement information such as requests for information, draft requests for proposals (RFPs), RFPs, and other acquisition information such as advanced procurement planning and forecast information to industry. The Office of Federal Procurement Policy (OFPP) has requested agencies to link their home pages to ARNET, a central site on the Internet's World Wide Web (<http://www.arnet.gov>) which currently provides procurement officials in the public and private sectors with a vast amount of procurement information, including best practices guides, policy letters, and training courses.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

The Trade Agreements Act of 1979 (TAA), as amended by the Uruguay Round Agreements Act, authorizes the President to waive the application of any discriminatory government procurement laws for all procurements that are subject to the GPA. 19 U.S. Code § 2511. Under the authority granted by the TAA, the President has ordered federal agencies that are covered by the GPA to comply with GPA obligations. Executive Order 12260 (1980). Accordingly, Part 25 of the Federal Acquisition Regulation specifies that the restrictions of the Buy American Act do not apply to procurements that are subject to the GPA. 48 CFR 25.402.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

Consistent with Article IX:2, Part 5 of the Federal Acquisition Regulation requires that a notice of proposed procurement be published in the *Commerce Business Daily* for each procurement expected to exceed US\$25,000. 48 CFR 5.201. Certain exceptions apply, including where perishable subsistence supplies are being purchased or where a situation of unusual and compelling urgency exists that would result in serious injury to the Government if a notice were published. All state governments require publication of an invitation to participate; most state governments require that this takes the form of a notice of proposed procurement.

8. *Article IX:3 of the Agreement foresees that entities at the subcentral level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Some states use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate under Article IX:3. These notices are sometimes used *in addition* to notices of proposed procurements, affording suppliers multiple opportunities to learn of procurement opportunities.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

A federal government agency may establish a source list if the head of that agency prepares a written justification explaining the circumstances necessitating use of such a list. Potential foreign suppliers from GPA Parties have the opportunity to be included in source lists. Entities must specifically justify and document the need for establishing such lists and all interested suppliers must be provided an opportunity to be included in such lists. Moreover, potential suppliers who are not included in a list must be allowed to participate in the procurement if those suppliers can make timely and responsive offers.

Most GPA-covered states require suppliers to be selected on a contract-by-contract basis. Some GPA-covered states utilize qualified or registered vendor lists. The existence of such lists is advertised and additions to the lists are generally encouraged in the interest of broadening the competitive field.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

Negotiation is permitted for federal government entities as set forth in Part 15 of the Federal Acquisition Regulation. The regulation contains the specific requirements regarding negotiated contracts.

Most GPA-covered states allow for negotiations in procuring goods and services under certain conditions, as set forth in applicable state law.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be “not less than X days”. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Federal Acquisition Regulation requires that: (1) a notice of proposed procurement be published in the *Commerce Business Daily* (CBD) at least 15 days prior to issuance of a solicitation for bids; and (2) prospective suppliers must be given at least 30 days from the date of issuance of the solicitation to submit bids or proposals. Thus, United States law requires that a notice of proposed procurement be published a minimum of 45 days prior to the deadline for receipt of bids or proposals. The FAR provides, however, that shorter time-frames may be established for procurements of commercial items or for procurements valued at or below US\$100,000. For procurements subject to the GPA, the FAR requires that the time period be not less than 40 days unless the procurement was previously publicized in the CBD not less than 40 days in advance of the deadline. In this circumstance, the time-period may be reduced to not less than 10 days.

State governments have established the necessary solicitation response time limits to conform with the minimum time-limits set forth in the GPA for GPA-covered procurements, either pursuant to state laws or through administrative practice.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

The Federal Acquisition Regulation requires that tenders for federal government procurements subject to the FAR be submitted in English.

III. CHALLENGE PROCEDURES -- ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The United States General Accounting Office is authorized under 31 U.S. Code §3552 to hear protests. The GAO has promulgated procedures for the filing of protests; these regulations are found at Title 4 of the Code of Federal Regulations, Part 21. In addition, suppliers and potential suppliers may protest directly to the procuring agency. In 1995, President Clinton ordered all agencies to establish alternative dispute resolution procedures for bid protests in Executive Order No. 12979 (60 Fed. Reg. 55171 (1995)). Thus, all agencies are directed to create systems that allow for inexpensive, informal, procedurally simple, and expeditious resolution of protests. Suppliers may also take protests to United States federal courts under 28 U.S. Code §1491, although most suppliers prefer to use the GAO and procuring agency procedures because they are less costly and less disruptive to the procurement process.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

The United States General Accounting Office (GAO) requires that all protests other than those based on solicitation improprieties must be filed no later than ten (10) calendar days after the protester knew or should have known of the basis of the protest. For any competitive procurement for which debriefings are required, protesters must wait to file their protests until after the debriefing has been held (yet within five calendar days of the debriefing). If a protest is filed before the debriefing, GAO will dismiss the protest without prejudice. Protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the time set for receipt of initial proposals, must be filed prior to bid opening or the time set for receipt of initial proposals. In procurements where proposals are requested, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated into the solicitation must be protested not later than the next closing time for receipt of proposals following the incorporation.

The time limits established for launching complaints varies among states covered by the GPA. Most have limits of ten (10) calendar days; however, some have limits of up to fourteen (14) calendar days. Some states have specific rules applicable only to contracts covered by the GPA in order to comply with GPA obligations.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The General Accounting Office, an arm of the United States Congress, is vested with the authority to review protests in accordance with Title 31 of the United States Code, §3552. The GAO has promulgated procedures for the filing of protests and they are found at Title 4 of the Code of Federal Regulations, Part 21.

Protesters may request GAO to reconsider decisions based upon new facts, unavailable at the time of the initial protest. Technically, GAO's recommendations themselves are not reviewable by a court. However, protestors may always seek judicial review under the Administrative Procedures Act of actions taken by any United States Government agency, including an agency's implementation of a GAO decision.

States vary with respect to the nature of bid challenge bodies. Authority to review protests in most GPA-covered states is vested either in an independent review entity, or with an independent arm of the procuring agency or the state administrative offices. Decisions are generally subject to judicial review, usually through the state court system.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

See answer to question (ii).

In general, the applicable body of law by reference to which the challenge body in GPA-covered states will examine complaints is the relevant state statutes and rules, and the decisions of the state courts.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

Where a protest is filed with the GAO, the contracting agency may be required to withhold award and to suspend contract performance.

When the agency has received notice from the GAO of a protest filed directly with the GAO, a contract may not be awarded unless authorized by the head of the contracting activity and upon a written finding that: (1) urgent and compelling circumstances which significantly affect the interest of the United States will not permit awaiting the decision of the GAO; and (2) award is likely to occur within 30 days of the written finding.

When the agency receives notice of a protest from the GAO within ten days after contract award or within five days after a debriefing, the contracting officer must immediately suspend performance or terminate the awarded contract unless the head of the contracting activity decides that: (1) contract performance will be in the best interests of the United States; or (2) urgent and compelling circumstances that significantly affect the interests of the United States will not permit waiting for the GAO's decision.

Many GPA-covered states allow for the temporary restraint or suspension of the procurement process (including performance of the contract award) pending resolution of bid protests. A few states require an appeal bond to stay a contract award. In addition, courts can generally issue a stay of the procurement process.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the GAO determines that a solicitation, cancellation of a solicitation, termination of a contract, proposed award, or award does not comply with statute or regulation, it must recommend that the contracting agency implement any combination of the following remedies:

- refrain from exercising options under the contract;
- terminate the contract;
- recompute the contract;
- issue a new solicitation;
- award a contract consistent with statute and regulation; or

- such other recommendation(s) as GAO determines necessary to promote compliance.

If the GAO determines that a solicitation, proposed award, or award does not comply with statute or regulation, it may recommend that the contracting agency pay the protester the costs of:

- filing and pursuing the protest, including attorneys' fees and consultant and expert witness fees; and
- bid and proposal preparation costs.

Remedies for successful bid challenges in the majority of GPA-covered states include the cancellation and rebidding of the procurement, along with other remedies as provided under relevant state law.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The GAO will generally decide on a protest within 100 days after it is filed. In protests where the GAO uses express option procedures (an accelerated schedule as requested by a party to the protest), the GAO shall issue a decision on a protest within 65 days after it is filed.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There are no charges for filing a protest with the GAO.

The majority of GPA-covered states do not impose a fee to file a challenge to a contract award. Each party is generally required to pay its own administrative and legal fees, if incurred.

REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

UNITED STATES

The present document reproduces the questions put to the delegation of the United States and the responses given and comments made during the review of national implementing legislation at the Committee's meetings of 23 February 1999 and 29 September 2000.¹ The United States' notification of its national implementing legislation in accordance with the Committee's Decision in GPA/1/Add.1 has been circulated in document GPA/23, dated 15 July 1998.

**REPLIES TO THE QUESTIONS FROM CANADA AND
THE EUROPEAN COMMUNITY**

I. GENERAL

Question from Canada

Would the United States please explain how its legislation and regulations ensure non-discriminatory treatment and the elimination of offsets for covered procurement, including the elimination of all Buy America requirements and any provisions for sub-contracting or sub-contracting plans from domestic suppliers?

FAR Section 25.402(a) implements the waiver of most Buy America requirements for suppliers and products of GPA participants and other designated countries. This waiver does not apply to programmes and requirements specifically excluded from GPA coverage, including General Note 1 to Appendix I, relating to small business and minority set-asides, and the notes to Annexes 2 and 3 referred to in the response to Question 1, above.

Question from Canada

In its response to Canada's question concerning non-discriminatory treatment, the United States does not address the elimination of the provisions for subcontracting or subcontracting plans for United States small business. It is noted that United States legislation and regulations require the provision of subcontracting plans for United States small business in GPA-covered contracts. Would the United States explain how these provisions are consistent with Article III of the GATT; and with Article III of the WTO GPA - Non-discrimination and Article XVI of the WTO GPA - Offsets? Please address this issue both in respect of foreign suppliers who are providing goods and services that are not of United States origin and foreign suppliers providing goods and services that are partially of United States origin.

¹ The minutes of these meetings have been circulated in documents GPA/M/11 and 14.

Small and minority business set-asides are excluded from the coverage of the Agreement on Government Procurement under General Note 1 to the United States' Appendix I. We also note that, under the Federal Acquisition Regulation (FAR 19.702(a)), subcontracting plans are requirements that apply only to "apparently successful offerors" and "bidders selected for award"; they are not factors that influence the initial competitive selection of the "apparently successful offeror".

Question from the European Community

What steps has the United States Government taken to ensure implementation of Article XXIV:7(c) of the GPA, in particular in relation to resisting new restrictions and seeking to eliminate existing ones which (a) Congress, or (b) subfederal authorities covered under Annexes 2 and 3 have imposed, or seek to impose?

In the context of the United States commitment to promoting full and open competition, the Administration consults with the Congress on legislative proposals relating to United States procurement policies and practices. During the negotiations leading to the conclusion of the Government Procurement Agreement and subsequently, the Administration has consulted regularly with relevant state-level agencies and associations and with individual states, as appropriate, on issues related to the implementation of the Agreement.

At a federal level, there are inter-agency procedures which allow the collection of Administration comments on proposed legislation. This is the primary way in which consultation with Congress proceeds on these types of issues. To facilitate implementation by the covered states, the Administration (particularly through the Office of the United States Trade Representative), has established regular consultative procedures with a number of national associations of state representatives. Specifically, it has coordinated with the National Association of State Procurement Officials (NASPO) in producing and disseminating a "Guide for State Procurement Officials Application of the WTO Agreement on Government Procurement". NASPO is also consulted in relation to issues raised by the Committee and issues that arise in relation to the implementation of the GPA. Also, there are fairly frequent communications with individual states on an ad hoc basis on either proposed state level legislation or questions relating to other governments' coverage under the GPA.

II. TENDERING PROCEDURES

Question from the European Community

Article VI states that technical specifications prescribed by procuring entities shall, where appropriate, be based on international standards, where such exist. To what extent, if possible expressed as a proportion of all contract awards, do contracting entities refer to international standards, where such standards exist?

There is no way to statistically determine to what extent technical specifications contained in procurement notices or involved in tendering procedures rely on international standards. However, recently, the United States has taken steps to reduce to a minimum procurement and regulatory agencies' reliance on government-unique standards. The National Technology Transfer and Advancement Act of 1995 (PL 104-113) provides that "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus bodies ...". Such standards include those developed by both domestic and international voluntary consensus standards-setting bodies.

This policy is implemented through Office of Management and Budget (OMB) Circular A-119, dated 10 February 1998, which adds that: "in the interests of promoting trade and implementing the provisions of international treaty agreements ... [agencies] should consider international standards in procurement and regulatory applications" (Section 6.h). Agencies which do not use available voluntary consensus standards must submit to OMB written explanations of the reasons for using government-unique standards (Section 6.b). Circular A-119 also requires that Federal agencies give preference to performance standards when such standards may reasonably be used in lieu of proscriptive standards.

Question from the European Community

To what extent do United States contracting entities resort to limited tendering procedures as provided for in Article XV? How is correct and full application of Article XV monitored?

United States regulations provide that: "with certain limited exceptions ... contracting officers shall promote and provide for full and open competition in soliciting offers and awarding Government contracts". In particular, Part 6 of the Federal Acquisition Regulation (FAR) prescribes policies and procedures to promote full and open competition in the procurement process and to set out the conditions under which limited tendering is permitted. FAR Part 6 provides that, when procurement officers depart from full and open competition procedures, they must justify their use of this authority. Each justification must contain sufficient facts and rationale to justify the use of the specific authority cited. As a minimum, each justification must include at least twelve elements of specific information about the contracting opportunity and the justification.

Complete statistics on the use of limited tendering procedures for contracts covered by the GPA are not currently available. In recent years, however, available statistics show that contracts awarded under limited tendering procedures have accounted for about 10 per cent of all Federal procurement contracts exceeding US\$50,000.

III. PUBLICATION

Question from the European Community

According to Article IX of the GPA, invitations to participate regarding intended procurement shall be published in the appropriate publication listed in Appendix II. We note that only one of at least 37 relevant information sources relating to Annex 2 entities is indicated. The United States is therefore requested to comment on its implementation of the transparency requirements of Article IX. To what extent have efforts been made to bring together in one location on the Internet (for example, through links) all relevant information sources at the federal and subfederal level?

All federal procurement offices, with some exceptions provided for under the GPA, are required to announce proposed procurement actions over US\$25,000 in the *Commerce Business Daily* (CBD). These notices are accessible to all domestic and foreign suppliers either through the printed version of the CBD, or through the *CBDNet*, a free of charge Internet-based system (www.CBDNet.gpo.gov). In addition, detailed information on procurement policies, practices and procedures and opportunities for all federal entities is available on the National Air and Space Administration's federal procurement "jump-station" (<http://nais.nasa.gov/fedproc/home.html>).

In terms of sub-central publications, the Internet home page of the National Association of State Purchasing Officers (NASPO) contains hyperlinks to the central procurement entities of each of the states covered by the GPA (<http://www.naspo.org/state/stateweb.html>). Those links provide information on state procurement rules and procedures, current procurement opportunities and contract awards.

Question from the European Community

How does the United States Government ensure in its procurement notices, as well as those of covered subfederal entities, that foreign suppliers are made aware that contracts fall under the Agreement and are not subject to restrictions such as Buy America or set-asides?

Section 5.207(e) of the United States Federal Acquisition Regulation (FAR) provides that, for each announcement of proposed procurement action published in the *Commerce Business Daily*, one or more standardized "numbered notes" may apply to the proposed contract action. Each numbered note represents specific conditions or information that applies to the proposed contract action. The purpose of the numbered notes is to eliminate the unnecessary duplication of information that appears in various announcements. When a note applies to an announcement, the contracting official references the note at the end of item 17 in the synopsis.

For contracts covered under the GPA, federal procurement offices indicate whether one or more of the items under the acquisition is covered by indicating that Note 12 applies to the procurement.

For all acquisitions covered by the WTO GPA, federal government agencies evaluate offers for an eligible product without regard to the restrictions of the Buy American Act. With regard to set asides, General Note 1 of Appendix I of the United States provides that the GPA will not apply to set asides on behalf of small and minority businesses. For additional information on set asides, please refer to the response to question 7, below.

Question from Canada

Would the United States please explain how its legislation and regulations provide for its notices of proposed procurement to meet each of the requirements of Article IX? Would the United States please explain where the information on coverage of individual procurements by the Agreement, as provided for in paragraph 11 of Article IX, may be located?

Part 5 (Publicizing Contract Actions) of the United States Federal Acquisition Regulation (FAR) implements the requirements of Article IX. FAR Section 5.207(e) provides that, for each announcement of proposed procurement action published in the *Commerce Business Daily*, one or more standardized "numbered notes" may apply to the proposed contract action. Each numbered note represents specific conditions or information that applies to the proposed contract action. The purpose of the numbered notes is to eliminate the unnecessary duplication of information that appears in various announcements. When a note applies to an announcement, the contracting official references the note at the end of item 17 in the synopsis.

For contracts covered under the GPA, federal procurement offices indicate whether one or more of the items under the acquisition is covered by indicating that Note 12 applies to the procurement.

IV. COVERAGE

Question from the European Community

The GPA applies to purchases of a number of FSC categories "subject to the United States Government determinations under the provisions of Article XXIII, paragraph 1" (see Annex 1):

- *How does the United States Government make such a determination? For example, do guidelines exist in relation to the invocation of national security?*

- *More specifically, are studies carried out each time Article XXIII, paragraph 1 is invoked to determine whether this is justified?*
- *Are studies carried out to justify the continuation of such restrictions each time they are renewed?*
- *When Congress imposes Buy American restrictions in the annual appropriations bills, does DOD/the Administration comment on such provisions before the President signs the bills?*

Detailed guidelines for invoking national security exceptions for acquisitions normally subject to the provisions of the GPA are set forth in regulation. For example, Defense Federal Acquisition Regulation Supplement (DFARS) subpart 225.403(c)(1)(A) states "If a department or agency considers an individual acquisition of a product to be indispensable for national security or national defense purposes and appropriate for exclusion from the provisions of Federal Acquisition Regulations (FAR) subpart 25.4 (FAR Chapter 25 implements United States international trade commitments), it may submit a request with supporting rationale to the Director of Defense Procurement (USD(A&T)/DP)". The Director of Defense Procurement is the Department of Defense's senior procurement official. Her staff carefully evaluates requests for exemptions from the requirements of FAR 25.4 to ensure that it thoroughly demonstrates national security or national defense considerations are justified. In addition, the request may be reviewed by other agencies as necessary. There are administrative procedures within the federal Administration that provide for coordination in such cases.

In the absence of appropriate documentation, requests for exceptions to the requirements of FAR 25.4 are not approved. As part of normal administrative review procedures, appropriate personnel from the responsible executive agencies may review such exceptions and make appropriate recommendations.

As indicated in the response to question 5 above, the Administration has the opportunity to comment on proposals before the Congress at various points in the legislative cycle.

Question from the European Community

According to General Note 1 to the Appendix I of the United States, the GPA does not apply to set-asides on behalf of small and minority businesses. Please explain how in practice a contract is set aside. How does the United States define a small business? How does the United States define a minority business? Can the United States provide any statistics in relation to purchases from small and minority businesses (for example, what percentage of total above-threshold procurement is set aside for such businesses)?

The regulatory procedures for small business and minority set-asides are set out in FAR Part 19.502-2. Procurements are set aside when there is a reasonable expectation that offers at fair market value will be received from at least two responsible small business concerns. In the absence of that reasonable expectation, the contracts are not to be set aside. That is, if it is impossible to identify small or minority businesses that are interested in bidding on those type of contracts, a contract will not be set aside.

FAR Part 19.001 defines a "small business" as a business, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on government contracts, and qualified as a small business under the size standards and other criteria that are established on a sector-by-sector basis by the Small Business Administration. The size standards are listed in FAR Part 19.002.

The Code of Federal Regulations defines minority businesses as businesses of "disadvantaged individuals" that have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups and without regard to their individual qualities. The social disadvantage must stem from circumstances that are beyond such individuals' control.

Statistics on how the use of set-asides relates to GPA coverage are not yet available. Efforts are being made to develop such statistics. The initial indication is that the amount of set-asides affecting GPA coverage is likely to be small - that is probably in the range of 5 per cent. However, this is currently being verified.

Question from the European Community

Does the Federal Administration, or any other body, monitor or in any other way verify (whether on a routine or an ad hoc basis) that entities covered under Appendix I carry out procurements in accordance with GPA requirements?

Implementation of the GPA is done directly through regulation which has legal effect. All entities that are covered by those regulations must comply. All Federal procurement entities are required to comply with the Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS) and other applicable laws and regulations which implement United States commitments under the GPA and other international agreements.

The Administration is not aware of any compliance problems. If complaints are raised, the Administration will vigorously investigate them. As described in the "Notification of National Implementing Legislation" (GPA/23), any departures from regulatory requirements can be addressed through established review procedures. In addition to performing its bid challenge functions, the United States General Accounting Office (GAO) conducts ad hoc investigations of Federal procurement agencies' implementation of United States law and regulations, including the Federal Acquisition Regulation (FAR).

Question from the European Community

For each of the 37 States fully or partially covered in Annex 2, please indicate whether the Federal Administration has taken steps to verify that the procurement regime(s) of that State is in conformity with GPA requirements.

The United States has a regular consultative procedure. As part of the process of preparing the United States "Notification of National Implementing Legislation" (GPA/23), the Administration conducted a survey of the 37 states covered by the GPA in order to assess their implementation of GPA requirements. In addition, the Administration has consulted closely with the National Association of State Procurement Officials (NASPO) and the individual NASPO 37 state representatives on issues related to GPA implementation. This consultation indicated that all 37 States are fully compliant with the requirements of the Agreement.

Detailed information on each of the states is available through the NASPO website. That website provides links to each of the state procurement agencies and each has on their websites, notification of opportunities and also explanation of procurement practices, laws etc.

Question from the European Community

For each of the 37 States fully or partially covered in Annex 2, were any statutory amendments to laws or regulations required to implement the obligations of the GPA?

The Administration is not aware of any legislative changes that were necessary to comply with GPA requirements. Some states have issued policy and administrative guidance to ensure conformance with specific GPA provisions, such as those relating to time-limits in Article XI.

Question from the European Community

In the checklist of issues – questions 6-14 – information with regard to implementation at State level is provided only in the form of a general statement. However, it is our understanding that individual States have autonomy in determining their procurement policies and practices and that considerable variations between them may exist. Please therefore provide responses to questions 6-14 for each of the 37 States covered under Annex 2.

As noted in the response to question 2, such information can be obtained on the individual states' web-sites, which are listed on the NASPO home page (<http://www.naspo.org/state/stateweb.html>) or through the list of NASPO State Directors (<http://www.naspo.org/stdirect.html>).

Question from Canada

Regarding section 1.2 on page 2 of its Notification of National Implementing Legislation, can the United States provide more detail on the circumstances in which federal procurement laws and regulations are applicable to state government, under what authority, and what are the statutory requirements that state governments must meet?

As noted in Section 1.2 of GPA/23, Federal procurement laws and regulations generally do not pertain to state government procurements. However, Federal statutory requirements apply to state government procurements when those procurements involve the expenditure of certain Federal grants or other financial allocations. Those requirements are addressed in Note 1 and Note 5 to Annex 2, and Note 1 to Annex 3.

Question from the European Community

According to note 1 to Annex 2, subfederal entities can apply restrictions that promote general environment quality in that State. The United States is requested to provide examples of such restrictions.

Many US states have established purchasing practices that are intended to promote general environmental quality. A widely utilized example of such a practice is the adoption of procurement laws and regulations that encourage the use of recycled products, or products made with recycled material. Such laws often grant a specific percent price preference for recycled products or products containing recycled materials.

Question from the European Community

Can the United States Government confirm that, while contracts for R&D services are excluded from its offer in Annex 4, the purchase of supplies or the execution of construction services which are necessary for those R&D services to be supplied, are covered by the Agreement? Are there any conditions that have to be met for foreign-owned firms to participate in the award of such supply or construction services contracts?

When the procurement of such supplies or construction services is a component of an R&D contract or a contract for procurement of one of the other services listed in Annex 4, General Note 4 to Appendix I is applicable.

Question from the European Community

Can the United States Government confirm that the United States coverage of contracts for construction services includes supplies which can be considered an intrinsic part of a construction contract and without which the construction could not be completed?

In general, coverage of contracts for construction services includes supplies which can be considered an intrinsic part of a construction contract. However, the United States Appendix I sets out several potential exceptions to this rule which may apply to procurements by Annex 2 and Annex 3 entities, specifically Note 1 and Note 5 to Annex 2 and Note 1 to Annex 3. These relate to the use of funds by sub-central entities.

Question from Canada

Can the United States explain how its legislation and regulations provide for the procurement of architectural services and for the procurement of engineering services to be carried out in accordance with the Agreement on Government Procurement?

United States regulations for the procurement of architectural and engineering services are contained in FAR Subpart 36.6. These regulations require that entities publish a notice of all requirements for architectural or engineering services (36.601-1) and that those services be procured through competitive procedures (36.601-2). Other relevant requirements include provisions to ensure that the evaluation process is objective and based on the technical merits of each proposal, and to ensure that appropriate records of award decisions are maintained.

Questions from Canada

(a) *In its response concerning the procurement of architect-engineer services, the United States references FAR 36.602 - Selection of Firms for Architect-Engineer Contracts, subpart 36.602 - 1 (Selection Criteria) makes reference in subpart (a)(5) to "location in the general geographic area of the project and knowledge of the locality of the project...". Would the United States please explain whether it considers this provision to be consistent with the GPA and specifically with GPA Articles III - Non-discrimination and XVI - Offsets, and if so, how?*

Sub-part 36.602-1 addresses the unique nature and the particular requirements of architect-engineer service contracts by setting out a number of factors that procuring entities should consider in evaluating the capability of potential suppliers to fulfill such contracts. Decisions are based on an evaluation, on a case-by-case basis, of a range of factors relevant to particular architect-engineering contracts, and do not discriminate among firms which are capable of fulfilling each specific procurement need.

(b) *We note FAR subpart 36.104 refers to procurement being carried out under the Brooks Architect-Engineers Act as being outside the scope of FAR 36. Is the Brooks Architect-Engineers Act used for GPA-covered procurement and, if so, would the United States please explain whether it considers the procurement carried out in accordance with the Act to be consistent with the GPA?*

The Brooks Architect-Engineers Act requires full and open competition for contracts subject to the Act. The procurements carried out in accordance with this Act are therefore consistent with domestic legal requirements and the requirements of the Agreement on Government Procurement.

V. BID CHALLENGE

Question from Canada

Would the United States explain whether it considers its legislation in 41 U.S.C. section 253 j(d) (1994) to be consistent with the GPA. The section restricts the scope of bid challenge concerning delivery orders under IDIQ's (indefinite delivery indefinite quantity) to instances where there is an increase in "the scope, period, or maximum value of the contract under which the order is issued".

As the United States has explained in consultations relating to the use of IDIQ contracts and similar procurement instruments (see, for example, paragraph 8 of Job No. 2795), task or delivery orders occur after the awarding of an IDIQ contract and are not subject to the tendering, award and challenge procedures of the Agreement on Government Procurement. Of course, the procedures for tendering and the awarding of IDIQ contracts are subject to the relevant Agreement on Government Procurement provisions, including the bid challenge procedures, provided the contract itself is covered.

Although we do not consider individual transactions that follow the award of an IDIQ contract to be subject to the Agreement on Government Procurement provisions for tendering and contract award, we nevertheless provide, as Canada's question notes, challenge procedures relating to changes in the scope, period or maximum value of an IDIQ contract. We believe this is necessary, given the unique nature of IDIQ contracts, in order to strike a balance between ensuring that contract terms are honoured and preserving the efficiency that these types of contracts are intended to provide.

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

[Display second format](#)

Matches: 57

1 - 57

Pages: [previous](#) [next](#)

* Second format for document

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
05-1192 	U	GPA/37/Add.2 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Japan Pursuant to Article XXIV:5(b) of the GPA - Addendum Preview (HTML)	21/03/2005	E <input checked="" type="checkbox"/> 5 p. 83KB	F <input type="checkbox"/> 5 p. 76KB	S <input type="checkbox"/> 6 p. 70KB
04-1583 	U	GPA/37/Add.1 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Japan Pursuant to Article XXIV:5(b) of the GPA - Addendum Preview (HTML)	07/04/2004	E <input checked="" type="checkbox"/> 6 p. 80KB	F <input type="checkbox"/> 5 p. 76KB	S <input type="checkbox"/> 6 p. 76KB
03-4324 	U	GPA/27/Add.1 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Hong Kong, China - Addendum Preview (HTML)	20/08/2003	E <input checked="" type="checkbox"/> 1 p. 29KB	F <input type="checkbox"/> 1 p. 26KB	S <input type="checkbox"/> 1 p. 27KB
02-5378 	U	GPA/69 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Iceland Preview (HTML)	07/10/2002	E <input checked="" type="checkbox"/> 7 p. 62KB	F <input type="checkbox"/> 7 p. 52KB	S <input type="checkbox"/> 7 p. 52KB
02-2062	U	GPA/67	Committee on Government Procurement - Notification	15/04/2002	E	F	S

		Catalogue record	of National Legislation of Japan - Communication from Japan Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 38KB	3 p. 36KB	4 p. 41KB
00-5530	U	GPA/46 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Liechtenstein Preview (HTML)	19/12/2000	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E 10 p. 68KB	F 9 p. 72KB	S 10 p. 60KB
00-4034	U	GPA/39/Add.1 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Singapore - Addendum Preview (HTML)	04/10/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 2 p. 32KB	F 2 p. 31KB	S 2 p. 28KB
00-3358	U	GPA/39 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Singapore Preview (HTML)	22/08/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 17 p. 89KB	F 17 p. 76KB	S 17 p. 80KB
00-2482	U	GPA/37 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Japan Preview (HTML)	20/06/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 13 p. 64KB	F 14 p. 67KB	S 14 p. 74KB
00-1838	U	GPA/34 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Israel Preview (HTML)	05/05/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E* 92 p. 50KB	F 92 p. 50KB	S 93 p. 48KB
99-3778	U	GPA/15/Add.1 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Switzerland - Addendum Preview (HTML)	15/09/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 1 p. 35KB	F 2 p. 32KB	S 2 p. 30KB
99-1382	U	GPA/27 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Hong Kong, China Preview (HTML)	07/04/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 8 p. 55KB	F 8 p. 63KB	S 8 p. 54KB
98-2803	U	GPA/23 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from the United States Preview (HTML)	15/07/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 9 p. 61KB	F 10 p. 73KB	S 10 p. 64KB
98-0311	U	GPA/20 Catalogue record	Committee on Government Procurement - Notification of National Implementation Legislation - Communication from the European Community Preview (HTML)	28/01/1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 38 p. 166KB	F 40 p. 189KB	S 41 p. 178KB
97-3240	U	GPA/15 	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Switzerland Preview (HTML)	30/07/1997	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E 11 p.	F 12 p.	S 12 p.

97-2376 	U	GPA/12/Rev.1 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from the Republic of Korea - Revision Preview (HTML)	09/06/1997	128KB E <input checked="" type="checkbox"/>	74KB E <input type="checkbox"/>	73KB S <input type="checkbox"/>
97-1278 	D	GPA/13 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Canada Preview (HTML)	27/03/1997	15 p. 132KB E <input checked="" type="checkbox"/>	16 p. 77KB E <input type="checkbox"/>	16 p. 82KB S <input type="checkbox"/>
97-0512 	U	GPA/12 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from the Republic of Korea Preview (HTML)	11/02/1997	8 p. 117KB E <input checked="" type="checkbox"/>	9 p. 59KB E <input type="checkbox"/>	9 p. 59KB S <input type="checkbox"/>
97-0045 	U	GPA/10 Catalogue record	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Norway Preview (HTML)	10/01/1997	15 p. 132KB E <input checked="" type="checkbox"/>	15 p. 77KB E <input type="checkbox"/>	15 p. 143KB S <input type="checkbox"/>

Pages: [previous](#) [next](#)

Displaying: 1 - 57

Query= ((@meta_Symbol GPA and @meta_Types notification and @meta_Title ((legislation or review of national) and not (Bulgaria or Chinese Taipei or Estonia or Georgia or Latvia))))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Number of hits per page

Search results							
Submitted: 09/01/2006 9:40:30 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 12 KB	05-1192	GPA/37/Add.2	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Japan Pursuant to Article XXIV:5(b) of the GPA - Addendum	21/03/2005	5	U	T/PLURI/GPA/37A2.doc
2 12 KB	04-1583	GPA/37/Add.1	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Japan Pursuant to Article XXIV:5(b) of the GPA - Addendum	07/04/2004	6	U	T/PLURI/GPA/37A1.doc
3 4 KB	03-4324	GPA/27/Add.1	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Hong Kong, China - Addendum	20/08/2003	1	U	T/PLURI/GPA/27A1.doc
4 22 KB	02-5378	GPA/69	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Iceland	07/10/2002	7	U	T/PLURI/GPA/69.doc
5 8 KB	02-2062	GPA/67	Committee on Government Procurement - Notification of National Legislation of Japan - Communication from Japan	15/04/2002	3	U	T/PLURI/GPA/67.doc
6 25 KB	00-5530	GPA/46	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Liechtenstein	19/12/2000	10	U	T/PLURI/GPA/46.doc
7 5 KB	00-4034	GPA/39/Add.1	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Singapore - Addendum	04/10/2000	2	U	T/PLURI/GPA/39A1.doc
8 41 KB	00-3358	GPA/39	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Singapore	22/08/2000	17	U	T/PLURI/GPA/39.doc
9 32 KB	00-2482	GPA/37	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Japan	20/06/2000	13	U	T/PLURI/GPA/37.doc
10 20 KB	00-1838	GPA/34	Committee on Government Procurement - Notification of National Implementing Legislation - Israel	05/05/2000	92	U	T/PLURI/GPA/34.doc
11 5 KB	99-3778	GPA/15/Add.1	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Switzerland - Addendum	15/09/1999	1	U	T/PLURI/GPA/15A1.DOC
12 24 KB	99-1382	GPA/27	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Hong Kong, China	07/04/1999	8	U	T/PLURI/GPA/27.DOC

13 30 KB	98-2803	GPA/23	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from the United States	15/07/1998	9	U	T/PLURI/GPA/23.DOC
14 117 KB	98-0311	GPA/20	Committee on Government Procurement - Notification of National Implementation Legislation - Communication from the European Community	28/01/1998	38	U	T/PLURI/GPA/20.DOC
15 32 KB	97-3240	GPA/15	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Switzerland	30/07/1997	11	U	T/PLURI/GPA/15.WPF
16 35 KB	97-2376	GPA/12/Rev.1	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from the Republic of Korea - Revision	09/06/1997	15	U	T/PLURI/GPA/12R1.WPF
17 22 KB	97-1278	GPA/13	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Canada	27/03/1997	8	D	T/PLURI/GPA/13.WPF
18 34 KB	97-0512	GPA/12	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from the Republic of Korea	11/02/1997	15	U	T/PLURI/GPA/12.WPF
19 33 KB	97-0045	GPA/10	Committee on Government Procurement - Notification of National Implementing Legislation - Communication from Norway	10/01/1997	13	U	T/PLURI/GPA/10.WPF
((@meta_Symbol GPA and @meta_Types notification and @meta_Title ((legislation or review of national) and not (Bulgaria or Chinese Taipei or Estonia or Georgia or Latvia)))) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num							
Result of the search: 57 (for 19 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Japan Pursuant to Article XXIV:5(b)¹ of the GPA

Addendum

The following communication, dated 11 March 2005, from the Delegation of Japan is being circulated to the Parties to the Agreement on Government Procurement.

Pursuant to Article XXIV:5(b) of the WTO Agreement on Government Procurement, the Government of Japan wishes to inform the Committee on Government Procurement of the following change in its regulations concerning the government procurement.²

**NOTIFICATION OF THE PARTIAL REVISION OF THE "BASIC POLICY FOR THE
PROMOTION OF PROCUREMENT OF ECO-FRIENDLY GOODS AND SERVICES"
UNDER THE "LAW CONCERNING THE PROMOTION OF PROCUREMENT
OF ECO-FRIENDLY GOODS AND SERVICES BY THE STATE
AND OTHER ENTITIES"**

1. Agency responsible:

Ministry of the Environment
2. Description of the partial revision of the Basic Policy:

The original "Basic Policy for the Promotion of Procurement of Eco-Friendly Goods and Services" based on the "Law Concerning the Promotion of Procurement of Eco-Friendly Goods and

¹ Article XXIV:5(b) reads as follows: *National Legislation* "(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."

² Previous notifications of Japan's implementing legislation were made in GPA/37, dated 20 June 2000; GPA/67, dated 15 April 2002; and GPA/37/Add.1, dated 7 April 2004.

Services by the State and Other Entities" (hereinafter referred to as Basic Policy) was adopted by a cabinet decision in February 2001 (partially revised in March 2004). The revision of the Basic Policy, including the addition of six designated procurement items, was adopted by a cabinet decision in February 2005. (The summary of the revision is attached hereto. The Japanese text of the revised Basic Policy is available on the Ministry of the Environment website as follows: <http://www.env.go.jp/policy/hozen/green/g-law/index.html>.)

3. Starting date of procurement based on the revised Basic Policy:

1 April 2005

4. Enquiry point:

Environment and Economy Division, Integrated Environmental Policy Bureau,
Ministry of the Environment
Telephone: +(81 3) 5521-8229; Fax: +(81 3) 3580-9568

APPENDIX

DESIGNATED PROCUREMENT ITEMS AND EVALUATION CRITERIA, ETC.

(SUMMARY)

Category	Designated Procurement Items (Cabinet decision on 16 March 2004)	Addition of Designated Procurement Items, etc. (Cabinet decision on 8 February 2005)	
		* denotes revisions beside additional items	Evaluation criteria for additional items, etc.
Paper	9 items, including computer paper (copier paper, diazotype paper, OCR paper), printing paper, and hygienic paper (toilet paper and tissue paper).	* Re-evaluation of "recycled paper content" to "recycled pulp content" in Evaluation Criteria. * Elimination of item OCR paper.	—
Stationery	75 items, including mechanical pencils, ball-point pens, scissors, glue, files, binders, desk mats, albums, binding strings, blackboard erasers, and can and bottle squashing devices.	* Reinforcement labels for hole-punch pages.	Ratio of recycled material content.
		* Paper files and binders: re-evaluation of recycled pulp content to at least 70%. * Re-evaluation of "recycled paper content" to "recycled pulp content" in Evaluation Criteria.	—
Office furniture	10 items, including chairs, desks, shelves, coat hangers, umbrella stands, and blackboards.	* Re-evaluation of "recycled paper content" to "recycled pulp content" in Evaluation Criteria.	—
Office automation machines	12 items, including copiers, computers, printers, facsimiles, and computer monitors.	* Re-evaluation of the standard value for magnetic disk drive units. * Elimination of item Computers (due to popularization of units that meet the criteria.)	—
Home electronic appliances	6 items, including refrigerators, air conditioners, televisions, and VCRs.	* Elimination of items televisions and VCRs (due to popularization of units that meet the criteria).	—

Category	Designated Procurement Items (Cabinet decision on 16 March 2004)	Addition of Designated Procurement Items, etc. (Cabinet decision on 8 February 2005)	
		* denotes revisions beside additional items	Evaluation criteria for additional items, etc.
Air conditioners, etc.	Air conditioners, gas heat pump air conditioners.	—	—
Water heaters, etc.	Electric hot water supply system, gas water heaters, oil water heaters, gas cooking appliances.	* Re-evaluation of criteria for gas water heaters based on the revision of Law Concerning Rational Use of Energy.	—
Lighting	Fluorescent lighting equipment and fluorescent light bulbs.	—	—
Vehicles, etc.	Vehicles (natural gas vehicles, hybrid vehicles, etc.) Receivers/transmitters for Electronic Toll Collection system, receivers for Vehicle Information Communication System.	* Re-evaluation of emission criteria based on the change in the emission regulations. * Re-evaluation of emission and fuel efficiency in common official cars.	—
Fire extinguisher		* Fire extinguishers.	Ratio of recycled content in fire protection fluid.
Uniforms and work clothes	Uniforms and work clothes.	—	—
Interior fixtures and bedding	Carpets, curtains, blankets, comforters, bed frames, and mattresses.	* Tufted carpets. * Tile carpets.	Ratio of recycled material content.
Other fibre products	Tents, tarps, and safety nets.	—	—
Work gloves	Work gloves.	—	—

Category	Designated Procurement Items (Cabinet decision on 16 March 2004)	Addition of Designated Procurement Items, etc. (Cabinet decision on 8 February 2005)	
		* denotes revisions beside additional items	Evaluation criteria for additional items, etc.
Facilities	Solar power generation systems, fuel cells, solar heating systems, composting equipments for kitchen garbage.	—	—
Public-works projects	1. Materials (42 items, including reconstituted wood boards, tiles, blended cement, recycled aggregate, base-coating paint, permeable concrete, insulated windows/doors, automatic faucets, automatically controlled lighting systems, and fertilizers using sewer sludge). 2. Construction machines (low emission machines, low-noise machines). 3. Construction methods (6 methods, including recycling treatment of construction sludge, and recycling treatment of concrete masses). 4. Others (greening of rooftops, porous pavement, and permeable pavement).	* Electric arc furnace oxidizing slag aggregate. * Pavement block products using recycled material (precast plain concrete product).	Ratio of recycled material content in electrical oxidation slag.
		* Re-evaluation of porcelain tile criteria to include unbaked tiles. * Re-evaluation of insulation criteria to non-Freon material.	—
Services	Energy conservation diagnosis, cafeteria, printing, recycling of automobile tires, automobile repair.	* Addition, in Evaluation Criteria for Printing, of material that should not be used from the viewpoint of recycled paper. * Addition, in Factors for Consideration for Printing, of reduction in waste products through digitization, as well as notes concerning packaging.	—

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Japan Pursuant to Article XXIV:5(b)¹ of the GPA

Addendum

The following communication, dated 5 April 2004, from the Delegation of Japan is being circulated to the Parties to the Agreement on Government Procurement.

Pursuant to Article XXIV:5(b) of the WTO Agreement on Government Procurement, the Government of Japan wishes to inform the Committee on Government Procurement of the following change in its regulations concerning the government procurement.²

**NOTIFICATION OF THE PARTIAL REVISION OF THE "BASIC POLICY FOR THE
PROMOTION OF PROCUREMENT OF ECO-FRIENDLY GOODS AND SERVICES"
UNDER THE "LAW CONCERNING THE PROMOTION OF PROCUREMENT
OF ECO-FRIENDLY GOODS AND SERVICES BY THE STATE
AND OTHER ENTITIES"**

1. Agency responsible:
Ministry of the Environment
2. Description of the partial revision of the Basic Policy:

The original "Basic Policy for the Promotion of Procurement of Eco-Friendly Goods and Services" based on the "Law Concerning the Promotion of Procurement of Eco-Friendly Goods and Services by the State and Other Entities" (hereinafter referred to as Basic Policy) was adopted by a cabinet decision in February 2001 (GPA/W/131) and partially revised in February 2002 and

¹ Article XXIV:5(b) reads as follows: *National Legislation* "(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."

² Previous notifications of Japan's implementing legislation were made in GPA/37, dated 20 June 2000 and GPA/67, dated 15 April 2002.

February 2003). The revision of the Basic Policy, including the addition of 23 designated procurement items, was adopted by a cabinet decision in March 2004. (The summary of the revision is attached hereto. The Japanese text of the revised Basic Policy is available on the Ministry of the Environment website as follows: <http://www.env.go.jp/policy/hozen/green/g-law/index.html>.)

3. Starting date of procurement based on the revised Basic Policy:

1 April 2004

4. Enquiry point:

Environment and Economy Division, Integrated Environmental Policy Bureau,
Ministry of the Environment
Telephone: +(81 3) 5521-8229; Fax: +(81 3) 3580-9568

APPENDIX

DESIGNATED PROCUREMENT ITEMS AND EVALUATION CRITERIA, ETC.

(SUMMARY)

Category	Designated Procurement Items (Cabinet decision on 28 February 2003)	Addition of Designated Procurement Items, etc. (Cabinet decision on 16 March 2004)	
		* denotes revisions beside additional items	Evaluation criteria for additional items, etc.
Paper	9 items, including computer paper (copier paper, diazotype paper, optical character reader's paper), printing paper, and hygienic paper (toilet paper and tissue paper).	—	—
Stationery	72 items, including mechanical pencils, ball-point pens, scissors, glue, files, binders, desk mats, albums, binding strings, blackboard erasers, and can and bottle squashing devices.	3 items including dust blowers.	Global warming coefficient, etc.
		* Vegetable based plastics added as criteria for clear holders, and OHP film for inkjet printers.	—
Office furniture	10 items, including chairs, desks, shelves, coat hangers, umbrella stands, and blackboards.	* Re-evaluation of packaging material reuse etc. added as factors for consideration.	—
Office automation machines	11 items, including copiers, computers, printers, facsimiles, and computer monitors.	Digital stencil duplicator	Energy efficiency
		* Re-evaluation of packaging material reuse etc. added as Factors for Consideration. * The establishment of future standards added to Note for copiers.	—

Category	Designated Procurement Items (Cabinet decision on 28 February 2003)	Addition of Designated Procurement Items, etc. (Cabinet decision on 16 March 2004)	
		* denotes revisions beside additional items	Evaluation criteria for additional items, etc.
Home electronic appliances	5 items, including refrigerators, air conditioners, televisions, and VCRs.	Electric toilet seats	Energy efficiency
		* Criteria for non-furon refrigerators. * Re-evaluation of packaging material reuse etc. added as Factors for Consideration.	—
Air conditioners, etc.	Air conditioners, gas heat pump air conditioners.	Space heaters	Energy efficiency.
		* Re-evaluation of packaging material reuse etc. added as Factors for Consideration.	—
Water heaters, etc.	—	Electric hot water supply system, gas water heaters, oil water heaters, gas cooking appliances.	Energy efficiency.
Lighting	Fluorescent lighting equipment and fluorescent light bulbs.	* Re-evaluation of packaging material reuse etc. added as Factors for Consideration. * The establishment of future standards added to Note.	—
Vehicles, etc.	Vehicles (natural gas vehicles, hybrid vehicles, etc.) Receivers/transmitters for Electronic Toll Collection system, receivers for Vehicle Information Communication System.	* Adjustment made to energy conservation law regarding fuel efficiency criteria for LP gas vehicles.	—

Category	Designated Procurement Items (Cabinet decision on 28 February 2003)	Addition of Designated Procurement Items, etc. (Cabinet decision on 16 March 2004)	
		* denotes revisions beside additional items	Evaluation criteria for additional items, etc.
Uniforms and work clothes	Uniforms and work clothes.	—	—
Interior fixtures and bedding	Carpets, curtains, blankets, comforters, bed frames, and mattresses.	* Re-evaluation of packaging material reuse etc. added as Factors for Consideration for bed frames.	—
		* Mattresses for medical and nursing services added to mattresses.	Ratio of recycled material content, use of unused fibre, etc.
Other fibre products	Tents, tarps, and safety nets.	—	—
Work gloves	Work gloves.	—	—
Facilities	Solar power generation systems, fuel cells, solar heating systems, composting equipments for kitchen garbage.	—	—

Category	Designated Procurement Items (Cabinet decision on 28 February 2003)	Addition of Designated Procurement Items, etc. (Cabinet decision on 16 March 2004)	
		* denotes revisions beside additional items	Evaluation criteria for additional items, etc.
Public-works projects	1. Materials (31 items, including reconstituted wood boards, tiles, blended cement, recycled aggregate, base-coating paint, permeable concrete, insulated windows/doors, automatic faucets, automatically controlled lighting systems, and fertilizers using sewer sludge). 2. Construction machines (low emission machines, low-noise machines). 3. Construction methods (5 methods, including recycling treatment of construction sludge, and recycling treatment of concrete masses). 4. Others (greening of rooftops, porous pavement, and permeable pavement).	11 items added to materials category (1), including steel slug for ground improvement, eco-cement, pavement block using recycled material (burnt), lumber, glued laminated timber, transformer, etc.	Ratio of recycled material content, use of lumber from thinning, energy efficiency, etc.
		* Non-furon criteria added to thermal insulating material included in materials category (1).	—
		Method for effectively using low quality soil added to construction methods category (3).	Use within the site where the low quality soil is produced.
Services	Energy conservation diagnosis, cafeteria, printing, recycling of automobile tires.	Automobile repair.	Use of recycled material.

WORLD TRADE ORGANIZATION

GPA/27/Add.1
20 August 2003

(03-4324)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Hong Kong, China

Addendum

The following communication, dated 5 August 2003, has been received from the Hong Kong Economic and Trade Office in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

In the communication to the WTO Secretariat circulated as GPA/27, dated 7 April 1999, Hong Kong, China submitted a copy of the basic regulations governing government procurement, namely the Stores and Procurement Regulations (SPR). The SPR has recently been updated, a copy of which has been sent to the WTO Secretariat.¹

¹ A copy of this updated regulation can be consulted in the WTO Secretariat (Office 3062).

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Iceland

The following communication has been received from the Permanent Mission of Iceland in accordance with the Committee Decision of 4 June 1996, relating to the procedures for the notification of national implementing legislation (GPA/1/Add.1).

**SUBMISSION OF LEGISLATIVE TEXTS AND DESCRIPTION OF
GPA IMPLEMENTATION**

The Ministry of Finance hereby respectfully submits a notification to the WTO Committee on Government Procurement, on the implementation of the Agreement on Government Procurement (GPA) into Icelandic national legislation. The Ministry of Finance regrets the delay incurred in submitting the notification.

This notification refers to the checklist of issues provided in GPA/1/Add.1 (Procedures for the Notification of National Implementing Legislation).

I. GENERAL ELEMENTS

1. Has the Agreement been transposed into national law and/or does it apply directly?

On 31 May 2001, a new Act on Public Procurement was passed by the Icelandic Parliament, Act No. 94/2001. This Act had been under preparation for some time. The purpose of the Act is, *inter alia*, to ensure equal treatment of bidders on public procurement and to encourage active competition and efficiency in public operations. With this new and comprehensive Act on Public Procurement, No. 94/2001, the EU/EEA directives on public procurement were fully implemented into the national legislation. Before that they were published as special regulations based on the general laws on the acceptance of the EEA agreement. Furthermore, in Act No. 94/2001 the WTO Agreement on Government Procurement (GPA) was transposed into the national legislation.¹

Below is the following list of national legal instruments in force today in the field of public procurement:

1. Act No. 94/2001, on Public Procurement. *Lög um opinber innkaup nr. 94/2001.*

¹ The complete texts of the basic legislation (laws and regulations) on government procurement, including an English translation of Act No. 94/2001 can be consulted in the WTO Secretariat (Office 3062).

2. Regulation No. 513/2001, on threshold figures regarding public procurement in the EEA and in accordance with the WTO Government Procurement Agreement. *Reglugerð nr. 513 um viðmiðunarfjárhæðir vegna opinberra innkaupa á Evrópska efnahagssvæðinu og samkvæmt samningi Alþjóðaviðskiptastofnunarinnar (WTO) um opinber innkaup.*
3. Regulation No. 705/2001, on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors. *Reglugerð nr. 705/2001 um innkaup stofnana sem annast vatnsveitu, orkuveitu, flutninga og fjarskipti.*
4. The Public Projects Procedures Act, No. 84/2001. *Lög um skipan opinberra framkvæmda nr. 84/2001.*
5. Regulation on Public Projects Procedures, No. 715/2001. *Reglugerð um skipulag opinberra framkvæmda nr. 715/2001.*
6. Act No. 65/1993, on the execution of tenders. *Lög um framkvæmd útboda nr. 65/1993.*
7. Parliamentary resolution on membership to the WTO Government Procurement Agreement. *Pingsályktun um aðild að samningi um opinber innkaup (Pskj. 871- 565.mál).*

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

The entities covered by Annex 1 and Annex 2 in Iceland's offer, that is central and municipality level, are covered by Act No. 94/2001. By definition all central entities that are covered by Act No. 94/2001 are also covered by the GPA.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

The rules on public procurement for entities covered by Annex 3 are stipulated in Regulation No. 705/2001, on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors, that is based on Act No. 94/2001. The Agreement has been implemented in this regulation.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

In regard to implementing the Agreement into laws at the municipality and the central level there are no differences. As stated above, Annex 3 is implemented with Regulation No. 705/2001, with reference to Article 6(2) of Act No. 94/2001.

5. *To what extent is information technology used in the process of government procurement?*

According to Article 48 of Act No. 94/2001, a contracting authority may decide that tenders may be submitted in other than written form, if it can be ensured that unauthorised parties do not learn of the contents of the tender and if its reception and reception time can be verified. A purchaser may receive and respond to queries by tenderers as referred to in Article 41 by means other than written, for example, by fax, e-mail, telegram or other equally secure manner. Reference can also be made to Article 18 of Regulation No. 705/2001.

I. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

According to Article 8 in Act No. 94/2001, holders of rights according to the Act are all individuals and legal entities domiciled in any of the Member States in the EEA. The same applies to other individuals and legal entities that have such rights on the basis of international treaties to which the Icelandic Government is a party. Titles 2 and 3 of the Act reflect the national treatment and non-discrimination commitments of Article III of the Agreement. It should also be mentioned that Article 11 of the Act stipulates the fundamental rule that in the case of public procurement, contracting authorities shall ensure equal treatment of bidders.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

Act No. 94/2001 does not provide for this opportunity. Article 59 of the Act (notification of total procurement) states that contracting authorities shall publish, as early as possible during each financial year, an estimate of total procurement of supplies, services or work, as listed in Annex A, for the ensuing 12 months, if the total amount of procurement reaches the threshold amounts for total procurement published by the Minister in a regulation as provided for in the first Paragraph of Article 56. Further reference is made to Articles 64 and 65 of the Act regarding time-limits. However, Regulation No. 705/2001 provides for this opportunity. Reference is made to Article 12 of Regulation No. 705/2001 which deals with the notification of total procurement.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

This opportunity is provided for in Regulation No. 705/2001. However, Act No. 94/2001 does not provide for this opportunity.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

According to Act No. 94/2001, entities are not allowed to use permanent lists of suppliers. According to Article 18 of Act No. 94/2001, in all other instances than those provided for by Articles 19 (negotiated procedure with prior publication of a contract notice) and 20 (negotiated procedure without prior publication of a contract notice), the open procedure or the restricted procedure shall be applied. A pre-qualification process shall always be applied prior to the restricted procedure. A pre-qualification process is subject to the rules on open procedure as applicable. According to Article 34 of the Act in restricted and negotiated procedures, pre-qualification shall be applied to select those parties invited to submit tenders. In the case of restricted procedures, or negotiated procedures as provided for in Article 19, pre-qualification shall be advertised in a conspicuous manner with the intention of providing all parties who can provide the supply, service or work in question, the opportunity of participating in the pre-qualification. In the case of restricted procedures, the number of participants selected to be invited to tender may be limited. As a rule, participants shall not be fewer than five or more than 20 in number. The number of participants selected must, in all cases, be sufficient to ensure genuine competition in the procedure. If the number of participants to be selected in pre-qualification is to be limited, mention must be made of such in the tender documents. In the case of negotiated procedures as provided for in Article 19, the number of participants to be selected in pre-qualification to submit tenders shall not be fewer than

three, as long as the number of participants is sufficient. In restricted or negotiated procedures, the parties selected for participation by a pre-qualification shall be invited to submit a tender in a notification sent to all of them concurrently. The notification shall be accompanied by tender documents and accompanying documentation, where applicable.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

Article 19 of the Act deals with negotiated procedure with prior publication of a contract notice. Article 20 of the Act deals with negotiated procedure without prior publication of a contract notice. Article 21 of the Act deals with negotiated procedure in a design contest. Article 22 of the Act deals with framework agreements. Further reference is made to these articles.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

Articles 64 and 65 of the Act contain the time-limits for tendering and delivery. These provisions reflect the various minimum time-limits established in the relevant EU/EEA Public Procurement Directives, as well as the time-limits set out in the Agreement (GPA). Further reference is made to Articles 64 and 65 of the enclosed Act.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

According to Article 23 of the Act, the following shall be included in tender documents, as applicable: 1. Language or languages in which the tenders shall be submitted. Usually the tenders are submitted in Icelandic but in English when dealing with larger procurements, e.g. within the EEA.

II. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Articles 75-82 of the Act concern the Tender Complaints Committee. The role of the Tender Complaints Committee is to resolve promptly and impartially complaints by individuals and legal entities concerning claimed violations of this Act and rules adopted pursuant to it. The Committee shall work independently. Its rulings and decisions as provided for in this Act may not be referred to other public authorities, cf. Article 75. The challenge procedure is laid down in Articles 76-81 of the Act. Finally, Article 82 of the Act states that the Tender Complaints Committee may adopt detailed rules, which must be approved by the Minister of Finance, on the submission of documents, procedures before the Committee and publication of its rulings.²

² A copy of these rules can also be consulted in the WTO Secretariat (Office 3062).

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

Article 78 of the Act deals with time-limit for lodging a complaint. According to Article 78(1), a complaint must be lodged in writing with the Tender Complaints Committee within four weeks of the complainant having learned, or having been able to learn, of the decision, action or failure to act which he considers a violation of his rights.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Tender Complaints Committee is responsible for the challenge procedure. As stipulated in Article 75(1) of the Act, the Tender Complaints Committee shall be comprised of three persons appointed by the Minister of Finance for a four-year term. Alternates shall be appointed in the same manner. The chairman of the Committee and alternate must fulfil the legal requirements made of district court judges. Other members of the Committee must have comprehensive commercial knowledge and experience. Committee members must be independent of interests of the state or other public authorities. As stated previously, the Committee shall work independently. Its rulings and decisions as provided for in this Act may not be referred to other public authorities. However, the Committees decisions are subject to judicial review in front of the national district courts (Héraðsdómur) and the Supreme court (Hæstiréttur).

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Tender Complaints Committee works in accordance with Act No. 94/2001 and examines complaints with reference to Act No. 94/2001 and subsequent secondary legislation on public procurement. Reference is made to the list of national legal instruments in force today in the field of public procurement. It should also be mentioned that it is stated in Article 79(5) of the Act that handling of questions (before the Committee) shall in other respects comply with the Public Administration Act, No. 37/1993.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*
- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

Article 80 of the Act authorises a temporary suspension of contract procedures. This is regarded as a rapid interim measure to preserve commercial opportunities. The Article stipulates that if the Committee is of the opinion that there is considerable likelihood of a violation against the Act, or rules adopted pursuant to it, in a certain procurement it may, at the demand of a complainant, suspend the tender or awarding of the contract until a final decision has been reached on the complaint. The party against whom the complaint is directed shall as a rule be given a brief time-limit for expressing an opinion concerning possible temporary suspension of the tender or awarding of a contract. Derogation may be made from this provision in the case of a clear and obvious violation of this Act or rules adopted pursuant to it. A party involved may demand that the Committee give written grounds for a decision as provided for in this Article if such grounds did not accompany the decision when notice of it was given.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

Article 81 of the Act deals with the remedies available to the Tender Complaints Committee. The Article states that the Committee may with a ruling invalidate or alter a decision by the contracting authority for public procurement, cf. however Article 83. The Committee may instruct the contracting authority to tender certain procurement, advertise a tender once again or alter a tender notice, description of tender or other aspect of tender documents. The Committee may express its opinion on the liability of the contracting authority for damages towards the complainant, but shall not express itself concerning the amount of damages. The Committee may decide that the party against whom a complaint is directed shall pay the complainant the cost of lodging the complaint. If a complaint is clearly unjustified or lodged for the purpose of delaying the implementation of public procurement the Committee may rule that the complainant pay legal costs of the case, which shall accrue to the national treasury. If a ruling of the Committee as provided for in the first paragraph is not complied with, it may levy per diem fines on the party at which the ruling is directed. Fines may amount to up to ISK 500,000 for each day which elapses without compliance with the Committee's ruling. If a ruling is referred to a court the per diem fines shall not commence until final judgement is pronounced. Per diem fines as provided for in the fourth paragraph shall accrue to the national treasury. Per diem fines and a ruling on legal costs, as provided for in the third paragraph, are enforceable by execution without prior court judgement. Article 84 of the Act furthermore stipulates liability for damages.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The time-periods for the stages of the challenge procedure are laid down in Articles 78-81 of the Act. As stated previously, Article 78(1) stipulates that a complaint must be lodged in writing with the Tender Complaints Committee within four weeks of the complainant having learned, or having been able to learn, of the decision, action or failure to act which he considers a violation of his rights. Article 79(1) states that the complainant shall as a rule be given a brief time-limit in which to express himself on the comments from the respondent. Article 79(4) states that the Complaints Committee must deliver its ruling on a complaint as rapidly as possible, and no later than one month after it receives the documents referred to in Articles 78 and 79.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

It is free of charge to conduct a challenge procedure. However, it is stated in Article 81 of the Act that the Committee may decide that the party against whom a complaint is directed shall pay the complainant the cost of lodging the complaint. If a complaint is clearly unjustified or lodged for the purpose of delaying the implementation of public procurement the Committee may rule that the complainant pay legal costs of the case, which shall accrue to the national treasury.

NOTIFICATION OF NATIONAL LEGISLATION OF JAPAN

Communication from Japan

The following communication has been received from the Permanent Mission of Japan with the request that it be circulated to the Committee on Government Procurement.

Pursuant to Article XXIV, paragraph 5 (b) of the WTO Agreement on Government Procurement, the Government of Japan wishes to inform the Committee on Government Procurement of the following change in its regulations concerning the government procurement.

Notification of the partial revision of the Basic Policy for the Promotion of Procurement of Eco-Friendly Goods and Services under the Law Concerning the Promotion of Procurement of Eco-Friendly Goods and Services by the State and Other Entities.

1. Agency responsible:

Ministry of the Environment

2. Description of the partial revision of the Basic Policy:

The original Basic Policy for the Promotion of Procurement of Eco-Friendly Goods and Services based on the Law Concerning the Promotion of Procurement of Eco-Friendly Goods and Services by the State and Other Entities was adopted by the cabinet decision in February 2001 (cf. GPA/W/131). The revision of the Basic Policy including addition of 50 designated procurement items was adopted by the cabinet decision in February 2002. (The summary of the revision is attached hereto. The Japanese text of the revised Basic Policy is available at the web site of the Ministry of the Environment (<http://www.env.go.jp/policy/hozen/green/g-low/index.html>.)

3. Starting date of procurement based on the revised Basic Policy:

1 April 2002

4. Inquiry point:

Environment and Economy Division, Integrated Environmental Policy Bureau, Ministry of the Environment

Telephone: +(81 3) 5521-8229 Fax: +(81 3) 3580-9568

Appendix

Designated Procurement Items and Evaluation Criteria, etc.

(Summary)

Category	Designated Procurement Items (Cabinet decision on February 2, 2001)	Addition of Designate Procurement Items, etc. (Cabinet decision on February 15, 2002) * shows the revision beside the addition of items	Evaluation Criteria Underlined parts show the new evaluation criteria concerning the additional items and other revisions
Paper	Computer paper, printing paper, hygienic paper (toilet paper)	5 items including diazotype paper, optical character reader's paper, tissue paper	Recycled paper content, bleaching, etc.
Purchased printed material	Purchased printed material	* Move to the category of Services	
Stationery	49 items, including mechanical pencils, ball-point pens, scissors, glue, files and binders.	18 items, including desk-mats, albums, binding strings, blackboard erasers, squashing devices of cans/bottles * Delete cases with slide fastener	Use of recycled materials (e.g. recycled plastic, thinning wood), etc.
Office furniture	8 items, including chairs, desks, shelves, and blackboards	Coat hangers, umbrella stands	
Office automation machines	7 items, including copiers, computers, printers, and facsimiles	Computer monitors * Partly revise the standard of copiers	Energy consumption efficiency, etc.
Home electronic appliances	6 items, including refrigerators, air conditioners, televisions, and VTRs		
Lighting	Fluorescent lighting equipment and fluorescent light bulbs		

Vehicles, etc.	Vehicles (natural gas vehicles, hybrid vehicles, etc.)	Receivers/transmitters for Electronic Toll Collection system, receivers for Vehicle Information Communication System * Add the standard of LPG vehicles of low emission and high energy efficiency	Exhaust emission, fuel efficiency, etc.
Uniforms and work clothes	Uniforms and work clothes		Use of polyester made from recycled materials from PET bottles, etc.
Interior fixtures and bedding	Carpets, curtains, blankets	Comforts, bed frames, mattresses	
Work gloves	Work gloves		
Facilities	Solar power generation systems, fuel cells, solar heating systems	Composting equipments from kitchen garbage	Use of solar energy, <u>reduction of volume and weight of garbage, etc.</u>
Public-works projects	Public-works projects: 1. Recycled materials (e.g. reconstituted wood boards, tiles, and blended cement), etc. 2. Construction machines (low emission machines, low-noise machines)	Recycled aggregate, undercoating paint, concrete with permeability, heat insulating windows/doors, automatic faucets, automatically controlled lighting systems, fertilizers using sewer sludge, etc. (for 1. Recycled materials)	Recycled material content, emission, noise, etc.
Services	Energy conservation diagnosis	Cafeteria, Printing, Recycling of automobile tires	Qualification of service provider, content of diagnosis, <u>Recycling of garbage(com-posting, etc.) recycled paper contents, recycling of automobile tires, etc.</u>

WORLD TRADE ORGANIZATION

GPA/46
19 December 2000

(00-5530)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Liechtenstein

The following communication has been received from the Permanent Mission of the Principality of Liechtenstein in accordance with the Committee Decision of 4 June 1996, relating to the procedures for the notification of national implementing legislation (GPA/1/Add.1).

1. Summary of Liechtenstein's Legislation on Public Procurement

Liechtenstein's international obligations in the area of public procurement have been implemented in its national legislation by the following acts:

- Law on Public Procurement: Gesetz über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Gesetz über das öffentliche Auftragswesen, ÖAWG), LGBl.¹ 1998 No. 135, LR² 172.051.
- Regulation on Public Procurement: Verordnung über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Verordnung über das öffentliche Beschaffungswesen, ÖAWV), LGBl. 1998 No. 189³, LR 172.051.1.

Both law and regulation entered into force on 1 January 1999.

These provisions not only implement the WTO Agreement on Government Procurement (GPA)⁴ but also the relevant directives of the European Economic Area (EEA). To a large extent, GPA rules coincide with those of the EEA.

The Law and Regulation cover procurements above and below thresholds. In the GPA context, the procurement rules apply to procurements above the thresholds. The thresholds currently amount to:

Annex 1

Goods	Sw F 248,950
Services	Sw F 248,950
Construction	Sw F 9,575,000

Annex 2

Goods	Sw F 383,000
Services	Sw F 383,000
Construction	Sw F 9,575,000

Annex 3

Goods	Sw F 766,000
Services	Sw F 766,000
Construction	Sw F 9,575,000

The thresholds have to be published according to Article 4 of the Law on Public Procurement:

- Publication of the thresholds: Kundmachung vom 10. Oktober 2000 der Schwellenwerte nach dem Abkommen über den Europäischen Wirtschaftsraum (EWRA) sowie nach dem Übereinkommen über das öffentliche Beschaffungswesen (WTO-Übereinkommen), LGBl. 2000 No. 196⁵, LR 172.051.11.

¹ Liechtenstein Law Gazette, copy available for consultation in the WTO Secretariat.

² Systematic collection of the Liechtenstein legislation.

³ Copy available for consultation in the WTO Secretariat.

⁴ The GPA entered into force for Liechtenstein on 18 September 1997. See also the publication of the Agreement in LGBl. 1998 No. 8, copy available for consultation in the WTO Secretariat.

⁵ Copy available for consultation in the WTO Secretariat.

The Law on Public Procurement (ÖAWG) guarantees non-discriminatory access to public procurement markets in Liechtenstein for Liechtenstein suppliers and suppliers established in a contracting party to the GPA or other countries as far as they grant reciprocity and in accordance with applicable international obligations (i.e. GPA, EEA or special agreements between Liechtenstein and another country). See also the answer to question 6 of the checklist.

The following procedures are foreseen:

- *Open procedure*: all interested suppliers may submit a tender.
- *Restricted procedure*: upon public invitation, all interested suppliers may submit an application for participation. Participation is limited to a certain number of selected suppliers (at least five, but not more than twenty) which are invited to submit a tender.
- *Negotiated procedure*: at least three interested suppliers (if possible) are invited for negotiations on a contract. Effective competition has to be granted among the invited suppliers.

Procurements above the thresholds have to be published and procured in an open or restricted procedure. A negotiated procedure is permissible in particular situations (see the answer to question 10 of the checklist).

The award is given to the economically most advantageous offer, specified by objective criteria which must already be included in the publication or in the tender documentation. To measure the value of an offer, criteria such as delivery dates, quality, price, efficiency, overhead expenses, service to clients or environmental impact can be considered.

The possibility to challenge a procurement is given. A tenderer whose offer has been rejected may claim damages, if the rejection was inconsistent with the regulations.

The Regulation on Public Procurement (ÖAWV) regulates details of the provisions contained in the corresponding law, such as valuation of contracts, procurement procedures (publication, technical specifications, types of procedures time-limits), award of contracts and provisions on information and statistical reporting.

2. Other Regulations Related to Government Procurement

None.

3. Contact Point

Amt für Auswärtige Angelegenheiten
Heiligkreuz 14
9490 Vaduz
Principality of Liechtenstein

4. Responses to Checklist of Issues

I. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

Liechtenstein follows the monistic theory with respect to the relation of national and international law. The Agreement was, however, implemented through a Law on Public Procurement, a Regulation on Public Procurement and the Publication of the thresholds.⁶ The national implementing legislation aimed at establishing a single, transparent and user-friendly procurement regime in accordance with all international obligations of Liechtenstein in this area.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

No. The above-mentioned provisions cover state level and sub-central levels, i.e. local entities.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

The national legislation mentioned in the answer to question 1 also applies to Annex 3 entities.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The implementing legislation is the same for state and local levels and covers also Annex 3 entities.

5. *To what extent is information technology used in the process of government procurement?*

Every contract above the relevant thresholds has to be published in the database Tenders Electronic Daily (TED) according to the EEA Agreement. Besides that, information technology is not much used yet.

⁶ Gesetz über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Gesetz über das öffentliche Auftragswesen, ÖAWG), LGBl. (Liechtenstein Law Gazette) 1998 No. 135.

Verordnung über die Vergabe öffentlicher Bau-, Liefer- und Dienstleistungsaufträge (Verordnung über das öffentliche Beschaffungswesen, ÖAWV). LGBl. 1998 No. 189.

Kundmachung vom 10. Oktober 2000 der Schwellenwerte nach dem Abkommen über den Europäischen Wirtschaftsraum (EWRA) sowie nach dem Übereinkommen über das öffentliche Beschaffungswesen (WTO-Übereinkommen), LGBl. 2000 No. 196 (most recent publication).

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

Article 3 of the Law on Public Procurement (ÖAWG):

The Article says that if according to the international law reciprocity is granted, national and foreign suppliers are to be treated equally. Cases in which an international obligation for equal treatment exists without reciprocity shall remain reserved.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

For public procurement above thresholds, tender notices have to be published. According to Article 14 of the Law, such a notice shall contain in particular the following information:

- name and address of the procuring entity;
- subject-matter of the contract;
- address and time-limits for the submission of tenders;
- type of procedure;
- address(es) where documents relating to the contracts may be requested;
- if the contract falls under the WTO GPA Agreement.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Pre-information notices are published in addition to invitation to tender notices. Pre-information notices are not binding, but for information purposes only (Article 14 of the Regulation). In works contracts, contracting entities publish indicative notices containing the essential characteristics of the works contracts they intend to award. In services and supplies contracts, contracting entities shall make known through indicative notices to be published as soon as possible after the beginning of the budgetary year, the intended total procurement during the next 12 months.

According to Article 16 of the Law/Article 17 of the Regulation, different forms for a call for competition are possible in the sectors (water, energy, transport and telecommunication): a notice stating the intention to award a particular contract, a pre-information notice or a notice on the existence of a qualification system. Details with regard to the establishment of a qualification system are regulated in Article 38 of the Regulation.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the sectors, contracting entities may establish and operate a system of qualification of suppliers, contractors and service providers (Article 43 of the Law, Article 38 of the Regulation). Suppliers, contractors and service providers must at any time have the possibility to ask for an inclusion

in such a list. The system operates on the basis of objective criteria and rules. Updating of the rules is possible. Refusal of qualification or bringing the qualification to an end must be reasoned and applicants or service providers have to be notified. If the list is not limited to a period of three years, the list and conditions to be fulfilled and the methods of verification of those conditions have to be published annually. At present, no entity in the utilities sector has established a qualification system.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

According to Article 22, paragraph 2 of the Law, entities may use the negotiated procedure, but only in particular situations. These situations are specified in Article 23 and especially Article 24, paragraphs 2 and 3 of the Regulation:

With prior publication of a contract notice:

- in case of irregular tenders or tenders which are unacceptable under Liechtenstein law in response to an open or restricted procedure;
- in exceptional cases, when the nature of the works/services or the risks attaching thereto do not permit overall pricing;
- when the works involved are carried out for the purpose of research, experiment and development;
- when the nature of services to be procured is such that contract specifications cannot be established with sufficient precision to permit the award of the contract by using open or restricted procedures.

Without prior publication of a contract notice:

- in the absence of tenders or suitable tenders in response to an open or restricted procedure insofar as the original terms for the contract are not substantially altered;
- when for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, there is only one supplier or contractor;
- when it is strictly necessary for reasons of extreme urgency brought about by unforeseeable events;
- for new works/services consisting of the repetition of similar works/services entrusted to the contractor/service provider to which the same contracting authorities awarded an earlier contract, under certain conditions;
- for additional works/services (up to a limit of 50 per cent of the amount of the main contract) becoming necessary for the carrying out of the work/for the performance of the service through unforeseen circumstances, if the non-separation is justified by technical or economic reasons;
- when the products involved are manufactured for the purpose of research, experiment, study and development;
- for additional deliveries by the original supplier, justified by the risk of technical incompatibility of disproportionate technical difficulties;

- when the contract follows a design contest and must be awarded to the successful candidate or one of the successful candidates.

In the sectors, entities have free choice between open, restricted and negotiated procedures (see Article 22, paragraph 4 of the Law).

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Liechtenstein legislation has established time-limits as set out in the EEA and GPA Agreements (see Articles 30 et seq. of the Regulation):

In open procedures, the time-limit for receipt of tenders shall not be less than 52 days from the date of dispatch of the notice. This time-limit may be reduced to 36 days if a pre-information notice according to Article 14 of the Regulation has been published (only for works and services).

In restricted procedures and negotiated procedures, the time-limit for receipt of requests to participate shall not be less than 37 days from the date of dispatch of the notice. The time-limit for receipt of tenders may not be less than 40 days from the date of dispatch of the written invitation. This time-limit may be reduced to 26 days if a pre-information notice (indicative notice to make known the contracts they intend to award, according to Article 14 of the Regulation) has been published. In case of justified urgency, those time-limits may be reduced to not less than 15 days for the receipt of request, and not less than 10 days for the receipt of tenders.

In the sectors, the time-limits for open procedures are the same as indicated above. In restricted and negotiated procedures, the time-limit for receipt of requests to participate shall be, as a general rule, not less than 37 days from the date of dispatch of the notice, but in no case less than 22 days. The time-limit for receipt of tenders may be fixed by mutual agreement between the contracting entity and the selected candidates. If such an agreement is not reached, the time-limit shall be, as a general rule, 22 days, but under no circumstances less than 10 days from the date of the invitation to tender.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

The legislation does not exclude that tenders may be submitted in another language other than German. It is up to the entities to define which other languages are accepted (see Article 15, paragraph 2 lit. i of the Law). In practice, such other languages might be English or French.

III. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Any supplier who participates in a particular public procurement procedure may complain about alleged breaches of the rules.

After the award of the contract, the entity has to inform the winning tenderer and the unsuccessful tenderers within 14 days (Article 41 of the Regulation) by an award note (Vergabevermerk, see Article 46 of the Law). This note has to contain the following information:

- the name of the contracting entity;

- the award of the contract;
- the value of the winning award;
- the type of procedure;
- a short reasoning for the award, if necessary;
- the procedure for the service of an award order (Vergabeverfügung).

Unsuccessful tenderers may request an award order. Such a request has to be made not later than 10 days after the service of the award note (Article 47 of the Law).

According to Article 53 of the Law, complaints against decisions or orders of contracting entities may be lodged with the Government within 14 days from the service. If the awarding entity is the Government, the complaint has to be lodged with the Administrative Tribunal (Verwaltungsbeschwerdeinstanz).

Only negative damages (*damnum emergens*) may be claimed.

Article 55 of the Law sets out the necessary contents of the petition of appeal, such as the name of the contracting entity, the procedure in question and the decision which is the subject of appeal, a statement of the facts of the case including the interest of the appellant in the conclusion of the contract, information on the alleged incurred or imminent damage and the reasons for the alleged unlawfulness.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

According to Article 53 of the Law it is 14 days.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

If the awarding entity is not the Government itself, the first appellate instance is the Government.

A decision by the Government is subject to appeal before the Administrative Tribunal (Verwaltungsbeschwerdeinstanz). The Administrative Tribunal is a court which consists of a chairperson, a vice-chairperson and four appeal judges and their substitutes elected by the Parliament. The chairperson is to be appointed by the Prince on the proposal of the Parliament.

- *How are its members selected?*

See above.

- *Are its decisions subject to judicial review?*

Decisions of the Government are subject to appeal before the Administrative Tribunal. Its decisions are final. Complaints against alleged breaches of rights accorded by the constitution are to be lodged with the State Tribunal (Staatsgerichtshof).

- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

Not applicable.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

It is the Law and Regulation on Public Procurement, interpreted in the light of applicable international law, and the general procedural provisions contained in the Administrative Procedure Act (Gesetz über die allgemeine Landesverwaltungspflege (die Verwaltungsbehörden und ihre Hilfsorgane, das Verfahren in Verwaltungssachen, das Verwaltungszwangs- und Verwaltungsstrafverfahren), LVG, LGBl. 1922 No. 24, LR 172.020).

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

According to Articles 58 and 59 of the Law, a supplier who has the right to appeal may apply for provisional measures which include the possibility to ask for a suspension of the procurement process. An interim injunction may lead to the suspension of the procurement process if the interest of the appellant outweighs the public interest in the procurement being executed without delay.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The Government or the Administrative Tribunal may nullify decisions or orders of contracting entities which are found to be contrary to the applicable legislation (see Article 60 of the Law). They can also instruct the concerned entity to eliminate certain discriminatory conditions.

Compensation for loss and damages suffered may be claimed (Article 61 of the Law). Only expenses related to the procurement and challenge procedures are covered.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Information on time-periods for the stages of the challenge process are difficult to obtain. There are no fixed time-limits for the different stages of the process.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

In proceedings before the Government, the costs depend on the complexity of the case according to which the fee may be fixed between Sw F 150 and 300.

In proceedings before the Administrative Tribunal, the costs depend on the value in dispute (court fees and lawyer's tariff).

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Singapore

Addendum

The following communication, received from the Permanent Mission of the Republic of Singapore, should be included in document GPA/39 as part of the Attachment.

Friday, 17 October 1997
No. 3676 -

**ENTRY INTO FORCE FOR SINGAPORE OF THE 1994 AGREEMENT
ON GOVERNMENT PROCUREMENT**

WHEREAS the Government of the Republic of Singapore has, on 20 September 1997, acceded to the Agreement on Government Procurement done at Marrakesh on 15 April 1994 ("the Agreement"), by depositing an instrument of accession with the Director-General of the World Trade Organization pursuant to paragraph 2 of Article XXIV of the Agreement.

AND WHEREAS the said paragraph 2 of Article XXIV provides that the Agreement shall enter into force for an acceding government on the 30th day following the date of accession to the Agreement.

AND WHEREAS paragraph 2 of Article XX of the Agreement requires Parties to the Agreement to provide procedures enabling suppliers to challenge alleged breaches of the Agreement.

AND WHEREAS paragraph 3 of the said Article XX requires such challenge procedures to be provided in writing and be made generally available.

IT IS HEREBY NOTIFIED for general information that:

- (1) The Agreement on Government Procurement will come into force for the Government of the Republic of Singapore on 20 October 1997.
- (2) The Government has provided a set of challenge procedures pursuant to its obligations under paragraph 2 of Article XX of the Agreement.
- (3) The Government is making copies of the said challenge procedures generally available to any person who submits a written request, accompanied by a stamped self-addressed envelope, for the same to the:

./.

Expenditure and Procurement Policies Unit
Ministry of Finance (Budget Division)
The Treasury
100 High Street #10-01
Singapore 179434
Republic of Singapore

WORLD TRADE ORGANIZATION

GPA/39
22 August 2000

(00-3358)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Singapore

The following communication has been received from the Permanent Mission of the Republic of Singapore in accordance with the Committee Decision of 4 June 1996, relating to the procedures for the notification of national implementing legislation (GPA/1/Add.1).

1. Summary of Legislation

A. CENTRAL GOVERNMENT ENTITIES

A gazette dated 17 October 1997 gave notification that the WTO Agreement on Government Procurement came into force on 20 October 1997. Subsequently, the President of the Republic of Singapore gave assent to the Government Procurement Act 1997.

The Act sets out the Government Procurement Adjudication Tribunal for the purposes of hearing and determining challenges related to government procurement. The Tribunal consists of a Commissioner and a Deputy Commissioner, supported by a Registrar. The Commissioner, Deputy Commissioner and Registrar are appointed by the Minister for Finance.

The Tribunal is empowered to hear challenge proceedings from suppliers. The Act provides for lodgement of a Notice of Challenge, hearing of the challenge and the issue of a suspension order. The Tribunal shall issue its determination on a challenge within 45 days from the date of lodgement of the Notice of Challenge, unless there are exceptional circumstances justifying an extension of time.

The Act empowers the Tribunal to call witnesses, admit evidence and conduct proceedings. The Act also provides for the submission of information and the retention of documents.

B. SUB-CENTRAL ENTITIES

Singapore is a city-state and does not have any sub-central entities.

C. LEGISLATION ON GOVERNMENT PROCUREMENT

A copy of the Act is attached.

2. Contact Point

Requests and clarifications from another Party concerning Singapore's legislation shall be addressed to:

Ministry of Finance
Expenditure and Procurement Policies Unit
100, High Street 03-01
The Treasury
Singapore 179434

Tel: (65) 800-272-0118 (toll-free)

Fax: (65) 3328-509

3. Responses to Checklist of Issues

I. GENERAL ELEMENTS

1. Has the Agreement been transposed into national law and/or does it apply directly?

It has been transposed into national law; at the same time it also applies directly. In other words, the procedures for a bid challenge are specifically spelt out in legislation, whilst a copy of the GPA plus Singapore's offer has been circulated to all GPA-covered entities in Singapore for compliance. A copy of the legislation is attached.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Singapore does not have sub-central entities.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities follow the same procurement regime prescribed by the Ministry of Finance, Singapore.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

None. They all follow the same procurement regime.

5. *To what extent is information technology used in the process of government procurement?*

Tender notices and tender awards information can be found at <http://www.gebiz.gov.sg>.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached).

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached).

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached). In practice, however, as can be seen from the GeBIZ Internet website, open tenders are the norm.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

Singapore does not maintain a permanent list of suppliers from which contracting authorities choose from for selective tendering procedures. Contracting authorities who wish to adopt selective tendering procedures have to do so on a contract-by-contract basis.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

GPEs are discouraged from negotiations with tenderers, especially over price. Minor variations in tender specifications, mostly to take into account practical difficulties in implementing complex solutions, are allowed.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Agreement in its entirety applies to Singapore's procurement regime (see the notification attached).

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

Tenders are submitted in English (mandatory) and may or may not also be submitted in one of the other three official national languages (Malay, Tamil, and Chinese).

III. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Singapore's challenge procedures are found in the Government Procurement Act 1997 and in the accompanying Government Procurement (Challenge Proceedings) Regulations. The Government Procurement Adjudication Tribunal was established in accordance with the Act.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

The time-limit to launch a complaint is 15 days from the time the supplier knew or should have known of the basis of the protest.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*

- *Are its decisions subject to judicial review?*

- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Tribunal has the authority to decide how the hearing of a challenge is conducted and to decide how the case is disposed. It is an independent review body. The Commissioner and Deputy Commissioner of the Tribunal are appointed by the Minister for Finance, and the Registrar of the Tribunal is the Ministry of Finance.

If any of the contracting entities is not satisfied with a determination or order of the Tribunal, either party may challenge the decision of the Tribunal in Court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The applicable law is Singapore law.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

Pending the disposal of the challenge by the Tribunal, the complainant may apply to the Tribunal for a suspension order on the award of the contract. The Tribunal has 45 days from the date the Notice of Challenge is lodged to issue its determination.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the Tribunal determines that any part of the tender process did not comply with the provisions of the GPA, it may order the contracting authority to do one or more of the following:

- (a) set aside the decision or action taken;
 - (b) make a decision or action in accordance with appropriate procurement regulations in place of what had been set aside;
 - (c) amend the procurement document;
 - (d) pay the costs of participation in the qualification of suppliers or the costs of tender preparations.
- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

On receipt of a Notice of Challenge from any supplier, the Registrar will forward a copy of the Notice to the contracting entity concerned and arrange a hearing, giving 14 days notice of the hearing to the applicant and the contracting entity concerned.

At the same time, the supplier may, at any time after he has lodged a Notice of Challenge, apply to the Tribunal for a suspension order pending the disposal of the challenge.

The Tribunal shall issue its determination on a challenge within 45 days of the lodgement of the Notice of Challenge.

The Registrar must send certified copies of the determination or order to the applicant and the relevant contracting authority within seven days of making the determination or order.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The fee for bringing a challenge before the Tribunal is S\$500, payable to the Registrar. In addition to this, there is a refundable deposit of S\$5,000, which is released to the applicant upon completion of the proceedings.

ATTACHMENT

REPUBLIC OF SINGAPORE GOVERNMENT PROCUREMENT ACT

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Government Procurement Act and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

"Agreement on Government Procurement" means the Agreement by that name done at Marrakesh on 15th April 1994;

"award", in relation to a contract or tender, means to accept an offer made;

"challenge proceeding" means any proceeding under Part III;

"Commissioner" means the Commissioner appointed under section 8(2) and includes an acting Commissioner appointed under section 8(9);

"contracting authority" means a ministry or department of the Government, an organ of State or a statutory board declared, by order made under section 4(1), as a contracting authority for the purposes of this Act;

"Deputy Commissioner" means a Deputy Commissioner appointed under section 8(2);

"document" includes an electronic record;

"legal officer" has the same meaning as in the Government Proceedings Act (Cap.121);

"procurement" means procurement of goods or service or a combination of goods and service by any contractual means, such as purchase or lease, rental or hire purchase, with or without an option to buy the goods or service or combination of goods and service;

"procurement subject to the Act" means a procurement declared, by order made under section 4(2), to be a procurement subject to the Act;

"qualification of suppliers" means a process undertaken by a contracting authority to shortlist suppliers for a particular procurement, a particular type of procurement or procurement in general;

"relevant State" means a country or territory declared, by order made under section 3, as a relevant State for the purposes of this Act;

"relevant supplier" means a supplier —

- (a) who is a national of Singapore or a relevant State; or
- (b) which is a company or association or body of persons, corporate or unincorporate, which is formed under the laws of Singapore or a relevant State and has its principal place of business in Singapore or a relevant State;

"supplier" means a person who sought, or who seeks, or who would have wished, to be the person to whom a contract of procurement, being a procurement subject to the Act, is awarded;

"Tribunal" means the Government Procurement Adjudication Tribunal established under section 8.

Relevant State

3. The Minister may, from time to time, by order published in the *Gazette*, declare any country or territory as a relevant State for the purposes of this Act.

Application

4. (1) The Minister may, by order published in the *Gazette*, declare any ministry or department of the Government, organ of State or statutory board as a contracting authority for the purposes of this Act.

(2) The Minister may, by order published in the *Gazette*, declare a procurement to be subject to the Act.

(3) An order made under subsection (2) may identify the procurement by one or more of the following:

- (a) the means by which the procurement is undertaken;
- (b) the contracting authority undertaking the procurement;
- (c) the goods or service, or combination of goods and service, to be procured;
- (d) the value of the procurement.

(4) An order made under subsection (2) may specify —

- (a) the method by which the procurement is to be valued;
- (b) the circumstances under which the procurement is not a procurement subject to the Act;
- (c) the grounds on which the contracting authority may exclude a procurement, or an act or measure to be taken in relation to a procurement, from the application of all or any of the regulations made under section 6; and
- (d) the effect of an exclusion referred to in paragraph (c).

Certification by Minister

5. (1) The Minister may issue a certificate certifying that a particular procurement is not a procurement subject to the Act by virtue of section 4(4)(b).
- (2) The Minister may issue a certificate certifying that a ground referred to in section 4(4)(c) exists in relation to a particular procurement or an act or measure in relation to a particular procurement.
- (3) A certificate issued under subsection (1) or (2) shall be conclusive evidence of the matters so certified.

PART II

REGULATIONS GOVERNING PROCUREMENT

Power to make regulations

6. (1) The Minister may, for the purposes of implementing the Agreement on Government Procurement, make regulations to govern procurements subject to the Act.
- (2) Without prejudice to the generality of subsection (1), the regulations may prescribe —
- (a) the technical specifications for a procurement;
 - (b) the procedure for qualification of suppliers for a procurement;
 - (c) the procedure for the award of a procurement contract and the procedure following such award; and
 - (d) the provision of any information pertaining to a procurement.

Duty of contracting authority

7. (1) Subject to an order made under section 4(2), a contracting authority shall, in undertaking a procurement subject to the Act, comply with the regulations made under section 6.
- (2) The duty of a contracting authority referred to in subsection (1) is a duty owed to —
- (a) relevant suppliers; and
 - (b) such other supplier or class of suppliers as the Minister may, by order published in the *Gazette*, declare.
- (3) A breach of a duty referred to in subsection (1) shall not be the subject of any proceedings in any court but may be the subject of a challenge brought before the Tribunal by a supplier to whom the duty is owed and who has suffered, or reasonably risks suffering, loss or damage as a result of the breach.

PART III
CHALLENGE PROCEEDINGS

Government Procurement Adjudication Tribunal

8. (1) For the purposes of hearing and determining challenges referred to in section 7(3), there shall be established a Tribunal to be called the Government Procurement Adjudication Tribunal consisting of the Commissioner or a Deputy Commissioner.
- (2) The Minister shall appoint a Commissioner and such number of Deputy Commissioners as he thinks fit.
- (3) The Commissioner and Deputy Commissioners shall be appointed for a period of 2 years and shall be eligible for reappointment.
- (4) No person shall be appointed or shall continue to hold office as Commissioner or Deputy Commissioner if he —
- (a) is of unsound mind;
 - (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
 - (c) is convicted of an offence involving dishonesty, fraud or moral turpitude or has not received a free pardon.
- (5) The Commissioner or a Deputy Commissioner may at any time resign from his office by giving notice in writing to the Minister.
- (6) The Commissioner and Deputy Commissioners shall be deemed to be public servants within the meaning of the Penal Code (Cap.224), and shall enjoy the same judicial immunity as is enjoyed by a Judge of the Supreme Court.
- (7) The Commissioner and Deputy Commissioners shall be paid such remuneration and allowances as the Minister may from time to time determine.
- (8) The Minister may at any time revoke the appointment of a Commissioner or Deputy Commissioner who —
- (a) ceases to be eligible to hold that appointment in accordance with subsection (4);
 - (b) has become permanently incapable of discharging the functions of a Commissioner or Deputy Commissioner, as the case may be; or
 - (c) has misconducted himself in such a manner as to render him unfit to continue holding the appointment.
- (9) When the Commissioner is or is expected to be absent from duty, the Commissioner or, if the Commissioner is absent, the Minister may appoint a Deputy Commissioner to be acting Commissioner during the absence of the Commissioner.

Registrar and officers of Tribunal

9. (1) The Minister shall appoint a Registrar of the Tribunal and such other officers of the Tribunal as the Minister considers necessary.
- (2) The duties of the Registrar and other officers of the Tribunal shall, subject to this Act and any regulations made thereunder, be as the Minister directs.
- (3) The Registrar and other officers of the Tribunal shall be deemed to be public servants for the purposes of the Penal Code (Cap.224).

Constitution of Tribunal

10. (1) Subject to subsection (2), a challenge proceeding shall be heard and disposed of by the Tribunal consisting of the Commissioner or a Deputy Commissioner designated by the Commissioner.
- (2) The Commissioner or a Deputy Commissioner shall not hear or dispose of any challenge proceeding if he is, directly or indirectly, interested in the procurement in relation to which the proceeding is brought.
- (3) Where the Commissioner has commenced the hearing of a challenge proceeding and is unable through death, illness or other cause to complete the hearing or to dispose of the proceeding —
- (a) the acting Commissioner appointed under section 8(9); or
 - (b) if the acting Commissioner is, directly or indirectly, interested in the procurement in relation to which the proceeding is brought, a Deputy Commissioner designated by the acting Commissioner, shall complete the hearing and dispose of the proceeding.
- (4) Subject to subsection (2), where a Deputy Commissioner who has commenced the hearing of a challenge proceeding is unable through death, illness or other cause to complete the hearing or to dispose of the proceeding, the Commissioner may designate another Deputy Commissioner to complete the hearing and dispose of the proceeding, or may himself complete the hearing and dispose of the proceeding.

Parties may be represented at challenge proceedings

11. (1) The applicant and the contracting authority concerned may be represented by an advocate and solicitor at the hearing of any challenge proceeding.
- (2) Where the contracting authority concerned is a ministry or department of the Government or is an organ of State, a legal officer may appear as advocate on behalf of the contracting authority and may make and do all appearances, acts and applications in respect of the proceeding on behalf of the contracting authority.

Initiation of challenge

12. (1) A supplier who wishes to bring a challenge before the Tribunal (referred to in this Act as the applicant) shall, within 15 days from the date the facts constituting the basis of the challenge first took place —

- (a) lodge with the Registrar a notice of challenge (referred to in this Act as the Notice of Challenge);
- (b) pay the Registrar such fee as may be prescribed for bringing a challenge before the Tribunal; and
- (c) serve a copy of the Notice of Challenge on the contracting authority undertaking or who has undertaken the procurement which is the subject of the challenge.

(2) The Notice of Challenge shall be in such form and shall contain such information, and be accompanied by such documents, as may be prescribed.

Deposit

13. (1) The applicant shall, at the time of lodgment of the Notice of Challenge with the Registrar of the Tribunal, deposit in cash or in such other form as the Registrar in a particular case may allow, such sum as may be prescribed (referred to in this Act as the deposit).

(2) The challenge shall be deemed to have been withdrawn if the applicant fails to comply with subsection (1).

(3) The deposit shall be used by the Registrar to pay any costs awarded by the Tribunal to the contracting authority concerned under section 21 in relation to the challenge.

(4) Where the deposit is insufficient to cover the costs referred to in subsection (3), the contracting authority concerned may recover the balance of the costs in the manner referred to in section 21.

(5) The Registrar shall, after the challenge has been disposed of by the Tribunal and if he is satisfied that there is no outstanding claims for costs by the contracting authority concerned against the applicant, release the deposit or the balance of the deposit, as the case may be, to the applicant.

Fixing of hearing of challenge

14. On receipt of a Notice of Challenge, the fee referred to in section 12(1)(b) and the deposit, the Registrar shall —

- (a) forward a copy of the Notice to the contracting authority concerned;
- (b) fix a time and place for the hearing of the challenge; and
- (c) give 14 days' notice of the hearing to the applicant and the contracting authority concerned.

Preliminary hearing

15. (1) The Tribunal may at any time, on its own motion or upon the application of the contracting authority concerned, hear and determine, as a preliminary issue and with a view to a possible final disposal of the challenge, the validity of the challenge.

(2) For the purposes of subsection (1), the Tribunal shall declare a challenge invalid if —

- (a) the procurement which is the subject of the challenge is not a procurement subject to the Act;
- (b) the regulation made under section 6 which the contracting authority concerned is alleged to have breached is inapplicable, by virtue of an order made under section 4, to the procurement or the act or measure in relation to a procurement, which is the subject of the challenge;
- (c) the procurement which is the subject of the challenge is a procurement which has been initiated before the commencement of this Act within the meaning of section 26;
- (d) the applicant is not a supplier entitled to bring a challenge under section 7(3);
- (e) the applicant did not lodge or serve the Notice of Challenge within the time prescribed by section 12(1), unless the Tribunal is satisfied that there has been no unreasonable delay on the part of the applicant; or
- (f) the Notice of Challenge does not comply with section 12(2).

(3) For the purposes of subsection (2)(e), the Tribunal shall take into account the date the applicant became aware, or ought reasonably to have become aware, of the facts constituting the basis of the challenge, and may, in granting any permission to the applicant to proceed with the challenge, impose such conditions as it considers just on the applicant.

(4) If the applicant fails to comply with any of the conditions imposed by the Tribunal under subsection (3), the Tribunal may declare the challenge invalid.

Suspension order

16. (1) The applicant may, at any time after he has —
- (a) lodged the Notice of Challenge with the Registrar;
 - (b) paid the fee referred to in section 12(1)(b) and the deposit to the Registrar; and
 - (c) served the Notice of Challenge on the relevant contracting authority, apply to the Tribunal for an order to suspend, pending the disposal of the challenge —
 - (i) the procedure leading to the award of the contract for the procurement which is the subject of the challenge; or
 - (ii) the implementation of any decision made while undertaking the procedure referred to in sub-paragraph (i).
- (2) The Tribunal may, in its discretion, make the order either unconditionally or upon such terms and conditions as the Tribunal thinks just.
- (3) The Tribunal shall not make an order under this section if —
- (a) such suspension is against the public interest; or
 - (b) the contract referred to in subsection (1)(i) has already been awarded at the date of hearing of the application for the order.

(4) If the Tribunal refuses to make an order under this section, the Tribunal shall give the reasons for its refusal in writing.

(5) Where an order under this section has been made, the contracting authority concerned may, at any time before the determination on the challenge referred to in section 18 is made, apply to the Tribunal for the order to be varied or rescinded.

(6) Subject to subsection (7), the Tribunal may, in its discretion, vary or rescind the order either unconditionally or upon such conditions as it thinks just.

(7) The Tribunal shall rescind the order if the continuance of such suspension is against the public interest.

(8) The Minister may issue a certificate that such suspension, or the continuance of such suspension, in a particular case is against the public interest, and such a certificate shall be conclusive evidence of the matters so certified.

Onus of proof, etc.

17. (1) The onus of proving the breach of duty which is the subject of the challenge shall be on the applicant.

(2) Except with the consent of the Tribunal and in accordance with such conditions as the Tribunal may determine, the applicant may not, at the hearing of the challenge, rely on any breach of duty other than that identified in the Notice of Challenge.

Determination on challenge

18. (1) The Tribunal shall issue its determination on a challenge within 45 days from the date of lodgement of the Notice of Challenge by the applicant unless there are exceptional circumstances justifying an extension of time.

(2) Subsection (1) shall not apply if the challenge has been disposed of under section 15.

(3) If the Tribunal makes a determination in favour of the applicant, the Tribunal may do one or more of the following:

- (a) order any decision or action taken by the contracting authority concerned in relation to the procurement which is the subject of the challenge to be set aside;
- (b) order the contracting authority to make a decision or take action, in accordance with the applicable regulations made under section 6, in place of that which has been set aside under paragraph (a);
- (c) order the contracting authority to amend any document pertaining to the procurement;
- (d) order the contracting authority to pay to the applicant the costs of participation in the qualification of suppliers, or the costs of tender preparation, reasonably incurred by the applicant for the purposes of the procurement.

(4) An order made under subsection (3)(b) may specify the decision or action which the contracting authority is to make or take.

- (5) Notwithstanding subsection (3), if —
- (a) the Tribunal makes a determination in favour of the applicant; and
 - (b) the contract for the procurement has already been awarded, the Tribunal may only —
 - (i) make an order under subsection (3)(d); or
 - (ii) if the applicant did not incur any of the costs referred to in subsection (3)(d), award the applicant the costs of the challenge proceeding in accordance with section 21.

Determination and order to be in writing

- 19.** (1) Every determination and order of the Tribunal shall be given in writing and shall include a statement of the Tribunal's reasons for the determination or order, as the case may be.
- (2) The Registrar shall, within 7 days of the making of the determination or order, send certified copies of the determination or order to the applicant and the relevant contracting authority.

Satisfaction of order

- 20.** (1) A contracting authority against whom an order under section 16 or 18(3)(a), (b) or (c) is made shall comply with the order.
- (2) An applicant in whose favour an order under section 18(3)(d) is made may recover the amount ordered to be paid to him by an action for a debt in any court of competent jurisdiction.
- (3) This section is without prejudice to the right of the contracting authority to seek judicial review of a determination or order of the Tribunal.

Costs of challenge proceeding

- 21.** (1) Subject to any regulations made under this Act, the costs of any challenge proceeding, including the costs of the Tribunal, shall be at the discretion of the Tribunal.
- (2) The costs may be recovered as if they were costs in a suit in the High Court and as if the determination of the Tribunal in relation to the costs were a decree made in the High Court.

Procedure and powers of Tribunal

- 22.** (1) Subject to the provisions of this Act and any regulations made thereunder, the Tribunal shall have the power to determine the procedure to be adopted for any challenge proceeding.
- (2) The Tribunal shall have the following additional powers:
- (a) to summon to attend at any challenge proceeding any person whom it may consider able to give evidence in respect of the proceeding, to examine him as a witness either on oath or otherwise and to require him to produce such books, records or documents as the Tribunal may think necessary for the proceeding;

- (b) to allow any person so attending any reasonable expenses necessarily incurred by him in so attending;
- (c) to fix the remuneration of any expert witness appointed by the Tribunal for any challenge proceeding;
- (d) with the consent of the applicant and the relevant contracting authority, to refer the parties for mediation by such person as the parties may agree or failing such agreement, as the Tribunal may appoint;
- (e) all the powers of the Supreme Court with regard to the enforcement of attendance of witnesses, hearing evidence on oath and punishment for contempt;
- (f) to admit or reject any evidence adduced, whether oral or documentary, and whether admissible under the provisions of any written law for the time being in force relating to the admissibility of evidence;
- (g) to conduct its proceedings or any part of its proceedings in camera; and
- (h) generally to give any direction, or to do anything, necessary or expedient for the expeditious and just hearing and disposal of any challenge proceeding.

(3) The expenses referred to in subsection (2)(b) and the remuneration referred to in subsection (2)(c) shall form part of the costs of the challenge proceedings and, pending and subject to any order made by the Tribunal as to such costs, shall be paid by the applicant or the contracting authority concerned, as the Tribunal may direct.

(4) Evidence of any thing said, or of any admission made, in the course of any mediation referred to in subsection (2)(d) shall not be admissible in any proceedings before the Tribunal or any court.

(5) Where the Minister certifies that it is against the public interest for any challenge proceeding to take place in public, the Tribunal shall conduct the proceeding in camera.

PART IV

MISCELLANEOUS

Submission of information to Minister

23. A contracting authority shall give to the Minister, in such form and at such intervals as may be prescribed, such information as may be prescribed in relation to any procurement subject to this Act which the contracting authority has undertaken or is undertaking or proposes to undertake.

Retention of documents

24. A contracting authority shall ensure that all documents relating to procurements subject to this Act are retained for a minimum of 3 years from the date of their creation.

Power to make regulations

25. The Minister may make regulations prescribing —

- (a) the manner in which challenges shall be brought to the Tribunal;
- (b) the procedure to be adopted by the Tribunal in the hearing and disposal of challenge proceedings and the records to be kept by the Tribunal;
- (c) the places where and the times at which challenge proceedings are to be heard by the Tribunal;
- (d) the costs and fees in respect of challenge proceedings; and
- (e) anything which is required to be prescribed under this Act or which may be necessary or expedient for carrying out or giving effect to the provisions of this Act.

Transitional provision

26. (1) This Act shall not apply to or affect any procurement which has been initiated before the commencement of this Act.

- (2) For the purposes of subsection (1), a procurement is deemed to have been initiated if —
- (a) the invitation to tender in respect of the procurement has been issued;
 - (b) the qualification of suppliers, being a qualification of suppliers undertaken solely for that particular procurement, has commenced; or
 - (c) in a case where no tender is to be called for the procurement, the contracting authority concerned had communicated with a potential supplier with a view to the making or obtaining of an offer in relation to the procurement.
-

WORLD TRADE ORGANIZATION

GPA/37
20 June 2000

(00-2482)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Japan

The attached communication has been received from the Permanent Mission of Japan in accordance with the Committee Decision of 4 June 1996 relating to procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. SUMMARY OF LEGISLATION

Government Procurement in Japan has placed no restrictions on place of origin or nationality of supplier, and has been carried out on the principle of non-discrimination, and in principle on a basis of open tendering. As a Party to the WTO Agreement on Government Procurement (hereinafter "the Agreement"), Japan is implementing government procurement through fair, open and transparent procedures.

Central government entities which procure in accordance with the provisions of the Agreement are 32 state organs, all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law. All these entities are covered by the Accounts Law and relevant regulations. Sub-central government entities listed in Annex 2 of the Agreement comprise 47 prefectures and 12 cities designated by the Cabinet Order. These entities are governed by the Local Autonomy Law and relevant regulations. All of these laws and regulations are consistent with the provisions of the Agreement.

With regard to Annex 3 entities which include 70 public corporations, procedures of procurement contracts covered by the Agreement are introduced into their accounting or internal statutes. Consistency of their procurement procedures with the Agreement is secured through responsible ministers' control over the corporations.

The following is an outline of the major relevant laws and regulations.

A. CENTRAL GOVERNMENT

- (a) "The Accounts Law" (Law No.35, March 31, 1947)

This Law stipulates the basic contents of the nation's accounting duties pertaining to contractual duties, contractual methods, tendering methods, contractual forms and other matters.

- (b) "Cabinet Order Concerning the Budget, Auditing and Accounting" (Imperial Ordinance 165, April 30, 1947)

"Special Provisions for the Cabinet Order Concerning the Budget, Auditing and Accounting" (Imperial Ordinance 558, November 22, 1946)

"Regulations on the Management of Contract Administration" (Ministry of Finance Ordinance No.52, August 20, 1962)

This Cabinet Order stipulates the detail of the rules and procedures provided for in the Accounts Law, including the conditions for the use of selective tendering and single tendering.

- (c) "Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services" (Cabinet Order No.300, November 18, 1980)

This Cabinet Order provides for special rules and procedures necessary to implement the Agreement in addition to the laws and regulations mentioned in (1) and (2) above.

- (d) "Ministerial Ordinance Stipulating Special Procedures for Government Procurement of Products or Specified Services" (Ministry of Finance Ordinance No.45, November 18, 1980)

This Ministerial Ordinance is applied to the procurement contracts subject to the provisions of the Cabinet Order referred to in (3) above. The Ordinance stipulates such specifics as information to be published in "Kanpo" in the qualification procedures, matters to be described in tender documentation and matters regarding the notification of the determination of successful tenderers.

- (e) "On the establishment of the Office of Government Procurement Review (Cabinet Decision of 1 December 1995)

The Office of Government Procurement Review (hereinafter the "OGPR") was established within the Prime Minister's Office to implement the provisions of the Agreement on Government Procurement regarding challenge procedures. The Government Procurement Review Board (the "GPRB") held under the OGPR processes and considers complaints in a fair and neutral manner with regard to the procurement by the entities other than sub-central government entities. The GPRB reviews complaints in accordance with the specific procedures set out by the OGPR by applying the provisions of the Agreement and the measures otherwise designated by the head of the OGPR.

B. SUB-CENTRAL ENTITIES COVERED BY THE AGREEMENT

- (a) "Local Autonomy Law" (Law No.67, April 17, 1947)

This Law stipulates an overview of the matters concerning the organization and operation of local government bodies (including the rules on procurement contracts) and the basic relations between the central government and the local governments.

- (b) "Ordinance for Enforcement of the Local Autonomy Law" (Cabinet Order No.16, May 3, 1947)

This Ordinance provides for the detailed rules and procedures to implement the provisions of the Local Autonomy Law, including matters on procurement contracts.

- (c) "Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services in Local Government Entities" (Cabinet Order No.372, November 1, 1995)

This Cabinet Order establishes special rules and procedures necessary to implement the Agreement on Government Procurement in addition to the laws and regulations mentioned in (1) and (2) above.

- (d) To implement the provisions of the Agreement with respect to challenge procedures, prefectural governments and designated cities have established their respective procedures to process complaints regarding the procurement subject to the Agreement.

2. CONTACT POINT

Requests from another Party concerning Japan's national legislation shall be addressed to:

First International Organizations Division
Economic Affairs Bureau
Ministry of Foreign Affairs

3. RESPONSES TO THE CHECKLIST OF ISSUES

A. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

The Agreement has been transposed into relevant national laws and regulations with regard to central and sub-central government entities. All of those laws and regulations are consistent with the provisions of the Agreement. With regard to Annex 3 entities, the Agreement also has been transposed into their respective accounting or internal statutes whose consistency with the Agreement is secured through responsible ministers' control over the corporations.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

In Japan, government procurement is conducted based on procurement contracts entered into by each procuring entity in a decentralized manner. Sub-central government entities as specified in Annex 2 of the Agreement are, therefore, autonomous from central government in the implementation of the Agreement.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Public corporations or government-related corporations covered by the Agreement are listed in Annex 3 of the Agreement. Annex 3 entities are autonomous in the implementation of the Agreement. They include 70 corporations, as of October 1, 1999. These entities are established by relevant laws following an inspection by the Management and Co-ordination Agency, and are endowed with proper legal personality. Laws establishing these corporations provide for ministerial general control over the entities. Consistency of the procedures for procurement contracts with the Agreement is therefore secured through the ministerial general control over them.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The central level, the sub-central level and Annex 3 entities have their respective procurement procedures. However, there are no significant differences in their procurement procedures which are fully consistent with the provisions of the Agreement.

5. *To what extent is information technology used in the process of government procurement?*

With a view to facilitating access to information on government procurement, an electronic data base containing the information published in accordance with paragraphs 1 and 9 of Article IX, paragraph 1 of Article XVIII and paragraph 1 of Article XIX, is available, either at such places as local branch offices and Business Support Center of Japan External Trade Organization (JETRO) Information Service Division or through on-line information and data base retrieval services (<http://www.jetro.go.jp/>).

B. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

The procedures regarding government procurement under the Accounts Law do not provide for the restriction of the qualification for participation in tendering procedures on the basis of the nationality of the suppliers, or the country of production of the good or provision of service. Therefore, there are no provisions in our legislation which restrict the participants on the basis of the nationality or the country of production. Our legislation observes the national treatment and non-discrimination commitments of the Agreement.

The Local Autonomy Law and relevant regulations regarding sub-central government entities, from a viewpoint of ensuring fairness and strict neutrality, equal opportunity and economic advantage, basically provide for such procurement procedures in line with the national treatment and non-discrimination commitments of the Agreement. Furthermore, the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services in Local Government Entities prohibits sub-central government entities from restricting the participants in tendering procedures on the basis of the place of their business offices.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

According to the implementing legislation with respect to central government entities, the invitation to participate shall take the form of a notice of proposed procurement. Where specified procurement contract shall be subject to open tendering procedures, Article 74 of the Budget Settlement of Account and Accounting Regulations as read in accordance with Article 5 of the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services, which provides that the information of the procurement shall be notified by Kanpo not later than forty days from the day before the deadline for submission of tenders.

Where selective tendering procedures are to be adopted for a specified procurement contract, Article 7 of the Cabinet Order provides that a notice of the proposed procurement shall be published as in cases covered by Article 74 of the Regulations as read in accordance with Article 5 of the Cabinet Order.

Article 167-6 of the Ordinance for Enforcement of the Local Autonomy Law, as well as Articles 6 and 7 of the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services in Local Government Entities, provide for the qualification for the participation in tendering procedures, those items to be noticed regarding the tendering procedures, and others.

These provisions premise that the invitation to participate in tendering procedures takes the form of a notice of proposed procurement.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Our implementing legislation does not provide for such opportunity for sub-central government entities as well as central government entities.

Annex 3 entities follow the same guidance in noticing procurement procedures, including such items as a notice of planned procurement, as the central government entities do.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

Article 4 of the Cabinet Order and Article 95 of the Regulations provide that the contracting officer, etc., must draw up a list of parties who meet the qualifications for participation in selective tendering procedures when the conclusion of a specific procurement contract by selective tendering procedures is foreseen. Thus permanent lists of suppliers are used in the case of selective tendering procedures.

Sub-central government entities are not prohibited from using permanent lists of suppliers in the case of selective tendering procedures.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

The negotiation mentioned in Article XIV of the Agreement is not allowed in the procedures regarding government procurement under the Accounts Law and the Local Autonomy Law.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

Cabinet Order Stipulating Special Procedures for the Government Procurement of Products or Specified Services requires all central government entities to comply with the time-limits for tendering set out in Article XI.

The Ministry of Home Affairs, with official notice (November 1, 1995), requests sub-central government entities covered by the Agreement to comply with the time-limits for tendering set out in the Article.

As a voluntary measure to increase access opportunities for foreign suppliers to the Japanese market with regard to the procurement of products and services by the central government and Annex 3 entities, the Government of Japan extends, in principle, the period for the receipt of tenders from the date of a public notice for invitation to tender to 50 days (except construction services and design and consulting services).

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

In Japan, Japanese is the only official language. In tendering procedures, therefore, tenderers are required to submit tenders in Japanese, while there is no explicit reference to the language of tender submission in the implementing legislation.

C. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The Japanese Government established the Office of Government Procurement Review (OGPR) by the Cabinet Decision on December 1, 1995. The head of the OGPR is the Chief Cabinet Secretary and other members are the vice-ministers of ministries and agencies.

The OGPR decided "the Review Procedures for Complaints concerning Government Procurement" on December 14, 1995. These procedures were published on the Official Gazette. Also, the procedures were communicated to all parties through the WTO Secretariat. The most recent

version of such communication is "Review Procedures for Complaints concerning Government Procurement in Japan (GPA/W/90)." This document is available through internet homepage of WTO.

In addition, all relevant information including the Procedures is generally available through the Economic Planning Agency's internet homepage: http://www.epa.go.jp/access/english/chance_main_e.html/

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

As explained above, all information is already generally available. However, we provide specific answers to all the questions for the Parties' convenience.

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

The time limit to launch a complaint is not less than 10 days from when the basis of the complaint is known or should reasonably have been known to the supplier. (Review Procedures for Complaints Concerning Government Procurement 4. (1))

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Government Procurement Review Board is established and it is an impartial and independent review body with no interests in the outcome of the procurement.

The Chief Cabinet Secretary who is the head of OGPR designates the members of the Board. The Board is composed of scientists, scholars, and other members with experience in government procurement.

The decisions are not subject to judicial review.

However, the Board has the procedures listed in (a) to (g) of paragraph 6 of Article XX.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Board examines complaints whether the procurement is made in accordance with the Agreement.

In addition to its obligations under the Agreement, Japan has established voluntary measures incorporating more positive steps in the areas of government procurement of supercomputers, computer products and services, non-research & development satellites, telecommunications products and services, medical technology products and services and construction services. The Board makes reference to all these

voluntary measures (Please see attachment 1). These measures are available through the internet homepage introduced above.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

In the case of a complaint prior to contract execution, the Board shall, in principle, promptly issue a written request to the procuring entity within 10 days of the filing that contract execution should be suspended pending resolution of the complaint.

In the case of a post-execution complaint filed within 10 days of the contract execution, the Board shall, in principle, promptly issue a written request to the procuring entity that contract performance should be suspended pending resolution of the complaint.

However, when the Board determines that urgent and compelling circumstances do not allow it to issue such request to the procuring entity, the Board shall immediately provide written notification of its decision with reasons to the complainant and the OGPR.

In addition, the procuring entity shall suspend the execution or performance of the contract immediately upon receiving the Board's request. If, however, the head of the procuring entity determines that he or she cannot obey the request due to urgent and compelling circumstances, the procuring entity may fail to suspend but shall immediately provide written notification of its decision with reasons to the Board.

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

Where the Board finds that any provision of the Agreement or other measures were not followed, the Board shall accompany the report with written recommendations concerning appropriate remedies, which may include one or more of the following:

- that new procurement procedures be conducted;
- that re-procurement be conducted without changing conditions for procurement;
- that the procurement be re-evaluated;
- that the contract be executed with a different supplier;
- that the contract be terminated.

There is no financial compensation for loss or damages suffered.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Persons or bodies wishing to file a complaint may do so with the Board within ten (10) days after the basis of the complaint is known. The Board will examine complaints received within seven (7) working days of filing and determine whether

they will be accepted for review. If a complaint is accepted for review, the Board will immediately notify the complainant, OGPR, and the procuring entity of this in writing and publicly announce its decision through the Official Gazette, the Internet, and other means, soliciting the attendance of participants with interests in the complaint. The procuring entity is required to present a report to the Board; if the complainant or the participants disagree with this report, they may present statements to the Board or request a review by the Board, which the Board will subsequently undertake. Finally, a report by the Board on findings will be drawn up within ninety (90) days in case of standard review. This period can be shortened if the complainant or the procuring entity desire. This time limit may also vary according to the type of procurement. If the Board finds that procurement has been carried out in a manner inconsistent with any provision of the Agreement on Government Procurement or other applicable measures, it will draw up recommendations with the report. The procuring entity is required, as a rule, to follow the recommendations of the Board. (Please see the attachment 2.)

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The board requires no charge.

ATTACHMENT 1

Designation of Applicable Measures Government Procurement

(Provisional Translation)

14 December 1995
Amended: 1 April 1997
Decision of the Head of the OGPR

Under the provisions of 2.(1) of "Establishment of the Office of Government Procurement Review (Cabinet decision, 1 December 1995), I hereby designate the following measures to apply in relation to government procurement, in addition to the Agreement on Government Procurement.

1. Revised Procedures to Introduce Supercomputers (adopted by the Committee for Drawing Up and Promoting the Action Program, on 19 April 1990);
2. Procedures for the Procurement of Non-R&D Satellites (adopted by the Committee for Drawing Up and Promoting the Action Program, on 14 June 1990);
3. The Common Understanding on Government Procurement (adopted by the Committee for Drawing Up and Promoting the Action Program, on 19 November 1991);
4. The Additional Measures of the Government of Japan on Major Projects Arrangements (approved by the Cabinet, on 26 July 1991);
5. Measures Related to Japanese Public Sector Procurement of Computer Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 20 January 1992);
6. Action Plan on Reform of Bidding and Contract Procedures for Public Works (approved by the Cabinet, on 18 January 1994);
7. Procedures for Government Procurement on Products (Operational Guidelines) (adopted by the Committee for Drawing Up and Promoting the Action Program, on 28 March 1994);
8. Measures on Japanese Public Sector Procurement of Telecommunications Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 28 March 1994);
9. Measures on Japanese Public Sector Procurement of Medical Technology Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 28 March 1994);
10. Operational Guidelines with respect to Measures on Japanese Public Sector Procurement of Telecommunications Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 7 October 1994);
11. Operations Guidelines with respect to Measures on Japanese Public Sector Procurement of Medical Technology Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 7 October 1994);
12. On the Range of Application of Review Procedures to Introduce Supercomputers (adopted by the Committee for Drawing Up and Promoting the Action Program, on 27 March 1995);

13. On the Introduction of the Overall Greatest Value Methodology in Japanese Public Sector Procurement of Computer Products and Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 27 March 1995);

14. The Common Understanding on Government Procurement of Services (adopted by the Committee for Drawing Up and Promoting the Action Program, on 11 December 1995);

15. Operational Guidelines with respect to the Action Plan on Reform of Bidding and Contract Procedures for Public Works (approved by the Vice Ministers' Conference on Cabinet, on 17 June 1996).

(Note) As far as article 15 above is concerned, the complaint may be filed concerning the procurement value over thresholds or mentioned in the article 4 and 7 in the "Operational Guidelines with respect to the Action Plan on Reform of Bidding and Contract Procedures for Public Works." If the procurement is subject to the procedures in the article 4 and 7 in this Operational Guideline, the procurement is regarded as the case of the "Public Invitation Proposal Procedures" or "Public Invitation Competitive Bidding Procedures" when the article 2.(1)iii. in the "Review Procedures for Complaints Concerning Government Procurement" (Decision by the OGPR, on 14 December 1995) is applied.

ATTACHMENT 2

Procedures for Complaint Review (Standard Review)

Timeline

- (1) Complaint indicates intention of making a complaint
- (2) Consultation with procuring entity (voluntary)

Day 0 (day from which countdown begins)

- (3) A complaint is filed into the Board
 - (4) The Procuring Entity, and OGPR are notified

Within 7 days

- (5) The Board determines whether to accept the complaint
 - (6) The Complainant, the Procuring Entity, and OGPR are notified
- (7) Public notice that the complaint has been accepted
(Participants are invited to attend Board meeting)

Within 10 days

- (8) The Board requests that the execution or performance of the contract should be suspended (within 10 days from (3))
 - (9) if the Procuring Entity does not comply, it must state its reasons to the Board
 - (10) The Board sends a copy of the reasons to the Complainant

15 days later

- (11) Participants are determined (deadline for receipt of applications, within 5 days from (7))

Within 21 days

- (12) The Procuring Entity submits its report to the Board (within 14 days from (4))
 - (13) The Board sends a copy of the report to the Complainant and Participants

Within 28 days

- (14) Statements from the Complainant and the Participants, or request for examination by the Board (within 7 days from (13))
- (15) Review of complaint begins

Within 90 days

- (16) Report and recommendations drawn up by the Board

Within 91 days

- (17) Report and recommendations sent to the Complainant and the Procuring Entity
(Within one working day from (16))

Within 101 days

- (18) The Procuring Entity sends the Board its reasons for non-compliance with the Board's
recommendations (Within 10 days from (17))

(Note) Different time-periods may be applied to certain types of government procurement. Therefore, the Review Procedures for Complaints Concerning Government Procurement should be checked in detail.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

ISRAEL

The communication reproduced below has been received from the Permanent Mission of Israel in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. Summary of the Israeli Legislation on Government Procurement

In 1992, the Mandatory Tenders Law (hereinafter "The Law") was enacted to oblige government entities to make procurements by way of public tenders. The Law is broader in scope and application than the Agreement on Government Procurement (hereinafter "the Agreement").

The Agreement applies directly under Israeli Law and is fully binding pursuant to Article 5A(b) of the Law which stipulates that "Regulations under this Law shall apply to the extent that they do not conflict with an undertaking of the State in an international agreement". Consequently, for tenders subject to the GPA, procuring entities must follow the provisions of the Agreement even if the regulations under the Mandatory Tenders Law provide otherwise.

Entities covered by the Law are central government entities, government authorities, statutory corporations and government companies, and therefore Israel's Annex 1 and 3 entities are covered by the Law.

The Law governs contracts for goods, real estate, performance of work and for the acquisition of services. Most of the procedures regarding government procurement are embodied in secondary legislation, regulations, which are enacted under authority provided for in the Law. There are currently four sets of regulations deriving from the Mandatory Tenders Law: the Mandatory Tenders Regulations - 1993; the Mandatory Tenders Regulations (Preference for Israel Products and Mandatory Business Cooperation) - 1995; the Mandatory Tenders Regulations (Defense Establishment Contracts) - 1993; and the Mandatory Tenders Regulations (Preference for Products from National Priority Areas) - 1998. The two latter sets of regulations apply only to defense tenders, and since defense procurement is excluded from Israel's GPA obligations, they are not relevant to this notification.

The Mandatory Tenders Regulations (Preference for Israel Products and Mandatory Business Cooperation) granting domestic products preferential treatment do not apply to suppliers from GPA Parties in tenders subject to the GPA. However, these regulations also impose an obligation of offset on foreign suppliers in contracts above a certain threshold, and this obligation does apply to suppliers from GPA Parties in accordance with Israel's offset commitment under the GPA.

In accordance with Article 7 of the Law, the Accountant General of the Ministry of Finance has published Finance and Business Regulations ("Takam") prescribing the procedural rules for conducting tenders. Section 3.3.12 of the regulations relates specifically to Israel's GPA obligations.

Regarding Israel's Annex 2 commitments, procurement by municipalities is governed by Section 197 of the Municipalities Ordinance (New Version) - 1967 and the implementing regulations with regard to Section 197, the Municipalities Regulations (Tenders) - 1987. Municipalities are obligated to invite tenders since Section 197 provides that "A municipality shall not enter into a contract for the transfer of any immovable property or goods, the supply of any goods or the execution of any work, save on the basis of announcement inviting tenders".

The Agreement is binding under Israeli law also in relation to municipalities pursuant to Article 24(a) of the Municipalities Regulations which states that "these regulations shall apply to the extent that they do not conflict with the States's obligations under international convention". To ensure that the municipalities follow the procedures required under the GPA, Article 24(b) of the Municipalities Regulations makes direct reference to the Accountant General's Finance and Business Regulations referred to above.

2. Basic Legislation (Laws and Regulations) on Government Procurement*

Unofficial English translations of the following laws and regulations relating to government procurement are hereby submitted:

- Mandatory Tenders Law 5752–1992 up to and including Amendment No. 10
- Mandatory Tenders Regulations 5753–1993 up to and including Amendment of 26 July 1998
- Mandatory Tenders Regulations (Defense Establishment Contracts) 5753-1993 up to and including the Amendment of 27 July 1997
- Mandatory Tenders Regulations (Preference for Israel Products and Mandatory Business Cooperation) 5755-1995
- Mandatory Tenders Regulations (Preference for Products from National Priority Areas) 5758-1998
- Municipalities Ordinance (New Version) – 1967, Sections 197 and 198
- Municipalities Regulations (Tenders) 5748-1987, up to and including Amendment of July 1999.
- Finance and Business Regulations of Accountant General of the Ministry of Finance. Summary of Section 3.3.12 which relates to Israel's WTO obligations.

3. Answers to Checklist of Issues

I. GENERAL ELEMENTS

1. Has the Agreement been transposed into national law and/or does it apply directly?

As noted above, the Agreement applies directly in Israeli law and is fully binding since Article 5A(b) of the Law stipulates that regulations made under the statute apply only so long as they do not conflict with the State's obligations under international treaties.

The Municipalities Regulations have a similar provision which makes the Agreement fully binding. Article 24(a) of the regulations stipulates that the regulations "shall apply to the extent that they do not conflict with the State's obligations under an international agreement".

* English only

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Entities at the sub-central level, which are included in Annex 2 of Israel's commitments are covered by the Municipalities Ordinance and its regulations. As noted above, Section 197 of this Ordinance requires the municipalities to publish a public tender for the purchase of goods and execution of any work. The Municipalities Regulations, which are the implementing regulations for Section 197, stipulate the procedures required for tendering, and in addition make reference to the Accountant General's Finance and Business Regulations.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities include statutory bodies and companies controlled by the government. They are also subject to the Law and its regulations.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The implementing legislation for Annex 1 and Annex 3 is identical, the Mandatory Tenders Law, and their regulations. Annex 2 entities fall under the Municipalities Ordinance and the Municipalities Regulations.

5. *To what extent is information technology used in the process of government procurement?*

The Israeli Government Publications Office has a website where all tender notices are published in Hebrew. In addition, the website of the Ministry of Finance includes a tenders site in Hebrew.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

Regarding the Mandatory Tenders Law, the Law provides that every person be given an equal opportunity to participate in a tender. Moreover, since the Agreement applies directly through Article 5A(b), so do the national treatment and non-discrimination commitments of Article III of the Agreement. Regarding municipalities, the Agreement applies directly through Article 24(a) of the Municipality Regulations.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

For open tendering, a notice of proposed procurement must be published. Article 15 of the regulations implementing the Mandatory Tenders Law require the notice to be published in Hebrew and in Arabic newspapers and on an Internet site, and detail the information to be provided including the nature of the contract, its duration, preliminary conditions for participation in the tender, the time and place for receiving tender documentation and further details, documentation fees if any, and the last date and place for submitting bids. Moreover, the Accountant General's regulations also stipulate the public notice requirements, and state in addition, for example, that when the tender is subject to

the Agreement, the notice of proposed procurement must also be published in one of two English daily newspapers, in accordance with Israel's Appendix II commitment.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

For entities at the sub-central level, a tender notice must be published. Since Article 24(b) of the Municipalities Regulations makes reference to the Accountant General's regulations, in which specific instructions are given regarding all notice requirements, the information required is identical to that of central government entities.

Annex 3 entities are subject to the Law and its regulations as described above (question 7).

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent list of suppliers or is there a requirement for list of suppliers to be selected on a contract-by-contract bases?*

The provisions of Articles 4, 16 and 17 of the Regulations of the Mandatory Tenders Law establish the conditions for conducting selective tendering procedures. Under these provisions, entities are allowed to make use of permanent lists of suppliers. The lists are open to the public, and any supplier may submit a written request to be included to the entity's tender committee. The supplier is added to the list if the tender committee deems him "fit" to be included in the list.

When selective tendering procedures are used, and the permanent list includes no more than ten suppliers, the procuring entity must approach all of them. If the lists includes more than ten suppliers, then the procuring entity must approach at least five of them.

Regarding entities included in Annex 2, under the regulations of the Municipality Act, the provisions for conducting selective tendering procedures relate to a lower threshold than that established under the Agreement. Therefore, these provisions are not relevant to the implementation of the Agreement.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

Regarding Annex 1 and Annex 3 entities, Article 7 of the Mandatory Tenders Regulations foresee the possibility of negotiations subject to the conditions listed in the regulation, including the obligation of notice of the possibility of negotiation in the tender documents and in the public notice of the tender. Regarding Annex 2 entities, the Municipality Act Regulations do not foresee the possibility of negotiations.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be "not less than X days". Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information or any longer time-limits which have been established.*

The Mandatory Tenders Law and its Regulations do not set time-limits as set out in the Agreement. However, since the Agreement is binding, the time-limits of the Agreement are binding as well. In addition, the regulations published by the General Accountant reflect the minimum time limits established by the Agreement.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

Israeli legislation does not put any limitations on languages allowed for the submission of tenders. Entities which publish tenders may permit the submission of tenders in other languages than in Hebrew, and in practice the submission of tenders in other languages (usually English) is permitted.

III. CHALLENGE PROCEDURES – ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Israel has not established any special challenge procedures vis-à-vis Article XX, and any supplier, Israeli or foreign, with an interest in challenging the procurement procedure of an entity covered may appeal in a regular civil procedure to the District Court in the region where the tender was published.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

There is no specified time-limit for launching a complaint, and consequently a party may challenge a tender at any stage of the tender process.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The District Court in the region that the tender was published is responsible for the challenge procedure.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The applicable law is the Mandatory Tenders Law and its Regulations where relevant, and the Municipalities Ordinance and its Regulations where relevant, and, of course, the Agreement itself.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial conditions?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

The District Court may issue an interim injunction that suspends the procurement process temporarily until the conclusion of the legal proceedings.

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the Court determines that the complaint is valid, it will, in most cases, intervene in the tender procedure by deciding on the best proposal, issuing an order to the entity to cancel the tender, calling for a new tender, cancelling the contract with the winner, disqualifying one of the proposals, to issue a tender where the intention was not to contract by tender, etc.

In addition to the above-mentioned relief, a party may file a civil claim for damages against the tendering entity, and may even be compensated for lost profits.

(vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

There are no specific provisions on the length or cost of proceedings in public tendering cases and no data is maintained in this respect. However, the legal procedure used for tenders, "an originating summons", is by nature a shortened procedure in comparison to normal court procedures. Interim measures can be obtained within an average period of 7-14 days.

(vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The standard court fee is charged, which may vary. At present, it is not foreseen to do so free of charge.

PP 7-92 Offset

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Switzerland

Addendum

During the review of the national implementing legislation of Switzerland at the Committee meeting of 23 February 1999, the representative of Switzerland made a statement, updating the communication made by Switzerland (GPA/15), in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1). Accordingly, the information contained in the respective sections of document GPA/15 should be modified as follows.

On page 3 of GPA/15, Swiss Telecom is referred to as one of the entities which falls under the scope of the Federal Ordinance on Government Procurement. However, Swiss Telecom is now Swisscom. Swisscom was privatized in 1998 and, therefore, is no longer within the scope of the Ordinance. Accordingly, the reference to Swiss Telecom on page 3 of GPA/15 should be deleted.

On page 3, footnote 3 mentions the thresholds that were calculated for 1997. The same thresholds applied in 1998 and 1999.

Page 6 contains an overview of the procedures for hearing and reviewing complaints and appeals. Procedures available to lodge complaints against the award of a contract are outlined. Notably, the procedures do not only apply against the award of a tender or of a contract where an appeal is possible but also against any decision having the effect of limiting market access. This means, for instance, that the tender notice is also subject to appeal. Therefore, for example, if a potential supplier sees discriminatory criteria contained in the tender notice, the supplier can make an appeal against the tender notice. Another case where an appeal is possible is in relation to a decision to list or not to list a supplier on a permanent list of suppliers. Furthermore, it is also possible to appeal against a decision regarding the selection of a supplier or the non-selection of a supplier in a selective tendering procedure. Finally the exclusion of a supplier, for instance, because of bid-rigging or because of corruption could also be the subject of an appeal.

On page 8 it is noted that there is likely to be change in the future in relation to Switzerland's use of information technology for government procurement following Switzerland's participation in SIMAP (the EU's project) and there are plans to edit the Swiss Official Trade Gazette electronically. The Swiss Official Trade Gazette is on the Internet at the address <http://www.shab.admin.ch>. From July 1999 on, all the tender notices and publications covered by the GPA are available on this website. Furthermore, since 11 January 1999, the Swiss Official Trade Gazette office has electronic access through the EC's [TED](#) and various trade notices are being published there.

WORLD TRADE ORGANIZATION

GPA/27
7 April 1999

(99-1382)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Hong Kong, China

The following communication has been received from the Hong Kong Economic and Trade Office in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

I. SUMMARY OF LEGISLATION

A. CENTRAL GOVERNMENT ENTITIES

1. Article 106 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China states: "The Hong Kong Special Administrative Region shall have independent finances". Article 110 states: "The monetary and financial systems of the Hong Kong Special Administrative Region shall be prescribed by law". The Public Finance Ordinance (Chapter Two of the Laws of the Hong Kong Special Administrative Region) provides the statutory framework for the control and management of the public finances of the Hong Kong Special Administrative Region.

2. The government procurement process is governed by the Stores and Procurement Regulations issued by the Financial Secretary/Secretary for the Treasury under the Public Finance Ordinance. These Regulations are supplemented by Financial Circulars and Finance Bureau Circular Memoranda issued by the Secretary for the Treasury from time to time. The procedures laid down in these Regulations and Circulars are fully consistent with the provisions in the Agreement on Government Procurement (the Agreement) of the World Trade Organisation. Chapters 2, 3 and 5 of the Stores and Procurement Regulations set out the procedures for the procurement of stores and services, as well as for contract administration. They cover all stores purchased or acquired on behalf of the Government (with certain exceptions as provided for in the Stores and Procurement Regulations); and services performed by contractors for and on behalf of Government (including construction and engineering works).

B. SUB-CENTRAL ENTITIES AND OTHER ENTITIES COVERED BY THE AGREEMENT

3. Sub-central government entities and Annex 3 entities have their own procurement systems and are not governed by the Stores and Procurement Regulations. Upon Hong Kong's accession to the Agreement on 20 May 1997, these entities have amended their procurement procedures in order to meet the requirements of the Agreement which include non-discriminatory treatment of goods and services, qualification of suppliers, tender procedures, and tender specifications.

C. BASIC LEGISLATION (LAWS AND REGULATIONS) ON GOVERNMENT PROCUREMENT ATTACHED

4. Copies of the following laws and regulations relating to government procurement have been submitted:

- Public Finance Ordinance (Chapter 2, Laws of the Hong Kong Special Administrative Region);
- Stores and Procurement Regulations; and
- Rules of Operation of the Review Body on Bid Challenges (under the World Trade Organization Agreement on Government Procurement).

II. CONTACT POINT

5. Requests from another Party concerning Hong Kong, China's legislation shall be addressed to:

Trade Department
17/F., Trade Department Tower,
700 Nathan Road, Kowloon,
Hong Kong

Tel: (852) 2398 5305
Fax: (852) 2787 7799

III. RESPONSES TO THE CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

The procurement of stores and services by all central government entities of the Government of the Hong Kong Special Administrative Region is governed by the Stores and Procurement Regulations. The principles underlying the government procurement system are consistent with the spirit and objectives of the Agreement. Certain provisions in these Regulations have been revised in May 1997 in order to fully align the government procurement procedures with the requirements of the Agreement.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Sub-central government entities have their own procurement systems and their procurement process is not governed by the Stores and Procurement Regulations. However, their procurement procedures generally follow those of the central government entities, except that the authority to accept tenders and to award contracts rests with the municipal authorities.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

The Annex 3 entities are not subject to the Stores and Procurement Regulations. They are autonomous in the implementation of the Agreement but their procurement procedures are consistent with the provisions in the Agreement.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The central level, the sub-central level and Annex 3 entities have their respective procurement procedures. However, there are no significant differences, in substance and with respect to the Agreement, in their procurement procedures.

5. *To what extent is information technology used in the process of government procurement?*

- (a) Central government entities

For central government entities, the following information concerning the procurement of goods and services is published on the Internet:

- (i) general information about government procurements, including the procurement policy, the general terms and conditions for procurement of goods and related services, and contact persons;
- (ii) invitations to tender, which include the information specified in Article IX:6, 8 and 11 of the Agreement;
- (iii) a forecast of major purchases and invitations to tender for construction and engineering works; and
- (iv) notices of awarded contracts, which include the information specified in Article XVIII:1 of the Agreement.

- (b) Sub-central government entities

These entities publish tender notices through the Internet. Such information includes that prescribed in Article IX:6, 8 and 11 of the Agreement.

- (c) Annex 3 entities

The Airport Authority and Kowloon-Canton Railway Corporation use information technology in government procurement, i.e. through the Internet. The Housing Authority also publishes tender notices through the Internet. As regards Hospital Authority and Mass Transit Railway Corporation, they are currently using manual form in government procurement, but they both have plans to make use of the Internet to publicize tender invitations and contract awards.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

All entities covered by the Agreement award contracts for supplying goods or services through open, fair and transparent procedures. There are equal opportunities for domestic and foreign suppliers and service providers. We do not discriminate between products on the basis of their country of origin. There are no discriminatory provisions in the procurement procedures against foreign suppliers, or foreign goods and services.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

In accordance with Article IX:2 of the Agreement, entities may publish an invitation to participate in an intended procurement in the form of a notice. For procurements through open and selective tendering procedures, all central government entities are required to publish tender notices in the Government of the Hong Kong Special Administrative Region Gazette. All tender notices contain the information specified in Article IX:6, 8 and 11 of the Agreement.

8. *Article IX: 3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

There is no implementing legislation or other requirements on sub-central and Annex 3 entities providing for this opportunity. Some entities may issue a notice of planned procurement or a notice regarding a qualification system as an invitation to participate placed in the format of a notice of expression of interest to participate, or notice of tender invitation of the type of tendering method engaged, in compliance with Article IX:3 of the Agreement.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the case of selective tendering procedures, the central government entities may consider establishing permanent lists of qualified contractors/suppliers for particular services or articles, where there is a frequent need to invite tenders for such service or articles but not all contractors/suppliers in the market are considered to be capable of providing the required services or articles. Central government entities must seek the prior approval of the Secretary for the Treasury for the establishment of such permanent lists. In making the application, a central government entity should explain the reasons for establishing the proposed list and provide information on the source of the prospective applicants, qualification criteria, assessment panel and method of assessment. In accordance with Article VIII of the Agreement, the qualification criteria are limited to those which are essential to ensure the ability of contractors/suppliers to provide the required services or articles, and do not discriminate among foreign contractors/suppliers or between domestic and foreign contractors/suppliers. Any subsequent revisions to the qualification criteria require the prior approval of the Secretary for the Treasury. In accordance with Article IX:9 of the Agreement, central government entities maintaining permanent lists of qualified contractors/suppliers are required to publish annually the up-to-date list, the period of validity of the lists, the method of application and assessment and the method of renewal, where applicable, in the Government of the Hong Kong Special Administrative Region Gazette.

There is no requirement on sub-central and Annex 3 entities to select lists of suppliers on a contract-by-contract basis, although many in practice do so. The entities may use permanent lists of suppliers in selective tendering procedures in accordance with Articles VIII and IX:9 of the Agreement.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

(a) Central government entities

The central government entities may conduct negotiations with the tenderers in order to achieve the best value for money. The central government entities must seek the approval of the relevant tender boards before conducting the tender negotiations, except in the following circumstances where the heads of the central government entities are authorized to approve the conduct of negotiations:

- (i) when only one tenderer is invited with the prior approval of the Secretary for the Treasury;
- (ii) when only one tender is received, and the tendered sum of the only offer is too high;
- (iii) when only one of the tenders received is technically acceptable but the tenderer has asked for a high price, and/or made counter-proposals or qualifications which conflict with the original tender conditions or specifications;
- (iv) when the tendered sum of the lowest conforming tender is too high.

The central government entities must follow the provisions and guidelines set out in the Stores and Procurement Regulations when conducting tender negotiations. These provisions and guidelines are fully consistent with the provisions set out in Article XIV of the Agreement.

(b) Sub-central government entities

Similar procedures with central government entities except prior approval from the respective municipal councils is required before the negotiation.

(c) Annex 3 entities

Annex 3 entities may conduct negotiations in circumstances similar to those as set out in 10(a) above, plus the following:

- (i) when the scope of an existing contract needs to be expanded and the price rates for the existing items of work are not applicable to the additional items of work; or
- (ii) when additional works need to be undertaken to include equipment or standards that are unique to a specialist company or identical to existing works or must be compatible with existing systems or proprietary software.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be “not less than X days”. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time-limits which have been established.*

(a) Central government entities

The Stores and Procurement Regulations require all central government entities to comply with the time-limits for tendering set out in Article XI, i.e. to allow at least 40 days for receipt of tenders and no less than 25 days for applications to be qualified to tender. Only in exceptional cases, the Secretary for the Treasury may approve a central government entity to reduce the period for receipt of tenders, having regard to the requirements set out in the Article XI:3 of the Agreement.

As to the delivery of goods and services, given that the time for delivery depends on the nature of the goods/services to be provided and the terms and conditions of individual cases, there is no across-the-board time-limit.

(b) Sub-central government and Annex 3 entities

Time-limits for tendering comply with Article XI: 3 of the Agreement whilst time-limits for delivery depends on the nature of the goods/services to be provided and the terms and conditions of individual cases.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

For central government entities, there is no explicit reference to the language of tender submission in all tender notices, invitations for applications to be qualified to tender, and tender documents. English can be used in all such documents.

For sub-central government and Annex 3 entities, English is accepted in tenders.

III. CHALLENGE PROCEDURES - ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

A Review Body has been set up to hear all challenges against alleged breaches of the Agreement by central and sub-central Government entities as well as Annex 3 entities. A set of "Rules of Operation of the Review Body on Bid Challenges" (the Rules) and a set of "Guide to the Review Body on Bid Challenges" (the Guide) are published. The former is a set of detailed rules governing the operation of the Review Body on Bid Challenges (the Review Body) and will be issued to all the parties concerned in a challenge. The Guide is an abridged version of the Rules and is available for public consumption which can be obtained from the Secretariat of the Review Body. Preparatory work is in progress to enable the information to be available via the Internet.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

In accordance with the Rules, if a supplier believes that a breach of the Agreement has occurred, he shall, within 10 working days after he knew or reasonably should have known the basis of the challenge, lodge a challenge to the Review Body on alleged breaches of the Agreement by procuring entities for relevant procurements. The Review Body may receive and consider a late challenge if reasonable cause for the delay is shown, but in any event no later than 30 days after the supplier knew or reasonably should have known the basis of the challenge.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent Review Body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Review Body is an impartial and independent body set up administratively by the Government of the Hong Kong Special Administrative Region.

- The Review Body consists of one Chairman, one Deputy Chairman and ten members. They are selected from a wide spectrum of society and appointed by the Secretary for Trade and Industry. Both the Chairman and Deputy Chairman are required to have legal qualifications. The current chairmanship is held by the Chairman of the Hong Kong International Arbitration Centre, who is also a former High Court Judge.
- The decisions made by the Review Body are not subject to judicial review, but procedures as stipulated in Article XX.6 of the Agreement have been put in place.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Review Body will examine complaints by reference to the Agreement itself, and the Laws of the Hong Kong Special Administrative Region.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

The Review Body may examine the need for and recommend rapid interim measures, which may result in suspension of the procurement process to correct breaches of the Agreement and to preserve commercial opportunities. However, if the procuring entity, taking into account any overriding adverse consequences for the interests concerned,

including the public interest, is unable to implement the decisions, it must provide in writing to the Review Body the reasons for not doing so.

- (v) *How do challenge procedures provide for correction of the Agreement? What type of compensation for loss or damages suffered can the challenge body order?*

Our challenge procedures provide that if the Review Body finds that there has been a breach of the Agreement, it may recommend corrective measures or compensation, which will be limited to the cost of tender preparation or protest.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The Chairman of the Review Body shall decide, within 7 working days upon receipt of an application for challenge, whether a prima facie case is established for the challenge to be accepted for inquiry. If so, a Panel consisting the Chairman and two members will be formed, and may recommend rapid interim measures not later than 7 working days after the Panel is established. The Panel will determine the validity of a challenge within 90 days upon receipt of an application for challenge.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There is no fee for filing a challenge with the Review Body. Parties may file materials and appear before the Review Body without legal representation. All administrative costs arising from the challenge procedures will be borne by the Government of the Hong Kong Special Administrative Region.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the United States

The following communication has been received from the Permanent Mission of the United States in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

SUMMARY OF LEGISLATION

1. Basic Legislation on Government Procurement, and Legislation Giving Effect to the Agreement

The Uruguay Round Agreements Act (19 U.S. Code §§ 3501 et seq.) approves the trade agreements resulting from the Uruguay Round of multilateral trade negotiations and provides for implementation and entry into force of those agreements. The Act, through amendments to the Trade Agreements Act of 1979 (19 U.S. Code §§ 2511 et seq.), authorizes the President to implement United States obligations under the Agreement on Government Procurement. Pursuant to the Act, the Agreement on Government Procurement entered into force for the United States on 1 January 1996.

The Federal Acquisition Regulation (FAR) System codifies and publishes uniform policies and procedures for acquisition by all United States executive agencies (central government entities). The FAR System consists of the FAR, which is the primary legal document, and agency-specific acquisition regulations that implement or supplement the FAR.

Copies of the following laws and regulations relating to government procurement have been submitted:

- The Uruguay Round Agreements Act (19 U.S. Code §§ 3501 et seq.)
- The Trade Agreements Act of 1979, as amended (19 U.S. Code §§ 2511 et seq.)
- Federal Acquisition Regulation (48 Code of Federal Regulation parts 1-99)
- Armed Services Procurement Act (10 U.S. Code §§ 2301 et seq.)
- Federal Property and Administrative Services Act (40 U.S. Code §§ 471 et seq. and 41 U.S. Code §§ 251 et seq.)
- The Office of Federal Procurement Policy Act (41 U.S. Code §§ 401 et seq.)

These statutes can be located electronically by accessing the Federal Acquisition Virtual Library of the United States Government's Acquisition Reform Network. The Internet site for the Acquisition Reform Network is: <www.arnet.gov>.

2. Additional Legislation Giving Effect to the Agreement

Each state listed in Annex 2 of the United States schedule for coverage under the GPA has statutes and regulations applicable to government procurement in that state.

3. Contact Point for Information Regarding Laws, Regulations, Final Judicial Decisions, Administrative Rulings or other Measures Relevant to the Agreement

Office of WTO and Multilateral Affairs
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508
(202) 395-3063

In addition, interested parties are encouraged to consult the Acquisition Reform Network (ARNET), a central United States Government electronic website that contains information regarding United States Government procurement laws, regulations, executive orders, and other relevant information, including the Federal Acquisition Regulation and Bid Protest Decisions of the United States General Accounting Office. ARNET is located on the Internet at: <www.arnet.gov>.

CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

Pursuant to the Uruguay Round Agreements Act (Public Law 103-465), the Government Procurement Agreement (GPA) entered into force for the United States on 1 January 1996. The Uruguay Round Agreements Act approved the agreements resulting from the Uruguay Round of multilateral trade negotiations, including the GPA, and implements those agreements in United States law. Although no statutory amendments were required to implement the obligations of the GPA, certain amendments to the Federal Acquisition Regulation were necessary.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

The federal laws and regulations cited above in section 1 of the Summary govern procurement by federal government agencies and generally do not apply to state government procurements. Where state governments are expending grant monies from the federal government or have been allocated monies directly by the federal government, those state governments must comply with certain federal statutory requirements. Each state has its own laws and regulations pertaining to government procurement.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or subcentral level?*

The following Annex 3 entities are subject to the federal procurement laws and regulations cited above in section 1 of the Summary: the Power Marketing Administrations of the Department of Energy (except the Bonneville Power Administration); and the St. Lawrence Seaway Development Corporation. Due to the commercial nature of the activities carried out by certain Annex 3 entities, procurements by the other Annex 3 entities are not subject to the Federal Property and Administrative Services Act and the Office of Federal Procurement Policy Act. These entities are instead subject to specific laws governing each such entity.

In accordance with the Tennessee Valley Authority Act (16 U.S. Code §831h), the Tennessee Valley Authority's (TVA) procurements are subject to the Tennessee Valley Authority Procurement Standards and Guidelines, which contain a statement of procurement policy and a body of interpretive regulations governing TVA procurement. The Bonneville Power Administration's procurement operations are conducted under the Bonneville Power Administration Act, 16 U.S. Code §832 et seq. and 16 U.S. Code §474(d)(20), as well as the Federal Columbia River Transmission System Act, 16 U.S. Code §838i(b), and the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S. Code §839f(a) and 839f(b). These entities follow procurement procedures that are similar to those contained in the FAR.

The Port Authority of New York and New Jersey is a municipal corporate entity and subdivision of the States of New York and New Jersey. The Port Authority has written instructions in the form of administrative procedures and memoranda for its purchasing agents. The New York Power Authority is required by state law to follow comprehensive guidelines detailing operating policy and instructions regarding procurement contracts.

All federal government entities in Annex 3 are subject to the Trade Agreements Act of 1979.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the subcentral level and for Annex 3 entities?*

With respect to entities at the subcentral level, state government procurements are governed by laws enacted by the individual states. These laws establish transparent government procurement procedures and are aimed at establishing a level playing field for suppliers. One of the principal differences that exists between federal government and state government laws is the degree of centralization of procurement. The federal government generally conducts procurements on a more centralized basis than do the states. States also vary among themselves as to the extent to which their procurements are decentralized. In addition, states have different designated publication for advertising procurement opportunities.

5. *To what extent is information technology used in the process of government procurement?*

Information technology (IT) is used throughout the government procurement process, as in all other administrative processes. Information is passed from requirements offices to buying offices and paying offices via computer. Solicitations are prepared using computers that link directly to data bases of standard contract clauses. Contracts are managed through extensive computer systems. Wherever possible, the paper process has been supplanted by an IT solution. The United States Government has begun to use electronic commerce to streamline, consolidate and eliminate processes wherever possible through the following initiatives:

Commerce Business Daily on the Internet

With certain exceptions, agencies are required to publish notices of procurement opportunities in excess of US\$25,000 in the Commerce Business Daily (CBD). The CBD is distributed by the United States Government Printing Office in paper form, and is also available on the Internet. The Internet site, known as *CBDnet*, is the official online listing of government contracting opportunities published in the CBD. *CBDnet* provides convenient and universal user access to these notices through a single point of entry. In addition, *CBDnet* provides users with three search engines to conduct: (1) text searches; (2) field searches; and (3) searches by classification code. Access to *CBDnet* is free. The site can be accessed at <http://cbdnet.access.gpo.gov/index.html>. The United States Government is working towards enhancements that, among other things, will permit sellers to download solicitations and related documents from the Internet for local printing and editing and to receive automatic email notification about procurement opportunities in specific categories of interest.

Conducting Small Dollar Purchases through Electronic Commerce

Each year the Federal government makes approximately 22 million purchases from the private sector worth about US\$200 billion. Federal government agencies are currently finding that electronic commerce is especially beneficial in helping them conduct smaller dollar purchases, in light of the high volume of transactions (often for the same supplies or services) and the amount of associated transaction processing that can be improved by the application of current electronic commerce and related technologies.

Among other things, agencies are using purchase cards (credit cards for business) to make micro-purchases (purchases of US\$2,500 or less). Purchase cards are also used to support other smaller dollar ordering from "electronic catalogs" to fulfill needs better, faster and more cheaply.

Improved Integration of Procurement and Payment Procedures

In March 1998, the President's Management Council's Electronic Processes Initiatives Committee issued a Strategic Plan for Electronic Commerce for Buyers and Sellers. The Plan sets forth policy principles for making and successfully managing investments in electronic commerce and a variety of focused activities to facilitate the use of electronic commerce to strengthen and integrate buying and paying process in government agencies. The Strategic Plan can be accessed at <http://policyworks.gov/epic>.

The Debt Collection Improvement Act of 1996 requires that all Federal payments be made electronically by 1999.

Making Procurement Information Available on the Acquisition Reform Net (ARNET)

Many agencies have developed their own "home pages" on the Internet to broadcast electronically a variety of procurement information such as requests for information, draft requests for proposals (RFPs), RFPs, and other acquisition information such as advanced procurement planning and forecast information to industry. The Office of Federal Procurement Policy (OFPP) has requested agencies to link their home pages to ARNET, a central site on the Internet's World Wide Web (<http://www.arnet.gov>) which currently provides procurement officials in the public and private sectors with a vast amount of procurement information, including best practices guides, policy letters, and training courses.

II. SPECIFIC ELEMENTS

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

The Trade Agreements Act of 1979 (TAA), as amended by the Uruguay Round Agreements Act, authorizes the President to waive the application of any discriminatory government procurement laws for all procurements that are subject to the GPA. 19 U.S. Code § 2511. Under the authority granted by the TAA, the President has ordered federal agencies that are covered by the GPA to comply with GPA obligations. Executive Order 12260 (1980). Accordingly, Part 25 of the Federal Acquisition Regulation specifies that the restrictions of the Buy American Act do not apply to procurements that are subject to the GPA. 48 CFR 25.402.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

Consistent with Article IX:2, Part 5 of the Federal Acquisition Regulation requires that a notice of proposed procurement be published in the *Commerce Business Daily* for each procurement expected to exceed US\$25,000. 48 CFR 5.201. Certain exceptions apply, including where perishable subsistence supplies are being purchased or where a situation of unusual and compelling urgency exists that would result in serious injury to the Government if a notice were published. All state governments require publication of an invitation to participate; most state governments require that this takes the form of a notice of proposed procurement.

8. *Article IX:3 of the Agreement foresees that entities at the subcentral level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Some states use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate under Article IX:3. These notices are sometimes used *in addition* to notices of proposed procurements, affording suppliers multiple opportunities to learn of procurement opportunities.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

A federal government agency may establish a source list if the head of that agency prepares a written justification explaining the circumstances necessitating use of such a list. Potential foreign suppliers from GPA Parties have the opportunity to be included in source lists. Entities must specifically justify and document the need for establishing such lists and all interested suppliers must be provided an opportunity to be included in such lists. Moreover, potential suppliers who are not included in a list must be allowed to participate in the procurement if those suppliers can make timely and responsive offers.

Most GPA-covered states require suppliers to be selected on a contract-by-contract basis. Some GPA-covered states utilize qualified or registered vendor lists. The existence of such lists is advertised and additions to the lists are generally encouraged in the interest of broadening the competitive field.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

Negotiation is permitted for federal government entities as set forth in Part 15 of the Federal Acquisition Regulation. The regulation contains the specific requirements regarding negotiated contracts.

Most GPA-covered states allow for negotiations in procuring goods and services under certain conditions, as set forth in applicable state law.

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be “not less than X days”. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Federal Acquisition Regulation requires that: (1) a notice of proposed procurement be published in the *Commerce Business Daily* (CBD) at least 15 days prior to issuance of a solicitation for bids; and (2) prospective suppliers must be given at least 30 days from the date of issuance of the solicitation to submit bids or proposals. Thus, United States law requires that a notice of proposed procurement be published a minimum of 45 days prior to the deadline for receipt of bids or proposals. The FAR provides, however, that shorter time-frames may be established for procurements of commercial items or for procurements valued at or below US\$100,000. For procurements subject to the GPA, the FAR requires that the time period be not less than 40 days unless the procurement was previously publicized in the CBD not less than 40 days in advance of the deadline. In this circumstance, the time-period may be reduced to not less than 10 days.

State governments have established the necessary solicitation response time limits to conform with the minimum time-limits set forth in the GPA for GPA-covered procurements, either pursuant to state laws or through administrative practice.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

The Federal Acquisition Regulation requires that tenders for federal government procurements subject to the FAR be submitted in English.

III. CHALLENGE PROCEDURES -- ARTICLE XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The United States General Accounting Office is authorized under 31 U.S. Code §3552 to hear protests. The GAO has promulgated procedures for the filing of protests; these regulations are found at Title 4 of the Code of Federal Regulations, Part 21. In addition, suppliers and potential suppliers may protest directly to the procuring agency. In 1995, President Clinton ordered all agencies to establish alternative dispute resolution procedures for bid protests in Executive Order No. 12979 (60 Fed. Reg. 55171 (1995)). Thus, all agencies are directed to create systems that allow for inexpensive, informal, procedurally simple, and expeditious resolution of protests. Suppliers may also take protests to United States federal courts under 28 U.S. Code §1491, although most suppliers prefer to use the GAO and procuring agency procedures because they are less costly and less disruptive to the procurement process.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

The United States General Accounting Office (GAO) requires that all protests other than those based on solicitation improprieties must be filed no later than ten (10) calendar days after the protester knew or should have known of the basis of the protest. For any competitive procurement for which debriefings are required, protesters must wait to file their protests until after the debriefing has been held (yet within five calendar days of the debriefing). If a protest is filed before the debriefing, GAO will dismiss the protest without prejudice. Protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the time set for receipt of initial proposals, must be filed prior to bid opening or the time set for receipt of initial proposals. In procurements where proposals are requested, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated into the solicitation must be protested not later than the next closing time for receipt of proposals following the incorporation.

The time limits established for launching complaints varies among states covered by the GPA. Most have limits of ten (10) calendar days; however, some have limits of up to fourteen (14) calendar days. Some states have specific rules applicable only to contracts covered by the GPA in order to comply with GPA obligations.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The General Accounting Office, an arm of the United States Congress, is vested with the authority to review protests in accordance with Title 31 of the United States Code, §3552. The GAO has promulgated procedures for the filing of protests and they are found at Title 4 of the Code of Federal Regulations, Part 21.

Protesters may request GAO to reconsider decisions based upon new facts, unavailable at the time of the initial protest. Technically, GAO's recommendations themselves are not reviewable by a court. However, protestors may always seek judicial review under the Administrative Procedures Act of actions taken by any United States Government agency, including an agency's implementation of a GAO decision.

States vary with respect to the nature of bid challenge bodies. Authority to review protests in most GPA-covered states is vested either in an independent review entity, or with an independent arm of the procuring agency or the state administrative offices. Decisions are generally subject to judicial review, usually through the state court system.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

See answer to question (ii).

In general, the applicable body of law by reference to which the challenge body in GPA-covered states will examine complaints is the relevant state statutes and rules, and the decisions of the state courts.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

Where a protest is filed with the GAO, the contracting agency may be required to withhold award and to suspend contract performance.

When the agency has received notice from the GAO of a protest filed directly with the GAO, a contract may not be awarded unless authorized by the head of the contracting activity and upon a written finding that: (1) urgent and compelling circumstances which significantly affect the interest of the United States will not permit awaiting the decision of the GAO; and (2) award is likely to occur within 30 days of the written finding.

When the agency receives notice of a protest from the GAO within ten days after contract award or within five days after a debriefing, the contracting officer must immediately suspend performance or terminate the awarded contract unless the head of the contracting activity decides that: (1) contract performance will be in the best interests of the United States; or (2) urgent and compelling circumstances that significantly affect the interests of the United States will not permit waiting for the GAO's decision.

Many GPA-covered states allow for the temporary restraint or suspension of the procurement process (including performance of the contract award) pending resolution of bid protests. A few states require an appeal bond to stay a contract award. In addition, courts can generally issue a stay of the procurement process.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the GAO determines that a solicitation, cancellation of a solicitation, termination of a contract, proposed award, or award does not comply with statute or regulation, it must recommend that the contracting agency implement any combination of the following remedies:

- refrain from exercising options under the contract;
- terminate the contract;
- recompute the contract;
- issue a new solicitation;
- award a contract consistent with statute and regulation; or

- such other recommendation(s) as GAO determines necessary to promote compliance.

If the GAO determines that a solicitation, proposed award, or award does not comply with statute or regulation, it may recommend that the contracting agency pay the protester the costs of:

- filing and pursuing the protest, including attorneys' fees and consultant and expert witness fees; and
- bid and proposal preparation costs.

Remedies for successful bid challenges in the majority of GPA-covered states include the cancellation and rebidding of the procurement, along with other remedies as provided under relevant state law.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The GAO will generally decide on a protest within 100 days after it is filed. In protests where the GAO uses express option procedures (an accelerated schedule as requested by a party to the protest), the GAO shall issue a decision on a protest within 65 days after it is filed.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There are no charges for filing a protest with the GAO.

The majority of GPA-covered states do not impose a fee to file a challenge to a contract award. Each party is generally required to pay its own administrative and legal fees, if incurred.

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the European Community

The following communication has been received from the Permanent Delegation of the Commission of the European Community in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

I. SUMMARY OF THE EC LEGISLATION ON PUBLIC PROCUREMENT

I.1 EC Level

(i) At **EC level**, general public procurement rules stem from the Rome Treaty. These rules have been completed by several Community Directives, specially with respect to procedural requirements.

The main EC Treaty articles having consequences for public procurement are Articles 6 (non-discrimination on grounds of nationality principle), 30 to 36 (the ban on quantitative restrictions on imports and all measures having equivalent effect), 52 & seq. (the right to establishment in the territory of another member State) and 59 & seq. (freedom to provide services).

Secondary legislation applies these general principles to concrete matters. Thus, there is a group of Council Directives laying down certain common rules with respect to Public Procurement. These directives need implementation at national level and their purpose is to coordinate the procedures to be followed in member States whenever a contract is to be awarded whose value exceeds a certain threshold.

The GPA was transposed into EC law by Council Decision N° 94/800/EC of 22 December 1994 (see section 4 below).

To a large extent, EC rules coincide with the GPA rules on public procurement. Some minor amendments are in the process of being adopted to align the EC directives with the GPA rules where differences would create reverse discrimination against EC suppliers.¹

For contracts below the thresholds, national rules are not bound by the EC directives, nor by the GPA, though the general rules of the Treaty still apply. This means that, below thresholds, national rules are not uniform, so that each member State has its own public procurement rules which must only respect the general principles laid down in the Treaty, in particular non-discrimination in respect of goods and services.

¹ See Council and Commission Common Position, OJ C111, 09.04.1997.

The directives fall into two groups, those governing the traditional areas of public procurement (Public Authorities directives or traditional sectors directives), and those dealing with water, energy, transport and telecommunications (Utilities directives or "excluded" sectors directives). Each group is completed by a Remedies directive. Although they differ in a number of respects, both groups apply the following principles: a ban on discrimination; open access to all EC suppliers, transparency of award procedures; a precise indication of which of the permissible award procedures has been chosen; compliance with technical requirements and transparency of the procedures for selecting contractors and awarding contracts, through the use of objective criteria which must be known beforehand.

(ii) The public authorities directives

Contracting authorities in the sense of these directives are the State, Regional or Local authorities, and bodies governed by public law. These authorities are covered in Annexes 1 and 2 of Appendix I of the GPA.

- Council Directive N° 93/36 coordinating procedures for the award of public supply contracts (The Public Supplies Directive).
- Council Directive N° 93/37 concerning the coordination of procedures for the award of public works contracts (the Public Works Directive). This directive covers contracts between a contractor and a contracting authority concerning the execution or both the execution and design of works related to building or civil engineering activities, in addition to ancillary supplies and services contracts necessary for their execution.
- Council Directive N° 92/50 relating to the coordination of procedures for the award of public service contracts (the Public Services Directive). This directive covers all contracts between a contracting authority and a service supplier which are not yet covered by other existing public procurement directives. Services are divided into two categories, priority services for which there is a complete set of rules, and other services for which the requirements are much less (see Articles 8-10). Priority services are listed in Annex IA of the directive. All the services listed in Annex 4 to Appendix I of the GPA are included in this category of priority services.
- Council Directive N° 89/665 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, and public services (the Remedies Directive). This directive obliges member States to ensure adequate procedures, including the authorization of competent review bodies to take the necessary measures to ensure effective remedies for undertakings lessed by infringements of Community law.

(iii) Utilities directives

- Council directive N° 93/38 coordinating the procurement procedures of the entities operating in the water, energy, transport and telecommunications sectors (the Utilities Directive). This directive governs those contracts of authorities and public undertakings operating in the so-called "former excluded sectors" and other contracting entities operating on the basis of special or exclusive rights granted by a competent public authority. Therefore, this directive is relevant for contracts awarded by the contracting entities listed in Annex 3 to Appendix I of the GPA and which operate in the water, electricity, airports, ports and urban transport sectors. Rules

applying to those sectors are more flexible than those for the traditional public procurement sectors.

- Council directive 92/13 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (the Remedies Utilities Directive). This directive also obliges inter alia member States to establish adequate procedures to ensure effective remedies for infringements of Community law in the sectors concerned.

(iv) A **booklet** describing the EC rules governing the procedure in the award of public procurement contracts is attached.

I.2 Member State Level

At **member State level**, national legislation has implemented both GPA and EC rules.

(A) Austria. Procurement regulations above the thresholds for Central Government Entities are specified in the Federal Act "*Bundesvergabegesetz* 1997". Each of Austria's nine states ("Bundesländer") has adopted its own procurement act. The revised *Bundesvergabegesetz* implements the obligatory use of "ONORM A-2050" below the thresholds.

(B) Belgium. Legislation on public procurement of goods, works and services falls within the competences of the federal authorities, which have enacted an Act and implementing regulations (*arrêtés royaux*). This legislation applies to any public contract, regardless of its value, if they have a pecuniary interest.

Those texts are:

- *Law of 24 December 1993 on public procurement and certain works, services and supplies contracts, including Royal Order of 10 January 1996 amending Title IV of Book I of that Law;*
- *Royal Order of 8 January 1996 on public procurement of works, supplies and services and on public works concessions;*
- *Royal Order of 10 January 1996 on public procurement of works, supplies and services in the water, energy, transport and telecommunications sectors.*

(D) Germany. The basis of the German procurement law is article 57a to 57c of the *Haushaltsgrundsatzgesetz* (Budgetary principle law). Article 57a defines the group of contracting authorities. Articles 57b and c are concerned with the review procedures used in cases of violation of procurement provisions. The contract award regulations that German contracting authorities must comply with are the following: *Verdingungsordnung für Leistungen*, VOL/A (Code for Awarding Public Supplies Contracts including services which are supplied commercially, but excluding public works contracts); *Verdingungsordnung für Bauleistungen*, VOB/A (Code for awarding public works contracts). Each code is divided into 4 sections. VOL/A: the first section contains provisions for national awards of supplies and services contracts below the EC thresholds; the second section contains provisions which implement the regulations of the EC public supplies Directive 93/36 and the EC public services Directive (92/50) as regards commercial and industrial services. Contracting authorities must comply with this section if the contract exceeds the EC thresholds; the third section contains provisions applicable to public contracting entities operating in the water, energy, transport and telecom sector according to the EC Utilities Directive 93/38; the fourth section contains the

implementation of the EC Utilities Directive for private contracting authorities. The VOB/A is similarly divided: first section, national regulations for the awards of public works contracts below the EC thresholds; second section, regulations which implement the EC public works Directive 93/37 and therefore are relevant to contracts above the EC threshold; third section, provisions which implement the EC Utilities Directive concerning public contracting authorities; fourth section, implementation of the EC utilities Directive for private contracting authorities. The *Verdingungsordnung für freiberufliche Leistungen* (VOF) contains the contract award regulations of the EC-Directive 92/50 for services which are provided by free-lancers.

(DK) Denmark. All directives have been implemented in Danish legislation. The basis for so doing is the Ministry of Housing and Building's Consolidation Act N° 600 of 30 June 1992, which enables the competent ministries to implement public procurement directives by ministerial orders. The specific implementing measures are the following: Ministerial order N° 201 of 27 March 1995 on the award of public works contracts in the European Communities (Directive 93/37); Ministerial order N° 510 of 16 June 1994 on coordination of procedures for public supplies (Directive 93/36); Ministerial order N° 415 of 22 June 1993 on the coordination of procedures for the award of contracts for public procurement of services within the European Communities (Directive 92/50); Ministerial order N° 558 of 24 June 1994 on tendering of purchases within water and energy supply as well as transport and telecommunications in the European Community (Directive 93/38 as far as works contracts are concerned, also implements the provisions of Directive 92/13 concerning attestation); Ministerial order N° 557 of 24 June 1994 on tendering of purchases within water and energy supply as well as transport and telecommunications in the European Communities (Directive 93/38 as far as supplies and services are concerned, also implements the provisions of Directive 92/13 concerning attestation); Consolidation Act N° 1166 of 20.12.1995 on the Review Board for Tenders (Tendering of works and supplies in the European Communities) combined with ministerial order N° 26 of 23 January 1996 on the Review Board for Tenders implement both Directive 89/665 and Directive 92/13).

The following regulations apply in Denmark also to contracts of a value inferior to the thresholds: Circular of 14 April 1989 issued by the Housing and Building Agency which prescribes that State construction contracts and construction contracts subsidized by the State shall be subject to a public tender; Circular of 1 March 1994 issued by the Ministry of Finance which imposes an obligation on central government institutions to undertake a market testing on a regular basis with a view to a possible contracting out of a given activity.

(E) Spain. Basic legislation. Law 13/1995 (18 May) of Public Procurement. Its scope covers the State, the Regions, the Local administration, the autonomous bodies and the entities subject to public law which have their own legal personality and are linked to any Public administration which have been created to satisfy the general interest or whose activity is mostly financed by public administrations, or whose direction is controlled by public administrations, or whose direction bodies are composed in their majority by persons appointed by public administrations or other entities of public law. Royal Decree 390/1996 (1 March), implementing the Law 13/1995. Also relevant are: Law 30/1992 (26 November) on the Legal regime of the Public Administrations and on the Common administrative procedure; Law 7/1985 (2 April) on the Local administration. Furthermore, there are some specific regulations enacted by the Regions.

(EL) Greece. As concerns contracts for supplies the value of which is lower than the threshold established by Directive 93/36, Greece applies Law N° 2286/94 and the Regulation of public procurement (Presidential Decree 394/96) implementing the general provisions of the Treaty. In most cases, an open or restricted tendering procedure takes place and in exceptional cases a negotiated procedure. For supplies contracts equal to or exceeding ECU 137_000 in value, for the entities of Annex 1 and ECU 200,000 in value for all the other entities of public sector, Greece applies the treaty and Directive 93/36 as incorporated in the Hellenic Legislation through consecutive presidential

Decree 370/95. As concerns contracts for public works the value of which is lower than the threshold established by Directive 93/37, Greece applies Law N° 1418/84 (as modified notably by Law N° 2299/94, Law N° 2308/95, Law N° 2372/96 and by Presidential Decrees) implementing the general provisions of the Treaty. In most cases, an open or restricted tendering procedure takes place and - in exceptional cases - a negotiated procedure. For those public works contracts equal to or exceeding ECU 5 million in value, Greece applies the Treaty and Directive 93/37 as incorporated in the Hellenic legislation through consecutive presidential Decrees (notably 23/93 and 85/95). For all contracts for design and construction of public works, tendering and monitoring is carried out at three levels: central, peripheral and local level. As regards public services contracts, a legislation of a systematic and general nature is presently absent, pending the incorporation of Directive 92/50 into the Hellenic legislation. For the public services contracts with a value lower than the threshold of ECU 200.000, Greece applies Law N° 2362/95 (Arts. 8 & 23) which provides for public tendering. As an exception, the public procurement of services after a simpler procedure or a negotiated procedure is allowed. There also exists a special legislation for public works design contracts, which, however, has to be modified, pending the incorporation of the 92/50 Directive. The processes for public procurement of services for the entities operating in the utilities sectors, will be provided for in the forthcoming legislation incorporating Directive 93/38.

(F) France. Every contract awarded by the State, the territorial subdivisions and the public bodies must follow the rules established by the Code on Public Procurement, which comprises all the texts concerning the award of public contracts. Those rules are similar to those of the EC directives. The Code establishes the general principle of freedom of access for candidates to public contracts, and that of equality of treatment for both candidates and tenders. It sets out that contracts are awarded, in general, after a call for tenders, and limits the cases in which a negotiated procedure can be used.

(I) Italy. The Italian regime in force concerning public procurement has been regulated by four Legislative Decrees, that is to say, laws delegated from Parliament to Government. The first, Legislative Decree of 19 December 1991, N° 406 transposed the Works Directive. In addition, a Law of 11 February 1994, N° 109 (so-called Merloni Act) is also relevant to works. The second, Legislative Decree of 24 July 1992, N° 358 transposed the Supplies Directive. The third, Legislative Decree of 17 March 1995, N° 157 transposed into Italian legislation the Services Directive 92/50. The fourth, Legislative Decree of 17 March 1995, N° 158 transposed the Directives 90/531 and 93/38, concerning the so-called excluded sectors.

Furthermore, as regards remedies, there are some provisions applicable in other laws. Law N° 1034 of 6 December 1971, Law N° 142 of 19 February 1992 and the Civil Code.

(IRL) Ireland. There is no body of law governing public procurement in Ireland law except for that provided for under European Community, WTO and other international obligations. Ireland has implemented into law all EU public procurement Directives by means of secondary legislation, that is by way of "Statutory Instruments" which transpose the Directives directly into Irish law.

With respect to contracts below EU thresholds, there are no legally binding regulations but there are national government guidelines which public authorities are bound to follow. The national guidelines are published by the Department of Finance and were last issued in 1994. The guidelines sets out the requirements for dealing with sub-threshold and above-threshold EU contracts. The Guidelines apply to "Government Departments, local and regional authorities and other bodies dependent on State funding, in the award of public sector contracts (including the acquisition, letting and disposal of public property)". In addition, it is pointed out that commercial and non-commercial State bodies should comply with the broad principles of Government contracts procedures and that tax clearance procedures are obligatory in all cases. Although these guidelines do not have formal force of law, failure to apply them may obviously attract the censure of the Department of Finance, Parliament, auditors and the Media. In addition, purchasers are aware of the argument that failure to

comply with the guidelines may be a breach of a representation or contractual obligation, to the effect that the purchaser will apply the proper published guidelines in consideration of the tenderer submitting his tender.

(L) Luxembourg. The main law is the Act concerning public supply and public works contracts (04.04.1974), based on the non-discrimination principles of the Treaty of Rome. EC directives have been implemented by special Regulations: one for the classical sectors (27.01.1994, as amended 31.05.1996), and one for the utilities (02.02.1996). An Act of 21.12.1989 transposed the remedies directive, which will be amended in what refers to the utilities remedies directive.

(NL) Netherlands. The EC directives have been implemented in The Netherlands through the *Raamwet EEG-voorschriften aanbestedingen* of March 13, 1993 (Staatsblad 1993, 212), entry into force 12 April 1993 (Framework legislation EEC regulation). Under this framework law there are the following two decrees for the relevant sectors:

- *Besluit aanbestedingen nutssector* (Staatsblad 1993, 305), entry into force 21 April 1993 (Decree on procurement in the sector of utilities). This decree applies to procurement in the sector of utilities.
- *Besluit overheidsaanbestedingen* (Staatsblad 1993, 305, as amended in 1994, Staatsblad 1994, 379), entry into force 1 July 1993 (Decree on government procurement). This decree applies to procurement of products, services and construction services.

The implementation is effected by a reference in the national legislation to the provisions of the EC directives which have to be applied.

Additionally, the *Uniform Aanbestedingsreglement EG 1991* (UAR-EG, Staatscourant 228, 1991, as amended in 1995, Staatscourant 1995, 103) (Harmonised regulation on EC procurement) contains standard conditions and procedures for the central government with respect to construction services.

The two EC directives on remedies (89/665 and 92/13) are covered by existing national legislation (Civil Code). Therefore, no specific national legislation implementing these directives was needed.

(P) Portugal. Rules governing public procurement in Portugal are the Decreto-Lei N° 55/95 as modified by Decreto-Lei N° 80/96. The Decreto-Lei N° 64/94 governs the procurement of computer-related goods and services. The Decreto-Lei N° 405/93 refers to works.

(S) Sweden. Sweden has incorporated all the relevant EC directives in its Law on public procurement (*Lagen (1992:1528) om Offentlig Upphandling, LOU*), which has been revised accordingly (1993:1468) and reprinted in the register of promulgated laws (*Svensk Författningssamling, SFS*). The law has been additionally revised through amendments 1994:614, 1995:704 and 1996:433. Further amendments to the LOU and specific detailed regulations will enter into force on 1 January 1998. The LOU applies to the same procuring entities and covers all types of procurement (supplies, public works and services contracts) that are subject to Community legislation.

(SF) Finland. The Public Procurement Act (1505/92, of 23.12.1992, amend. 1523/94 of 29.12.1994) is a general framework-law that applies to almost all purchase, rental or corresponding transactions in respect of goods and services, or for tenders administered by the State authorities, local authorities or other contracting entities referred to in the Act. The contracting entities covered by the Act shall observe the Act in their procurement with the view to promoting competition and ensuring proper and non-discriminatory treatment of those who participate in a tendering procedure. Within all

fields other than the utilities sector (water, energy, transport and telecommunications sector) the Act applies to procurements below the threshold values as well as to procurements in excess thereof.

There are also two implementing orders: order on the procurement of supplies, services and works in excess of threshold value (24.02.1995/243) and Order on the procurement in excess of threshold value by entities operating in the water, energy, transport and telecommunications sector (28.06.1994/567, amended 24.02.1995/244).

(UK) United Kingdom. The UK has implemented all the EC public directives by secondary legislation as follows: for public authorities, for supplies, Statutory Instrument (SI) 1995/201 implements 93/36/EEC, for works, SI 1991/2680 implements 93/37/EEC, for services, SI 1993/3228 implements 92/50/EEC; for utilities, 1996/2911 implements 93/38/EEC.

It should be noted that each of the above Statutory Instruments also implement the relevant enforcement rules. So the three SIs for the public sector (1995/201, 1991/2680 and 1993/3228) also implement 89/665/EEC the Compliance directive and for the utilities 1996/2911 implements 92/13/EEC, the Remedies directive.

In addition to these laws, the basic UK policy approach, which covers below threshold procurement as well, is set out in 'Public Purchasing Policy: Consolidated Guidelines,' (HM Treasury 1988). These provide that government purchasing should be conducted on the basis of achieving value for money through competition, which would not permit discrimination on grounds of nationality.

II. OTHER LEGISLATION GIVING EFFECT TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Not applicable.

III. CONTACT POINT

Requests from another Party concerning the EC legislation shall be addressed to:

The European Commission
Directorate General for Internal Market and Financial Services
Unit XV/B/5 - Public Procurement: International Relations and Economic Aspects
200, Rue de la loi
B-1049 Bruxelles
Belgium

Tel: + (32 2) 296.58.26
Fax: + (32 2) 295.01.27
E-mail: Auke.Haagsma@dg15.cec.be

IV. RESPONSES TO THE CHECKLIST OF ISSUES

IV.1 General Elements

1. *Has the Agreement been transposed into national law and/or does it apply directly?*

The Agreement was transposed into EC law by Council Decision N° 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994). See OJ L336 pages 1 and 273, of 23.12.1994.

It was completed by Decision N° 95/215/EC of 29 May 1995 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United States of America. See OJ L134 page 25, of 20.6.1995.

A Communication was also made to explain that art. 36 of Directive 93/38 establishing a Community preference has been waived as a consequence of the entry into force of the GPA for those fields covered by the GPA. See OJ C 332/9, of 9.12.1995.

Under EC law no further legal instruments are required to ensure full application of such agreement. In other words, following Council's Decision, the GPA forms an integral part of the EC law. All covered contracting entities have to comply with the requirements of the GPA, as is the case for the requirements of the Directives.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

National laws need to be adapted to the requirements of the Agreement as incorporated by Council Decision 94/800. This is done either at federal/central level or at sub-central level depending on the internal allocation of powers in each member State.

It must be noted that within the EC, federal/central level includes entities from the EU (Council and Commission) as well as entities at central and federal level of the different member States.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities apply the legislation provided by the federal/central or sub-central level.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

The so-called Public Authorities Directives (see subchapter I.1, *supra*) apply both to the central/federal and sub-central levels. Therefore, rules are identical.

As for Annex 3 entities, they follow the rules of the Utilities Directive, which might slightly differ from the traditional Directives in some points. In particular, utilities have a free choice between open, restricted and negotiated procedures provided that a call for competition has been made through publication in the Official Journal. For Annex 1 and 2 entities, the use of the negotiated procedure, even with prior call for competition, is more restricted.

Another important difference is that unlike the traditional directives, the Utilities Directive does not lay down any qualitative selection criteria and thus allows contracting entities some discretion here. However, the criteria adopted must be objective and made available to all interested firms.

5. *To what extent is information technology used in the process of government procurement?*

Notices above the relevant thresholds set out in the GPA and in the EC Directives must be published in the Official Journal of the European Communities (Supplement "S"). The Official

Journal (Supplement "S") is published in paper version and, from January 1997, in CD-Rom. In addition, notices are included in an electronic database: Tenders Electronic Daily, known as TED.

TED is the on-line version of the printed "Supplement S to the Official Journal". Similarly to the Official Journal, TED is updated five times per week. It is produced by the Office for Official Publications of the European Communities, hosted by the European Commission Host Organisation (ECHO) and offered in many countries via Official Gateways. At present, in addition to the former connection procedures, a user-friendly graphical interface allows users to connect to the ECHO databases using a "Windows" environment ("Windows access to Central Host"). Watch-ECHO can be downloaded from the Internet (<http://www2.echo.lu/echo/en/menuecho.html>).

Furthermore, the Commission services are currently working on a pilot project named SIMAP (Information system for public procurement) which intends to create an EU-wide electronic public procurement network aiming to make the process more efficient, more reliable, less time-consuming, and ultimately more cost effective, both for procurers and suppliers. The Internet Homepage can be visited at: <http://simap.eu.int>.

IV.2 Specific Elements

6. *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

There are no discriminatory provisions in the EC law against third country suppliers or products other than those contained in Directive 93/38 (utilities directive). Furthermore, to the extent that the GPA is part of the EC law, pursuant to Decision 94/800, all relations between contracting entities and GPA countries' suppliers are governed by this decision.

Article 36 of the so-called Utilities Directives allows contracting entities to reject a tender if the proportion of non-Community products contained exceeds 50 per cent of the total value of the products constituting the tender. In presence of two equivalent tenders, rejection is compulsory. They are considered to be equivalent if the price difference does not exceed 3 per cent between tenders containing Community or non-Community products as described above.

This article only applies to entities covered by Annex 3 to Appendix I of the Agreement. However, the provisions of this article are automatically disapplied in case that an Agreement ensures comparable and effective access for Community suppliers. This is particularly the case of the GPA. A communication clarifying this issue was published in the Official Journal C332 page 9, of 9.12.1995.

See also Council Decision N° 94/800/EC, of 22.12.1994 referred to in answer to question N° 1.

7. *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

EC Directives provide for the publication of notices of proposed procurement. We can distinguish the traditional sectors from the utilities.

For the traditional sectors (entities listed in Annex 1 and 2 of the GPA), Contracting authorities shall make known, by means of a notice, their intention to award a contract. This notice shall be sent to the Office for Official Publications of the European Communities, which shall publish it not later than 12 days after its dispatch (5 days in accelerated procedures). Notices shall be drawn up in accordance with the models given in the Annexes to the relevant directives, and shall specify the

information requested in those models. Notices are published in full in the Official Journal of the European Communities (supplement S) and in the TED data base in the original language, which alone is authentic. A summary of the important elements of each notice is published in the other official languages of the Community, the original text alone being authentic. At present, the official languages of the Community are: Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

In the utilities sectors (entities covered under Annex 3), a call for competition is published in full in the original language in the O.J. of the E.C. and in the TED data bank. A summary of the important elements of each notice is published in the other official languages of the Community, the original text alone being authentic. Notices are sent to the Office for Official Publications of the European Communities, which publishes them not later than 12 days after dispatch (5 days in accelerated procedures).

Calls for competition may adopt four different forms: a notice stating the intention to award a particular contract; a periodic indicative notice to which undertakings can express their interest (in that case, it must have been published not more than 12 months prior to the date on which the invitation to confirm the interest is sent, there is no further publication of a notice of a call for competition); a notice on the existence of a qualification system; or a notice of a call for competition in the case of design contests.

Moreover, electronic standard forms are currently being used for transmission of notices to the Office of Publications. However, the use of standard forms is not yet mandatory.

8. *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

As regards the traditional sectors (Annexes 1 and 2), in addition to invitation to tender notices, pre-information notices are published. These are however purely for information and cannot be used as a call for competition. In works contracts, contracting authorities publish indicative notices containing the essential characteristics of the works contracts which they intend to award. This notice is published in full in all the official languages of the Community, the original text alone being authentic. In other services and in supplies contracts, contracting authorities shall make known, by means of an indicative notice to be published as soon as possible after the beginning of their budgetary year, the intended total procurement which they envisage awarding during the subsequent 12 months where the total estimated value is not less than ECU 750,000.

As regards utilities, (Annex 3 entities), see the answer to question 7.

9. *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the case of Annex 3 entities, contracting entities which so wish may establish and operate a system of qualification of suppliers, contractors and service providers. An informative notice is published in the Official Journal of the European Communities. The system operates on the basis of objective criteria and rules. Updating of criteria and rules is possible. Refusal of qualification or bringing the qualification to an end must be reasoned and applicants or services providers should be notified.

Where a qualification system exists and a Qualification Notice is used as the sole "call for competition", the selection of candidates for bidlists for specific contracts must derive from those suppliers or contractors qualified under the system.

10. *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

In the case of entities covered by Annexes 1 and 2 of the GPA, Contracting Authorities are entirely free to opt between open or restricted procedures. However, the option of negotiated procedures, with or without prior publication of a contract notice, is limited to particular situations:

- with prior publication of a contract notice:
 - in case of irregular tenders in response to an open or restricted procedure or in the case of tenders which are unacceptable under national provisions insofar as the original terms for the contract are not substantially altered (supplies, works, services);
 - when the works involved are carried out for the purpose of research, experiment, or development (works);
 - in exceptional cases, when the nature of the works/services or the risks attaching thereto do not permit prior overall pricing (works, services);
 - when the nature of the services to be procured is such that contract specifications cannot be established with sufficient precision to permit the award of the contract by using open or restricted procedures (services);
- without prior publication of a contract notice:
 - in the absence of tenders or appropriate tenders in response to an open or restricted procedure insofar as the original terms for the contract are not substantially altered (supplies, works, services);
 - when the products involved are manufactured for the purpose of research, experiment, study or development (supplies);
 - when for technical or artistic reasons, or for reasons connected with protection of exclusive rights, there is only one supplier or contractor (supplies, works, services);
 - when the contract follows a design contest and must be awarded to the successful candidate or one of the successful candidates (services);
 - when it is strictly necessary for reasons of extreme urgency brought about by events unforeseeable (supplies, works, services);
 - in case of additional deliveries by the original supplier, justified by the risk of technical incompatibility or disproportionate technical difficulties (supplies);
 - for additional works/services (up to a limit of 50 per cent of the amount of the main contract) becoming necessary for the carrying out of the work/for the performance of the service through unforeseen circumstances, if the non-separation is justified by technical or economic reasons (works, services);

- for new works/services consisting of the repetition of similar works/services entrusted to the contractor/service provider to which the same contracting authorities awarded an earlier contract, under certain conditions (works, services).

In the case of entities covered by Annex 3, Contracting entities may choose any of the procedures (open, restricted and negotiated) provided that a call for competition has been made (see answer to question 7). This prior call for competition can be avoided under some circumstances:

- in the absence of tenders or suitable tenders in response to procedure with a prior call for competition provided that the original contract conditions have not been substantially changed;
- when the contract is purely for the purpose of research, experiment, study or development, under certain conditions;
- when for technical or artistic reasons, or for reasons connected with protection of exclusive rights, there is only one supplier or contractor;
- when it is strictly necessary for reasons of extreme urgency brought about by events unforeseeable by the contracting entities;
- in case of additional deliveries by the original supplier, justified by the risk of technical incompatibility or disproportionate technical difficulties (supplies);
- for additional works/services becoming necessary for the carrying out of the work/for the performance of the service through unforeseen circumstances, if the non-separation is justified by technical or economic reasons (works, services);
- for new works consisting of the repetition of similar works entrusted to the contractor to which the same contracting authorities awarded an earlier contract, under certain conditions (works);
- for supplies quoted and purchased on a commodity market;
- for contracts to be awarded on the basis of a framework agreement (agreement the purpose of which is to establish the terms governing the contracts to be awarded during a given period);
- for bargain purchases (particularly advantageous opportunity available for a very short space of time at a price considerably lower than normal market prices);
- for purchases of goods under particularly advantageous conditions from either suppliers winding up their business activities or the liquidators for a bankruptcy (or similar);
- when the service contract follows a design contest and must be awarded to the successful candidate or one of the successful candidates (services).

11. *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be “not less than X days”. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time-limits which have been established.*

As for the entities covered by Annex 1 and 2 of the GPA, (the traditional sectors) time-limits are as follows:

- In open procedures, the deadline established by the authority for receipt of the tenders cannot be less than 52 calendar days from the date of dispatch of the notice for publication. This time-limit may be reduced (only for works and services) to 36 days if a prior information notice has been published.
- In restricted and negotiated procedures, the bid is preceded by a request from the contractor to be invited to participate in the tender. The time-limit for receipt of requests to participate fixed by the contracting authorities shall be no less than 37 days from the date of dispatch of the notice. The time-limit for receipt of tenders may not be less than 40 days from the date of dispatch of the written invitation in the case of restricted procedures. This time-limit can be reduced to 26 days if a prior information notice has been published. In case of justified urgency, those time-limits may be reduced to not less than 15 days for the receipt of request, and not less than 10 days for the receipt of tenders.

As for the entities covered by Annex 3 of the GPA (utilities operating in some sectors) time-limits are as follows:

- In open procedures, the time-limit for the receipt of tenders is the same as for the traditional sectors: 52 days (36 if pre-information).
- In restricted and negotiated procedures, timing is different. The time-limit for receipt of requests to participate shall, as a general rule, be at least 5 weeks from the date of dispatch of the notice or invitation and shall in any case not be less 22 days (or 15 under certain conditions). The time-limit for receipt of tenders may be fixed by mutual agreement between the contracting entity and the selected candidates, provided that all tenderers are given equal time to prepare and submit tenders. If that kind of agreement is not reached, the contracting entity shall fix a time-limit which shall, as a general rule, be at least 3 weeks and shall in any case not be less than 10 days from the date of invitation to tender.

12. *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1 to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

The language to be used in public procurement procedures is a matter to be decided by each member State. It must be highlighted that six member States have a WTO language as an official language (Belgium, France, Ireland, Luxembourg, Spain and the United Kingdom).

IV.3 Challenge Procedures - Article XX

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The rule is that any potential contractor who considers that he has been injured by an unlawful decision on the part of a contracting authority may seek review. There are two levels of remedies available: national procedures and EC level control.

(i) Regarding **national remedies**, the Community has adopted two directives (the so-called Remedies Directives, see *supra* chapter I.1) aiming to coordinate the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures. According to the general aim of these directives, member States shall take the measures necessary to ensure that decisions taken by contracting entities may be reviewed effectively on the ground that such decisions have infringed Community law in the field of procurement or national rules implementing that law as regards contract award procedures falling within the scope of the Public Authorities Directives or the Utilities Directive. The objective is to ensure that everyone everywhere has the same rights concerning the review procedures.

These directives provide for the establishment in every member State of courts or other legally authorised bodies with real powers to settle the conflicts which might arise between contracting entities and firms, suppliers of services or individuals. This means that in every member State there is some legally authorised body able to resolve conflicts in the field of public procurement. Nevertheless, the nature of the jurisdiction may differ from one member State to another, as well as the remedies available. Review bodies of first instance might not be necessarily judicial in character, although their decision should always be reasoned. However, in such a case, their decision must be subject to judicial review or review by another body which is a court or tribunal within the meaning of article 177 of the Treaty, and independent of both the contracting entity and the review body. This independent body shall take its decisions following a procedure in which both sides are heard, and these decisions shall, by means determined by each member State, be legally binding.

Review procedures are available at least to any person having or having had an interest in obtaining a particular contract and who has been or risks being harmed by an alleged infringement.

Member States must ensure that the review bodies have a minimum number of powers.

- Review of contracting entities' action

In the case of the conflicts arising under the Public Authorities Directive (i.e. entities covered by Annexes 1 and 2 of the Agreement), member States shall ensure that the review bodies have the power to intervene directly in the contracting entities' procurement procedures. Those powers include, firstly, power to take, at the earliest opportunity and by way of interlocutory procedure, interim measures, including measures to suspend or to ensure the suspension of the procedure for the award of a contract or the implementation of any decision taken by the contracting entity. Secondly, power to set aside decisions taken unlawfully (see art. 2.1.a) and b) of the Public Remedies Directive).

In the case of conflicts arising under the Utilities Directive (i.e. entities covered by Annex 3 of the Agreement), member States are authorised to choose between the introduction of different powers for the review bodies which have equivalent effect (taking into account differences in the nature of member States' legal orders).

The first option includes the power to intervene directly in the contracting entities' procurement procedures such as by suspending them, or by setting aside decisions or discriminatory clauses in documents or publications (see art.2.1. a) and b) of the Remedies Utilities Directive).

The second option provides for the power to exert effective indirect pressure on the contracting entities in order to make them correct any infringement, and to prevent injury from occurring. In particular those measures can consist in making an order for the payment of a particular sum, like for instance periodic (or even daily) penalty payments (see art. 2.1.c) of the Remedies Utilities Directive).

Hence, in the case of the Utilities, member States can choose between the first solution or the second one. This choice can be made either for all contracting entities or for categories of entities defined on the basis of objective criteria. In any event, the choice must preserve the effectiveness of the measures laid down in order to prevent injury being caused to the interest concerned.

- Compensation of losses: claims for damages

According to article 2.1.c) of the Public Remedies Directive and article 2.2.d) of the Remedies Utilities Directive, the award of damages to persons injured by the infringement must always be possible. Therefore, third parties injured can seek damages as a consequence of the breach of the public procurement rules.

Directives oblige member States to provide for at least negative damages (*damnum emergens*), that is to say, the cost of preparing a bid or of participating in an award procedure. Where a claim is made for damages representing those negative costs, the person making such claim shall be required to prove an infringement of Community law in the field of procurement or national rules implementing that law and that he would have a real chance of winning the contract and that, as a consequence of that infringement, that chance was adversely affected. This does not mean that the person making the claim must prove that the contract would have been awarded to him in the absence of such infringement.

That is to say, one needs proof of an infringement, evidence of the damages and it has to be proved that a link of causality exists.

Damages can be claimed directly before the competent courts. However, where damages are claimed on the grounds that a decision has been taken unlawfully, member States may provide that the contested decision must be first set aside or declared illegal, if their system of internal law so requires.

As regards positive damages, i.e. *lucrum cessans*, the directives do not oblige member States to provide for the compensation of lost profits to the injured persons. However, nothing in the directives prevents member States from including such a possibility in their national rules. In that case, compensation for lost profits will be awarded according to the requirements set up in the national legislation.

As regards punitive damages being awarded to third parties and which would therefore have a deterrent effect, they are unknown in the European legal system. The directive does not contain any provision requiring member States to oblige contracting entities to grant punitive damages to injured persons.

The Utilities Remedies Directive provides for a special procedure known as attestation. Contracting entities are given the possibility of having recourse to an attestation system in which contract award procedures are periodically examined by independent bodies with a view of obtaining

an attestation that, at that time, those procedures and practices are in conformity with Community law concerning the award of contracts and the national rules implementing the law.

If the Remedies directives have not been duly implemented, parties may bring a case against the member State in question before a national court of that State, invoking the ECJ case law which states that the member State could be liable for failure to implement directives, provided that some requirements are met (see ECJ judgments in cases Francovitch and Brasserie du Pecheur).

There is also a mixed procedure. Any national court can raise a preliminary question before the European Court of Justice in Luxembourg in order to obtain a judgment interpreting the E.C. law provision which might be applicable to the case. During the procedure before the ECJ, the Commission is allowed to intervene and express its views. After the ruling of the European Court of Justice, the national court "a quo" must rule in the case in question according to the interpretation given. See article 177 of the E.C. Treaty.

(ii) In what concerns **EC review procedures**, parties can lodge complaints with the EC Commission, possibly at the same time as a domestic legal action, with the latter not being a necessary preliminary to the lodging of such a complaint. A complaint can be treated in confidence and does not involve any expense.

The Commission examines those complaints, and when it considers that an infringement of Community provisions in the field of procurement has been committed, it can open the procedure established in articles 169 and 170 of the Treaty, which, after prior consultations between the Commission and the member State, can lead to the adoption of a decision by the European Court of Justice. There is a special procedure under article 3 of the Remedies Directive and article 8 of the Remedies Utilities directive in the case that the Commission considers that an infringement has been committed prior to a contract being concluded.

The Commission can also, under articles 186 of the E.C. Treaty and 83 of the Procedure Regulation of the Court, seek, in an interlocutory procedure before the Court of Justice, to obtain the suspension of the award procedure.

(iii) These directives are implemented at **member State level**. See infra for detailed information.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? In the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*
- *Do these measures include the possibility to suspend the procurement process? On what conditions?*
- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*
- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*
- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

See answers by member State, *infra*.

IV.3.A Challenge procedures - Article XX: Austria

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The challenge procedure is exercised by:

- (1) the "Bundesvergabekontrollkommission" (hereinafter "Control Commission"); and
- (2) the "Bundesvergabeamt" (hereinafter "Federal Procurement Agency") in first and final instance.

The actual challenge procedure before the Federal Procurement Agency is initiated by an undertaking, which claims to have an interest in obtaining a particular public contract, subject to the Federal Procurement Act, and which seeks review of an unlawful decision of a contracting authority in the procurement procedure, provided that it has been or risks being harmed by the alleged infringement.

The Federal Procurement Agency is responsible for the execution of the challenge procedure which aims at setting aside unlawful decisions. Before the award of the contract, the Federal Procurement Agency has the competence:

- (1) to issue interim measures (see also point 14. (iv) below); and
- (2) to annul unlawful decisions of the contracting authority.

Following the award of the contract or the award procedure, the Federal Procurement Agency is responsible for stating if the contract has not been awarded to the economically most advantageous bidder in an unlawful manner.

The complaint to the Federal Procurement Agency is normally subject to the precondition that the claimant first attempted to reach an amicable settlement before the Control Commission, where the case has not already been settled amicably, and also that the claimant appeals within two weeks after the Control Commission has made a recommendation on the case.

Following the conclusion of the contract or the completion of the award procedure, the time-limit is six weeks commencing from the day the claimant learns of the award.

As regards a claim for damages on behalf of the neglected bidder, please refer to point 14(v) below.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is "not less than 10 days". What are the limits in domestic legislation?*

As regards the time-limit for a complaint before the Federal Procurement Agency, please refer to question 13 above. The following paragraphs provide information on the procedure before the Control Commission.

Before the award is made, the Control Commission is responsible for the settlement of disputes between candidates or tenderers and the contracting entity in relation to the award procedure upon request. After the dispute has become known, the request has to be filed expeditiously. There is no official time-limit.

The conciliation body of the Control Commission shall hear both parties of the dispute and shall investigate the facts of the case. Within a time-limit of two weeks, it must try to reach an amicable settlement. If this is not possible, the conciliation body has to make a recommendation on the application of the provision which gave cause to the dispute.

During the procedure before the Control Commission the contracting authority must not award the contract.

(ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"? In the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*
- *If not, how are the requirements of paragraph 6 of Article XX taken into account?*

The Federal Procurement Agency is a public body granted with sovereign rights. It has the competence to deliver enforceable acts. Its members are free in their decisions and not bound by any directives or orders. Appeals are not allowed from the Federal Procurement Agency to any other administrative agency or the Administrative Court. The only recourse against a decision of the Federal Procurement Agency is a complaint to the Constitutional Court.

The Federal Procurement Agency consists of a chairman, a sufficient number of deputy chairmen and other members. The chairman and the deputy chairmen must hold positions as judges. The President of the Republic appoints them all upon the recommendation of the Federal Government for a period of five years.

The Federal Procurement Agency therefore fulfils the criteria of a tribunal within the meaning of Article six of the Human Rights Convention as well as the criteria of a court within the meaning of Article 177 Treaty of Rome.

The Control Commission, in contrast, is a mere arbitration body which has no competence to deliver enforceable acts. It is restricted to mediation and negotiation only. As regards its composition and the legal position of its members, the same rules apply for the Federal Procurement Agency.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Federal Procurement Act of 1997 and the regulations enacted upon it are applicable to the challenge procedures on federal level. Claims for damages have to be brought before civil courts and are governed by Civil Law.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

- *Do these measures include the possibility to suspend the procurement process? On what conditions?*

After the initiation of the challenge procedure before the Federal Procurement Agency, this body may, upon request, grant necessary and appropriate interim measures by way of an interlocutory procedure, to prevent the complainant against further injury of its interests. The body has to take into account the probable consequences for all interests likely to be affected, especially the public interest in continuing such a procedure.

The interim measures may include:

- (1) the interim suspension of the whole award procedure; or
 - (2) the interim suspension of decisions of the contracting authority as long the Agency has not decided on the merits.
- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

If the contracting authority has breached the provisions of the Federal Procurement Act culpably, a neglected tenderer or candidate may claim damages, provided that it could have a real chance of winning the contract, had the contracting authority complied with the law. A neglected tenderer may demand lost profit, bid preparation costs as well as all other costs caused by the participation in the award procedure. The claim for damages has to be filed at the ordinary civil courts.

Austrian Procurement Law does not provide any means for rescinding a concluded contract. However, the annulment of a concluded contract is possible in certain restricted circumstances under Austrian Civil Law.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The Federal Procurement Agency has to decide on an application for an interim measure within five days, at the latest. On an application for the annulment of decisions of the contracting authority, the time-limit is two months, provided that the contract has not been awarded. Furthermore, the Austrian Code on Administrative Procedure is applicable to the administrative procedure before the Federal Procurement Agency.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The complainant may be required to pay the expenses of the procedure before the Federal Procurement Agency according to the Austrian Code on Administrative Procedure. There is no fee for the complainant before the Control Commission.

IV.3.B Challenge procedures - Article XX: Belgium

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The Council of State (*Conseil d'Etat*) is the judicial body responsible for ruling, by means of orders, with respect to annulment proceedings against acts of the various administrative authorities.

As regards government contracts in particular, the Council of State may annul any unilateral and detachable acts associated with their conclusion and execution.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

To lodge an appeal for annulment of an administrative act with the Council of State, the applicant must provide evidence of damage or legitimate interest. The application to intervene must be submitted within a maximum time-limit of 60 days following the date on which the applicant learned of the administrative act in question.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"?*

The Council of State is an administrative tribunal.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The coordinated laws of 12 January 1973 on the Council of State.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

Requests for the suspension of an administrative act may be referred to the Council of State, which may order suspension of execution to safeguard the interests of the parties (summary administrative jurisdiction procedure).

Suspension of execution may only be ordered if serious grounds are put forward to justify the annulment of the challenged act and provided the immediate execution of the act could cause an applicant serious damage which is difficult to repair.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

When a complaint has been lodged of violation of the Agreement in the course of public procurement procedures coming within the scope of application of the Agreement, the Council of State annuls the challenged decision.

Requests for compensation of loss come under civil law and fall within the jurisdiction of the civil courts.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The decision to suspend execution as described in point (iv) above is an emergency decision and taken as rapidly as possible. The final decision is taken within the time-limit required to examine each case with due respect for the rights of the Parties.

- (vii) *What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The costs of initiating a challenge procedure with the Council of State are minimal, amounting to 7,000 Belgian francs in 1997. Lawyers' fees are charged to the complainant.

IV.3.D Challenge procedures - Article XX: Germany

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

In the Federal Republic of Germany there are two separate bodies which are responsible for challenge procedures:

(a) The challenge procedure before the initial review bodies - "die Vergabeprüfstellen" - (Procurement Inspection Agencies) may be initiated ex officio or ex parte by a bidder. There is no time-limit to launch a complaint. There is no restriction of access to the challenge procedure for the participants. The proceedings can take place in public. Participants can be heard by the review body before a decision is reached. Participants can be represented by a lawyer. Opinions or decisions are given in writing with a statement describing the basis for the opinion or decision. A presentation of witnesses is possible. Documents have to be disclosed to the review body if requested.

The "Vergabeprüfstelle" may force the awarding authority to set aside unlawful actions or decisions or to set lawful actions or decisions. In particular, the "Vergabeprüfstelle" is authorised to suspend awarding procedures. In its consideration the body has to take into account the probable consequences for all interests likely to be affected, especially the public interest in continuing such a procedure. There is no fee for the complainant before this body.

(b) The secondary review bodies responsible for challenge procedures are the "Vergabeüberwachungsausschüsse" (Procurement Monitoring Commissions) which are courts in accordance with EC law. On a federal level they are attached to the "Bundeskartellamt" (Federal Antitrust Authority), on the state level as a rule to the "Landeskartellämter" (Regional Antitrust Authorities).

The function of the "Vergabeüberwachungsausschüsse" is to review the decisions of the "Vergabeprüfstellen". This review procedure can be initiated by the complainant of the procedure

before the “Vergabepflichtstelle” within four weeks after a decision has been taken. All participants of the first procedure must be heard by the review body. The body can either legitimize the decision of the “Vergabepflichtstelle” or declare it unlawful. In the latter case, the “Vergabepflichtstelle” is instructed by the “Vergabeüberwachungsausschuß” to re-examine the case and decide upon it according to its own interpretation of law.

The complainant may be required to pay the expenses of the procedure.

The president of the “Bundeskartellamt” is responsible for the appointment of the members of the “Vergabeüberwachungsausschuß” on the federal level who are independent and only subject to the law. The chairman and one of the assessors must be officials, the chairman and one of the assessors must hold position as judges.

If the “Vergabeüberwachungsausschuß” considers that a decision on the interpretation of Community law is necessary to enable it to give judgement, it must bring the matter before the European Court of Justice.

The legal basis for the establishment of the “Vergabepflichtstellen” and the “Vergabeüberwachungsausschüsse” is Art. 57 b and Art. 57 c of the “Haushaltsgrundsätze-gesetz” (Budgetary Principles Law) and the “Nachprüfungsverordnung” (review directive).

Independently of the review decision, bidders may claim damages before ordinary courts; this is not subject to a time-limit.

In order to improve the rights of aggrieved bidders, the Federal Government of Germany has decided to give them access to ordinary courts. The legal framework is currently being amended.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

Please refer to answer to question 13.

IV.3.DK Challenge procedures - Article XX: Denmark

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

For answer, refer to the enclosed article on the challenge procedures in Denmark, published in the EU Public Contract Law N° 1/1996.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

There are not time-limits.

(ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The Danish Appeal Board for Public Procurement is, at the least, ‘an impartial and independent review body’. It is not clear, however whether the review body possesses all the characteristics required to be considered as a ‘court’ in the sense of Article 177 of the Treaty.

The Composition of the appeal Board is the following: A High Court judge acts as chairman, assisted by two deputy chairmen also holding position as judges. A number of experts serve as ‘specialist members’ of the Board in addition to the judges. Chairman, deputy chairmen and experts are all appointed by the Minister for Industry and Trade and serve for 4 years. They may be re-appointed upon expiration of their 4-year term.

The decisions of the Appeal Board are subject to judicial review. Within a period of 8 weeks from the date on which the decision of the Board has been communicated to the parties of a dispute, this decision can be brought before the ordinary courts.

To bring a complaint before the board is, according to Danish law, an option. Alternatively, a complaint can be brought before an ordinary court in the first instance. Also in such cases, a decision can be brought before a higher court.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

‘Applicable law’ is EC law on public procurement or Danish regulations implementing EC law in that field (which amounts to the same) plus relevant EC Treaty provisions (in cases where a public contract, e.g. because of minor value, is not subject to the provisions of the EC procurement directives).

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The review body has the powers to suspend contract award procedures or require the contracting authority/entity to comply with applicable law (in other words to legalise its actions).

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The review body can annul unlawful decisions on which the award of a contract is based or impose the latter of the two sanctions mentioned under (iv) above.

Compensation falls outside the competence of the Board and has to be claimed separately from a bid challenge before an ordinary court (except, probably, in cases where decisions taken by a

contracting authority/entity are challenged directly before an ordinary court_-and not the review body)..

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

There are no legally fixed time periods for the stages of the challenge process. These are fixed by the chairman of the review body, taking into account the need for a rapid settlement of disputes in accordance with the objectives of the 'remedies' directive and the GPA and, of course, the need for a particularly rapid reaction from the Appeal Board in cases where imposition of interim measures is requested.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

It is formally required that a fee of DKK 4000 is paid together with the submission of a complaint before the Appeal Board. This fee will be paid back to the complainant in cases where the Board, in whole or in part, rules in his favour. There is no requirement as to representation before the Board through an expert, e.g. a solicitor. However, in cases where the Board rules in favour of a complainant, the is entitled to claim the expenses (in addition to the fee) he might have had to cover legal or other expert assistance in connection with the complaint.

IV.3.E Challenge procedures - Article XX: Spain

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The notification of the agreements must contain a precise reference to the challenge procedures including: the type of remedy available, the body responsible and the deadline for filing complaints, with the warning that the deadline runs from the day on which the notification is received.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

Thirty days or two months according to the type of remedy.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"?*

According to the type of remedy, the administrative body hierarchically above the body responsible for the challenged act, or a jurisdictional court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Law 30/1992 of 16 November on the legal regime of the public administrations and on the common administrative procedure, and the Law on Administrative Jurisdiction of 27 December 1956.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The body responsible for settling the complaint is authorized to act ex officio or at the request of a party to suspend the challenged act.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The ruling must cover all of the questions raised during the challenge procedure, declaring them either admissible or inadmissible, and if admissible, accepting or rejecting them.

Compensation for loss or damages suffered may be decided during the same proceedings or in separate proceedings where there are good grounds.

- (vi) *Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

In the case of administrative challenges (Law on the legal regime of the public administrations and on the common administrative procedures) a ruling must be pronounced within a period of three months. If an explicit decision is not made during that time-period, the challenge is to be understood to have been rejected, without prejudice to the administration's obligation to reach a settlement.

The time-limits for judicial proceedings are governed by the Law on Administrative Challenge, and the settlement of challenges depends on the issues under consideration.

- (vii) *What is the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

Administrative challenges are free of charge. Judicial challenges are also free of charge except in cases where the challenge is considered to have been made in bad faith.

IV.3.EL Challenge procedures - Article XX: Greece

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Greek law provides for challenge proceedings in public procurement cases. The proceedings are indeed in writing and are open to all aggrieved parties. Very recently Greece has also adopted legislation to implement the Remedies Directive, i.e., directive 89/665/EEC. No implementing measures for Directive 92/13/EEC (the Remedies Utilities Directive) have been adopted. Greece have to implement the latter by 1.1.1998.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

A complaint is subject to the jurisdiction of the administrative or civil courts, depending on the nature of the awarding authority. If the complainant seeks the annulment of an administrative act,

such as an award decision, the action should be filed to the Supreme administrative court of Greece within a time-limit of sixty days from the date on which the contested act is published or notified.

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The bodies responsible for challenge proceedings are courts.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Greek law and Community law.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

A complainant may apply to court for an interim order, which may result in the suspension of the procurement process, the conservation of documents etc. If successful, the complainant will have to introduce a full court action within thirty days from the order.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The awarding decision might be annulled. Damages may also be awarded.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Under the new law, which I understand will enter into force in November this year, the complainant has to introduce an objection with the awarding authority within 5 days from taking notice of the contested act. The decision on the objection must be rendered within 10 days. Interim proceedings to a court will have to be introduced within 10 days from the decision of the awarding authority. If successful, the complainant will have to introduce a full court action within thirty days from the order.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The costs will depend on the procedure and the value of the project. In both administrative and civil proceedings, the judge will usually order the losing party to pay the legal costs of the successful party. However the amount covered is very low and does not cover the actual costs of a procedure.

IV.3.F Challenge procedures - Article XX: France

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Directive 89/665 has been transposed into French law through Articles L22 and R241-24 of the Code of Administrative Tribunals and Administrative Appeal Courts (copy attached) as regards procurement contracts considered public both under Community law and under the French Code on Public Procurement.

The above-mentioned Directive was transposed through Article 11-1 of Law N° 91-3 as amended on 3 January 1991 and Articles 1441-1 to 1441-3 of the new Code of Civil Procedure as regards procurement contracts considered public under Community law but private under French law (copy attached).

Directive 92/13 was transposed:

- Through Articles L22 and R241-24 of the Code of Administrative Tribunals and Administrative Appeal Courts with respect to contracts concluded by the operators of networks covered by the Code on Public Procurement (State, territorial communities, local public institutions);
- through Article L23 of the said Code of Administrative Tribunals as regards contracts concluded by operators of networks not covered by the Code on Public Procurement and qualifying as administrative contracts (copy attached);
- through Articles 7-1 and 7-2 of the Law of 11 December 1992 as amended with respect to contracts concluded by operators of networks that are not covered by the Code on Public Procurement and qualifying as private law contracts (copy attached).

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

See attached documents.

IV.3.I Challenge procedures - Article XX: Italy

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The Italian system of complaints foresees the challenge procedures in writing, available to all offers, in front of administrative judges in any case of breaches of legitimate interests before the stipulation of contract. After this phase bidders may go to the ordinary judge competent for subjective rights and compensation for loss and damages.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

In domestic legislation, the time-limit to launch a complaint is 60 days.

(ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The body responsible for the challenge procedures is a court whose name is “Tribunale Administrativo Regionale” (Administrative Regional Court), subject to judicial review by the “Consiglio di Stato” (Council of State) in the case of appeal from bidders and from contracting entities.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Law 6 December 1971, n. 1034 (Articles 19 to 37)

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

Precited law foresees rapid interim measures to correct breaches and to preserve commercial opportunities like the suspension of the procurement procedures (article 21) if there is a prima facie case (*fumus boni iuris*) and the damages may become serious and irreparable (*periculum in mora*).

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

Precited law foresees the annulment of the procurement procedures for breach of the law. In addition, the ordinary judge may give the compensation for loss or damages suffered following the principle of “loss of profit and accruing damage”.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

In general, a challenge procedure could last about 2 years (including the time period to obtain interim measures and a final decision).

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The usual costs are, on the average, about LIT 2 millions, without possibility to do free of charge.

IV.3.IRL Challenge procedures - Article XX: Ireland

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Challenge procedures are available (by intent) through the Irish Courts as set out in the transposing Instruments for the EU Directives on public procurement.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

It is the Court, specifically the High Court of Ireland, which is responsible for hearing such cases.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Agreement and EU law and national law, as applicable.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The rapid interim measure would be suspension of a procurement process. The conditions would be determined by the Court in accordance with the terms of the Agreement.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

First part: a declaration that an award procedure was in breach of the Agreement or otherwise illegal. The Court has wide discretion to award costs and compensation to aggrieved parties.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

Interim measures, at least on a temporary basis, can be granted upon application and after initial hearing by the Court. There is no time-limit for the final determination of the matter by the Court.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

IV.3.L Challenge procedures - Article XX: Luxembourg

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Challenge procedures (voluntary or contentious) are open to any candidate or bidder irrespective of nationality.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to lodge a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

The time-limit for lodging a complaint is three months following the notification of the decision of refusal.

- (ii) *What body is responsible for the challenge procedures? Is this "court" or an "impartial and independent review body"?*

The Administrative Tribunal has the authority to examine disputes concerning the award of public contracts. Appeals may be made through the Administrative Court. The Administrative Tribunal is, of course, impartial and independent:

- Its members are appointed by the Grand Duke;
- it is a judicial body; and
- there is a possibility of appeal.

All of the provisions of Article XX, paragraph 6 are guaranteed under the Law of 7 November 1996 on the organization of the administrative courts.

- (iii) *What is the applicable law by reference to which the challenged body will examine complaints?*

Law of 7 November 1996 mentioned above.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

Possibility of emergency interim suspension. It is up to the judge to decide on any possible suspension in the light of the seriousness of the alleged violation.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenged body order?*

When a complaint has been lodged of violation of the Agreement in the course of procurement procedures coming within the scope of application of the Agreement, the Administrative Tribunal annuls the challenged decision.

Requests for compensation of loss of profits come under civil law and fall within the jurisdiction of the civil courts.

- (vi) *Give any available information on the time-periods for the stages of the challenge process including to obtain interim measures and a final decision.*

The decision to suspend procedures as described in point (iv) above is an emergency decision taken as rapidly as possible. The final decision is taken within the time-limit required to examine each case with due respect for the rights of the Parties.

- (vii) *What is the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There are no charges for bringing a case. Lawyers' fees are charged to the complainant.

IV.3.NL Challenge procedures - Article XX: Netherlands

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Legal foundation:

Contractors/suppliers may file claims on the grounds of an unlawful act with the civil courts, pursuant to Article 162, Book 6 of the Civil Code. Failure to act in compliance with national legislation on government orders (which incorporates the relevant international agreements) can be regarded as an act in contravention of a statutory duty and is unlawful in respect of the contractors/suppliers who are passed over.

In as far as there is an agreement between the contracting service and a contractor/supplier, a claim may be filed pursuant to Article 74, Book 6 of the Civil Code.

In the event of any failure to comply with an agreement, a claim may be filed by the contracting service or the party to whom the contract was awarded.

Procedure:

According to rules of the Code of Civil Procedure (Rv); ordinary civil proceedings (on the merits of the case) or, in urgent cases, interim injunction proceedings (Article 289 et seq. of the Rv).

With regard to accessibility, Acts are published in the Statute Book and regulations based on them in the State Gazette. These are accessible and available to the general public.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

The Netherlands does not have a time-limit of less than 10 days for instituting appeal proceedings. The general period of limitation for claims is 20 years, and the period for claims regarding compliance with commitments or compensation for damages is five years (Article 306 et seq., Book 3 of the Civil Code).

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

Appeal proceedings before a civil court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Applicable law: relevant provisions regarding government orders; general civil law and law on civil procedure.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

Possibility for urgent provision; interim injunction proceedings (Article 289 et seq. of the Rv)
With respect to the question on suspension:

In the event of an unlawful act:

- Possibility of prohibiting unlawful conduct (improper actions in tendering procedures) (Article 296, Book 3 of the Civil Code), with a penalty if necessary (Article 611a of the Rv).

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

See item (iv) and, with regard to unlawful acts, the possibility of compensation for damages.

In the event of default (Article 74 et seq., Book 6 of the Civil Code):

- Compliance order, possibly with compensation for damages.
- Compensation for damages in place of compliance.
- Right to dissolution of the agreement, possibly with compensation for damages. The nature of the compensation for damages is regulated in Article 95 et seq., Book 6 of the Civil Code.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

- Interim injunction proceedings: no fixed term for hearing of the case/ruling by the court; proceedings can vary from a few days to several weeks.
- Appeals must be filed within 14 days of the ruling being handed down by the court in interim injunction proceedings (Article 295 of the Rv); there is no fixed term for the hearing.
- Appeals to the Supreme Court against the rulings handed down by a Court of Appeal must be filed within six weeks (Article 295 of the Rv).
- Civil proceedings on the merits of the case: no fixed term for hearing of the case/ruling by the court.
- Appeals: as a general rule, appeals must be filed within three months of the ruling being handed down by the court (Article 339 of the Rv); there is no fixed term for the hearing/ruling.
- Appeals to the Supreme Court: in general, within three months of the ruling (Article 402 of the Rv).

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

Costs of proceedings: these vary. In civil proceedings, fixed court fees are regulated in the Civil Court Fees Act. Fees depend on the claim and can range from about NLG 300 to NLG 8,300.

Other costs include the costs of legal aid, the costs of providing evidence, such as indemnification of witnesses (Article 208 of the Rv) and remuneration of experts (Articles 223 and 225 of the Rv). The Legal Aid for Indigent Persons Act provides for the possibility of cost-free legal action.

IV.3.P Challenge procedures - Article XX: Portugal

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Public procurement challenges are governed by the Law on the Procedure of Administrative Tribunals (*Lei de Processo dos Tribunais Administrativos*) approved by Decree Law (*Decreto-Lei*) N° 267/85 of 16 July 1985 with the amendments introduced by Law N° 12/86 of 21 May 1986.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to lodge a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

The first paragraph of Article 64 of Decree Law N° 55/95 of 29 March provides for a special time-limit of five days for the submission of a hierarchical remedy with respect to the discussion of a claim. Apart from this special time-limit, the usual time-limit for a hierarchical remedy challenging the legality of administrative acts is 30 days.

As regards contentious remedies in respect of administrative acts, the complainant has two months (four months for Macau residents or residents abroad) and the Government Procurator one year to initiate the procedure (Article 28 of Decree Law 267/85 of 16 July), and administrative law establishes the rule concerning the possibility of challenging at all times acts that are void or non-existent.

(ii) *What body is responsible for the challenge procedures? Is this "court" or an "impartial and independent review body"?*

While the body responsible for challenge procedures is above all the body hierarchically above the one responsible for the act, contentious remedies are examined by the Administrative Tribunals.

(iii) *What is the applicable law by reference to which the challenged body will examine complaints?*

The applicable law is the Law on the Procedure of the Administrative Tribunals (*Ley de Processo dos Tribunais Administrativos*).

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

There are no special rapid interim measures beyond those set forth in Article 84 of the Code of Administrative Procedure regarding the competence of the body responsible for the final decision. The interested parties may request suspension of execution of the administrative act during the contentious stage (Articles 76 and 55 of the Law on the Procedure of Administrative Tribunals and Decree Law N° 267/85 of 16 July). If the cumulative conditions of Article 76, paragraphs 1(a) and 1(c) are met, the result is a suspension of the procurement proceedings pending a decision by the tribunal.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenged body order?*

In general, breaches of the Agreement can be corrected by cancelling the administrative act awarding the contract and repeating the proceedings, or by granting compensation for the damage sustained in accordance with Decree N° 48051 of 21 November 1967 governing the tortious liability of the State with respect to public management acts.

- vi) *Give any available information on the time-periods for the stages of the challenge process including to obtain interim measures and a final decision.*

It is impossible to give any precise reply concerning the overall time-period for the contentious stage. However, challenge procedures are often efficient.

- vii) *What is the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

Common operational costs of the tribunals, which vary according to the value of the remedy.

IV.3.S Challenge procedures - Article XX: Sweden

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

The remedies provided for in Chapter 7 of the Swedish Law on Public Procurement (LOU) in its current form are provisional measures and annulment proceedings as well as actions for damages. A supplier in the broad sense of the term claiming to have suffered injury or to be threatened with injury due to a violation of the provisions of the LOU may file a complaint with the Administrative Tribunal (*Länsrätt*), which determines whether the challenged public procurement procedure has been conducted in accordance with the said Law. The Administrative Tribunal may either take provisional measures or annul the procedure at any time until the public procurement contract has been concluded.

Once the contract has been concluded, the supplier may still submit a claim for damages to an ordinary court (*allmän domstol*). Indeed, the LOU stipulates that a contracting authority that has violated the rules established by the LOU must provide the supplier in question with compensation for the damage sustained.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is "not less than ten days". What are the limits in domestic legislation?*

As regards provisional measures and annulment proceedings, the supplier may file a complaint with the Administrative Tribunal until the contract has been awarded.

A claim for damages may be filed with an ordinary court within a period of one year following the date on which the contract was concluded.

- (ii) *What body is responsible for the challenge procedures? Is this a "court" or an "impartial and independent review body"?*

The Administrative Tribunal has jurisdiction over provisional measures and annulment proceedings. The common courts have jurisdiction for awarding damages to parties injured through a violation of the law.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

Law on Public Procurement (1992:1528), amended and republished as Law (1993:1468) which entered into force on 1 January 1994, and further amended by Law (1994:614) which entered into force on 1 July 1994, Law (1995:704) of 8 June 1995 which entered into force on 1 July 1995, and by Law (1996:433). A further amendment is expected to enter into force on 1 January 1998.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The administrative tribunal may order the immediate suspension of the public procurement procedure pending a definitive decision on the substance of the case. It may, however, refrain from taking such a decision if the damage or inconvenience deriving from such decision can be considered to exceed the damage suffered by the supplier.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*
- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*
- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

(v)-(vii) The Swedish Public Procurement Office refers to the document attached hereto which deals, *inter alia*, with the question of remedies in Sweden.

IV.3.SF Challenge procedures - Article XX: Finland

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

Award of damages. A claim for damages in case of an award procedure contrary to the Agreement or the implementing legislation shall be made in the court of law according the normal procedural rules of civil process law. One who has occasioned harm to a contractor by a procedure contrary to the Agreement or the implementing legislation shall be obliged to pay damages for the harm caused. Where a claim is made for damages representing the costs of participating in an award procedure, the candidate or tenderer shall, in order to be awarded damages, be required only to prove an incorrect procedure and that he would have had a real chance of winning the contract if the procedure had been correct.

Other remedies. The Competition Council may, at the request of the person to whom the proceedings apply:

- wholly or partly set aside a decision of a contracting party
- forbid the contracting entity to apply a point in a document relating to the procurement or otherwise to pursue an incorrect procedure, or
- require the contracting entity to correct its incorrect procedure.

The request shall be made in writing. A request concerning which proceedings have been instituted after the contract has been concluded shall not be accepted for consideration. The claimant shall, before submitting a claim to the Competition Council, inform the contracting entity in writing of his intention to bring the matter before the Competition Council. The Competition Council may, in order to emphasize the importance of complying with the prohibition mentioned above at point 2) or with the obligation referred to above at point 3, impose a fine on the contracting entity.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

- (i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

There is no time-limit to launch a complaint in the Competition Council. It must be noted, however, that the Competition Council does not accept a complaint for consideration after the conclusion of the contract in question. In cases where the contract has already been concluded, the only remedy available is a claim for the award of damages before a court of law.

- (ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The body responsible for the challenge procedures is the Competition Council, which is an impartial and independent review body. It has a chairman, a vice-chairman and seven members. The matter concerning the composition of the Council is prepared for discussion by the cabinet and referred for decision to the President of the Republic of Finland. The chairman and the vice-chairman of the Council shall have a degree in law and they shall have a good knowledge of the responsibilities of a judge. The members shall be persons who have a good knowledge of different aspects of economic life.

The decisions of the Competition Council are subject to judicial review before the Supreme Administrative Court.

- (iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Competition Council will examine the complaints by reference to the Public Procurement Act (1502/92, amend. 1523/94), Order on the Procurement of Supplies, Services and Works in excess of the Threshold Value (243/95) or Order on the Procurement of Supplies, Services and Works by Entities Operating in the Water, Energy, Transport and Telecommunications Sectors (567/94, amend. 244/95). The Council may also apply directly the applicable provisions of the EC Treaty, applicable EC directives or the Agreement.

- (iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

After a claim has been brought before it, the Competition Council may, as an interim measure, forbid or suspend the implementation of a decision or otherwise order the procurement procedure to be suspended for the period during which the matter is being dealt with in the Competition Council. The prohibition to apply a point in a document relating to the procurement or otherwise to pursue an incorrect procedure (mentioned above in question 13) and the obligation to correct incorrect procedure (referred to above in question 13) may also be imposed as an interim measure.

- (v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The remedies for correction of the Agreement provided by the Competition Council are referred to under question 13.

- (vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

In urgent cases, the order for interim measures can be obtained from the Competition Council already on the same day when the proceedings have been instituted.

The time periods needed for adoption of the final decision depend on the various aspects of an individual case. In general, the Competition Council has given its final decisions within approximately 2-6 months from the initiation of the proceedings.

- (vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

There is no information available on the usual costs of a challenge procedure. The Competition Council does not charge any fee of the challenge procedure, but there may be some other costs such as the fee charged by the lawyers the parties to a dispute may want to use etc. There is, however, no legal obligation to use a member of bar or any other type of a legal counsellor in the proceedings.

It is also possible that the Competition Council orders the losing side of the dispute to pay the process costs of the winning side. This may naturally lead to situations where the total costs of the proceeding may be considerably high.

IV.3.UK Challenge procedures - Article XX: United Kingdom

13. *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

See EC answer.

14. *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is “not less than 10 days”. What are the limits in domestic legislation?*

Complaints are required to be brought to the attention of the contracting authority/entity. Proceedings have to be initiated as rapidly as possible and, unless the courts grant leave, within three months of the grounds arising;

(ii) *What body is responsible for the challenge procedures? Is this a “court” or an “impartial and independent review body”?*

The UK review bodies are the High Courts in England, Wales and Northern Ireland and the Court of Session in Scotland.

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The applicable law by reference to which the Courts will examine complaints is likely to be the UK Regulations which implement the EC_rules and the proposed Regulations for clarifying the rights of GPA_providers where the GPA applies. In the meantime the courts can be expected to rely on their inherent jurisdiction to provide remedies for breach of the GPA, by reference to the GPA itself and the existing remedies for EC providers.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities? Do these measures include the possibility to suspend the procurement process? On what conditions?*

The UK courts have the necessary powers to award interim measures to correct breaches of the GPA, including suspension of an incomplete contract award procedure.

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

The UK courts have powers to correct breaches by ordering the setting aside of a decision or action, or amendment of a document, by awarding damages or by both of these except that under the UK_non-implementation of the EC Compliance and Remedies Directives damages are to be the only remedy once a contract has been entered into.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

It is unlikely that there would be any significant delay in an application for interim measures but a final decision may take somewhat longer to obtain, depending on the facts of the case.

(vii) *What are the usual cost to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?*

The costs are those of legal representation.

WORLD TRADE
ORGANIZATION

GPA/15
30 July 1997

(97-3240)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Switzerland

The attached communication has been received from the Permanent Mission of Switzerland in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. SUMMARY OF THE SWISS LEGISLATION ON GOVERNMENT PROCUREMENT

Switzerland's international obligations in the area of public procurement have been transposed into national legislation through a federal law on government procurement and a federal ordinance on government procurement covering the entities on the national level and the entities operating in the water, energy and transportation sector owned or controlled by federal entities. Both have entered into force on 1 January 1996. On the cantonal level, an agreement has been concluded between the Swiss cantons covering the entities on the subfederal level and the entities operating in the water, energy and transportation sector which are owned or controlled by cantonal entities.

-Federal Law on Government Procurement of 16 December 1994 (SR¹ 172.056.1)

-Federal Ordinance on Government Procurement of 11 December 1995 (SR 172.065.11)

-Inter-cantonal Agreement on Public Procurement of 25 November 1994 (SR 172.056.4)

(a) Federal Law on Government Procurement of 16 December 1994

Scope: Procurement of goods (i.e. supplies), services and construction services mentioned in Appendix I, Annex 4 and Annex 5 of the GPA by:

Federal agencies mentioned in Appendix I, Annex 1 of the GPA with a value above the following thresholds²: supplies: Sw F 263,000; services: Sw F 263,000; construction services: Sw F 10,070,000.

Exemptions: The list of exemptions coincides with the exemptions according to Article XXIII of the GPA.

Content: The law provides for the implementation of the provisions of the WTO Agreement on Government Procurement (GPA) on the federal level. In line with these provisions, it guarantees non-discriminatory access to public procurement markets for suppliers established in Switzerland and in the signatories of the GPA or in other countries, as far as they grant reciprocity. Procurement above the thresholds has to be published and procured in an open or selective procedure. The award is given to the economically most advantageous offer, specified by objective criteria which must already be included in the publication. It furthermore provides for the possibility to challenge a procurement before an independent body for every relevant part of the procurement procedure. A tenderer whose offer has been rejected may claim damages, if the rejection has breached the regulations.

(b) Federal Ordinance on Government Procurement of 11 December 1995

¹Reference to the Swiss systematic law collection

²The thresholds have been adapted according to the Decision of the GPA Committee (document GPA/1 of 5 March 1996) and therefore amount for 1997 to: Sw F 248,950 for supplies and services on national level and Sw F 766,000 for supplies and services by entities in the sectors water, energy and transportation and Sw F 9,575,000 for construction services for all covered entities.

Scope: On the one hand, the ordinance gives some details on the provisions contained in the federal law. On the other hand, the ordinance regulates the procurement of goods, services and construction services by the federal agencies mentioned in Appendix I, Annex 1 of the GPA not attaining the thresholds. It also regulates the procurement of goods, services and construction services by Swiss Telecom, the Swiss Federal Railways as well as the procurement by entities in the military sector.

Content: The ordinance aims at full competition for the procurement of goods, services and construction services by setting clear rules on publications, opening and treatment of offers.

(c) Inter-cantonal Agreement on Public Procurement of 25 November 1994

Scope: Public procurement of goods, services mentioned in Appendix I, Annex 4 and construction services mentioned in Appendix I, Annex 5 of the GPA by: (a) cantonal entities mentioned in Appendix I, Annex 2 of the GPA and public enterprises owned or controlled by the cantons; (b) communities and other corporations under public law; (c) private or public entities which are active in the field of supply of water, energy and transport or in the telecommunications sector and which are controlled by cantonal or local agencies mentioned under (a) and (b); (d) other organizations covered by GPA or by other international agreements; (e) any procurement that is subsidized by 50% or more by the Swiss Federal Government or by entities mentioned under (a). Thresholds³: Sw F 403,000 for goods (supplies) and services; Sw F 10,070,000 for construction services; Sw F 806,000 for procurement of goods and services in the field of supply of water, energy and transport, and telecommunication.

Exemptions: The same exemptions apply as in Article XXIII of the GPA and in the Federal Law on Government Procurement.

Content: The agreement implements the provisions of the WTO Agreement on Government Procurement (GPA) on the subfederal level. In line with these provisions, it guarantees non-discriminatory access to public procurement markets, through non-discriminatory tendering procedures, by setting clear rules on publications, opening and treatment of offers. It furthermore provides for the possibility to challenge the award of a procurement before an independent cantonal body.

Procurement procedure

Public procurement on a federal level

• Procurements governed by the Federal Law and Ordinance on Government Procurement

The following procedures are foreseen:

³The thresholds have been adapted according to the Decision of the GPA Committee (document GPA/1 of 5 March 1996) and therefore amount for 1997 to: Sw F 383,000 for supplies and services on subfederal/cantonal level and Sw F 766,000 for supplies and services by entities in the sectors water, energy and transportation and Sw F 9,575,000 for construction services for all covered entities.

- public or open tendering procedure under which all interested suppliers may submit a tender;
- selective or restricted tender procedures: upon public invitation all interested suppliers may submit an application for participation. Participation is limited to a certain number of selected suppliers (at least three), and these suppliers are invited to submit a tender;
- private contract or single tender under the conditions mentioned in the GPA;
- invitation procedure (no publication, direct invitation; if possible three suppliers have to be invited); this procedure applies to some procurement contracts below the GPA thresholds and to some procurement contracts covered by GPA exemptions.

Public procurement on cantonal level

•Procurement governed by the Inter-cantonal Agreement on Public Procurement

The following procedures are foreseen:

- public or open tendering procedure under which all interested suppliers may submit a tender;
- selective or restricted tender procedures: upon public invitation all interested suppliers may submit an application for participation. Participation is limited to a certain number of selected suppliers, and only these suppliers are invited to submit a tender;
- private contract or single tender under the same conditions as foreseen in the GPA.

Publication

•Procurement under the Federal Law of Government Procurement and under the Ordinance on Government Procurement

- Invitations to participate in a tendering procedure and awards in public or selective procedure or in private contracting procedure are to be published. Publication in at least two (of the three) official languages (except for construction services, where at least publication in the official language of the site is required). In case there is publication in Italian and German only, a summary in French, English or Spanish has to be attached. The publication is mandatory in the •Swiss Official Trade Gazette• and may be also published in any other publication.

•Procurement under the Inter-cantonal Agreement on Public Procurement

- Invitation is published. Publication of public or selective tenders at least in •the official cantonal publication•. Publication in at least one official language (German, French or Italian). Publications in Italian or German have to be accompanied by a summary in French, Spanish or English.

Minimum set of information required to be published

•*Procurement under the Federal Law and Ordinance on Government Procurement*

- The following minimum set of information is required to be published: procuring entity (name, address), description of the service to be procured, delivering place and time, conditions of participation (economic and technical conditions and required financial guarantees), place and time for submission of the tender, language used in the procurement procedure, the address where to get tender documentation and the amount payable for this documentation, awarding criteria (if there is no tender documentation) whether the entity intends to hold negotiations, indication on whether the procurement falls under the provisions of the GPA, indication of challenging procedures and entity.
- Summary in English, French or Spanish contains the following information: the service to be procured, time-limits for submission of applications for participation or for submission of bids, enquiry point.

•*Procurement under the Inter-cantonal Agreement on Public Procurement*

- Equivalent minimum set of information required as under the federal law, following the obligations of the GPA;
- If the publication is not in French, a summary in French has to contain the following information: the service to be procured, time-limits for submission of applications for participation or for submission of bids, enquiry points.

Opening of tenders

•*Procurement under the Federal Law on Government Procurement*

- At least two representatives of the procuring entity register and open the tenders. In the case of procurement of construction services, the opening procedure has to be summarized in written form. The record should include at least the following information: names of persons attending the opening procedure, names of tenderers, submission dates of offers, prices offered, variety of offers.

•*Procurement under the Inter-cantonal Agreement on Public Procurement*

- At least two representatives of the procuring entity open the offers. The opening procedure has to be summarized in written form. The record includes at least the following information: names of persons attending the opening procedure, names of tenderers, submission of dates of offers, prices offered. All tenderers have the right to examine the records.

Award criteria

The economically most advantageous offer. To measure the value of an offer, criteria such as delivery dates, quality, price, efficiency, overhead expenses, service to clients, environmental impact can be considered. Criteria taken into account have to be

published in advance. For standardized goods the award can be based on the lowest price only.

Procedures for hearing and reviewing complaints/appeals

Procedures available for parties, domestic and foreign, to lodge complaints against the award of a contract

-institutional status

Federal level: against decisions concerning a procurement falling under the scope of the Federal Law, complaint/appeal can be made to the •Federal Appeals Commission•. This Commission is an independent judicial authority which takes a final decision on the case.

Cantonal level: cantonal authority (in most cases: administrative court).

-time-limits for complaints/appeals

Federal level: 20 days from publication of decision.

Cantonal level: 10 days from publication of decision.

-type of remedy that may be granted

Federal level: the Commission can take procedural decisions, e.g. take precaution measures, such as giving suspensive effect to a complaint. It decides itself on the case or reverts the case for decision with binding recommendations to the contracting entity. If a contract has been already concluded, the award cannot be revoked and the Commission for appeal can only state that federal law has been violated. Only expenses caused by the tender and the behaviour of the procuring entity are being reimbursed.

Cantonal level: remedy equivalent to federal level.

2. OTHER REGULATIONS RELATED TO GOVERNMENT PROCUREMENT

(a)Law on National Budget of 6 October 1989 (SR 611.0)

(b)Ordinance on National Budget of 11 June 1990 (SR 611.01)

Scope: Principles for managing the budget such as legality, urgency, efficiency and economy.

(c)Federal Law (SR 725.11) of 8 March 1960 and Ordinance on National Highways of 18 December 1995

Scope: Principles for government procurement are laid down. Furthermore the cantonal legislation is applicable. Although the cantons are competent in this domain, they need the approval of the Swiss Federal Highways Office (which is supervising the construction of national highways) before a contract is awarded.

(d)Law on the Establishment of a Swiss Common Market of 6 October 1995

Scope: Persons, whether national or foreign, domiciled in Switzerland, shall have, in pursuit of their commercial activities, equal access to the market all over the Swiss territory. In particular, the law aims at improving professional mobility within Switzerland, strengthening the competitiveness of the Swiss economy, supporting cantons in their efforts to harmonize conditions for market access. Concerning public procurement, Article 5 states the principle of non-discrimination and the obligation of public tendering of procurement of a •certain significance•. The law provides for a challenge procedure against any restrictions to market access.

3. CONTACT POINT

Requests from other Parties to the GPA concerning implementing legislation or other questions related to government procurement may be addressed to:

Federal Office for Foreign Economic Affairs
Division for World Trade - WTO
Palais Federal Est
3003 Berne

4. ANSWERS TO THE CHECKLIST

I. GENERAL ELEMENTS

1) Has the Agreement been transposed into national law and/or does it apply directly?

The Agreement has been transposed into national/subfederal law by the Federal Law on Government Procurement and the Inter-cantonal Agreement on Public Procurement.

Although Switzerland follows the monistic theory with respect to the relation of national and international law, implementation of the Agreement by federal and inter-cantonal instruments was necessary (e.g. to introduce the challenge procedure).

2) In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?

Yes. However, according to the Swiss constitution, any inter-cantonal agreement has to be approved by the federal government in order to ensure that the agreement does not violate federal law.

3) In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?

These are either covered by national or cantonal legislation.

4) Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?

The implementing legislation for sub-central level and for Annex 3 entities falling under sub-central level legislation, has to be adopted by all 26 cantons.

In substance and with respect to the GPA, there are only minor differences in the implementing legislation (e.g. the time-limit for complaints is 20 days on federal and 10 days on subfederal level).

5) *To what extent is information technology used in the process of government procurement?*

Invitation to submit offers and information on contract awards for supplies above the thresholds on central government level is published in the database TED (Tender Electronic Daily) of the EC. Otherwise information technology is not yet much used in the process of government procurement. This is likely to change in the future: Switzerland participates in the EU project SIMAP for electronic tendering and there are plans to edit the •Swiss Official Trade Gazette• or at least the part relating to government procurement publications electronically.

II. SPECIFIC ELEMENTS

6) *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

-Federal Law on Government Procurement: Article 1, paragraph 2.

-Inter-cantonal Agreement on Public Procurement: Article 1, paragraph 2, lit. b.

7) *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

For open and selective tendering, a tender notice has to be published. The regulations on national and sub-central level describe in detail the information to be provided such as name and address of the procuring entity, the type of procedure (open or selective), place of delivery, content of contract, date of execution or delivery, place and time-limit for the offer, amount of securities (if required), all technical and economic requirements, award criteria, if no specific documentation is being handed out and further information.

8) *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

Swiss implementing legislation does also provide for this opportunity: according to Article 18, paragraph 2 of the Federal Law on Government Procurement, Annex 3 entities owned or controlled by federal entities and the automobile services of PTT can publish notices simultaneously with a qualification system. The Inter-cantonal Agreement also foresees this possibility for Annex 2 entities and Annex 3 entities owned or controlled by cantonal entities.

9) *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

Entities are allowed to make use of permanent lists of suppliers. Suppliers and service providers must at any time have the possibility to ask for inclusion in the list. The

respective entity has to examine the request within due time. If the procuring entity refuses to accept a supplier on the list, it has to deliver a contestable decision. It is possible to challenge this decision before the Federal Appeals Commission or the cantonal administrative courts independent body. Suppliers and service providers which are not yet on the list have to be included in the procurement procedure, if the procurement is not being delayed by their inclusion in the list. If the list is not limited to a period of three years, the list and 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 are verified by the entity concerned have to be published annually.

10) Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

The Federal Law on Government Procurement foresees the possibility of negotiations (Article 20) under the conditions that in the tender notice suppliers have been informed about possible negotiation procedures or if none of the offers appears to be the economically most advantageous.

The Inter-cantonal Agreement on Public Procurement does not foresee this possibility (Article 11 lit. c).

11) Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be •not less than X days•. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.

Time-limits have been established in the domestic legislation as set out in the GPA (Article 19 Ordinance on Government Procurement for central government procurement and paragraphs 17 and 18 of the Procurement Directives to the Inter-cantonal Agreement).

12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The Federal Law on Government Procurement does not foresee any limitation of languages allowed for tenders. It is the practice to accept tenders to be submitted in one of the official Swiss languages, which are German, French (WTO language) and Italian. For certain very technical tenders also English has been accepted.

Paragraph 21 of the Procurement Directives to the Inter-cantonal Agreement lays down the obligation to submit tenders in the language of the procedure.

III. CHALLENGE PROCEDURES - ARTICLE XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

Under the coverage of the Law on Government Procurement, suppliers having an interest in a nullification or modification of a decision of a covered entity may appeal against alleged breaches. A special independent judicial authority (•Federal Appeals Commission•) has been set up which decides definitively on the case. The appeal does not automatically have suspensive effect. If asked for by the complainant, suspensive effect can

be given to the appeal. But this is only possible as long as the contract has not yet been awarded. Time-limit to hand in appeals is 20 days. The Commission for appeals can either decide itself or revert the case to the respective entity with instructions. If the respective entity has already concluded a contract with another supplier, the Commission can only state whether the law has been violated.

Only damages (negative interest) can be claimed. The claim has to be handed in with the respective entity. Here the Federal Appeals Commission decides definitively also in this case.

Under the coverage of the Inter-cantonal Agreement, appeal can be made against decisions of sub-central entities or Annex 3 entities falling under the Inter-cantonal Agreement before a cantonal administrative court or independent review body according to cantonal law (each of the 26 cantons has to define in its cantonal law the independent review body). The time-limit is 10 days. The appeal has no automatic suspensive effect, but such effect can be granted if required and justified. The independent cantonal authority can decide on the matter itself or revert the case with or without instructions. If a contract has already been concluded, compensation in the amount of the negative interest can be claimed.

14) *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) The time-limit to launch a complaint contained in the Agreement is •not less than 10 days•. What are the limits in domestic legislation?

See under 13 above.

(ii) What body is responsible for the challenge procedures? Is this a •court• or an •impartial and independent review body•? If the latter:

An independent review body (•Federal Appeals Commission•) according to the law on government procurement for challenge procedures involving central government entities or Annex 3 entities falling under the law on government procurement and an independent review body or an administrative court according to cantonal law.

- *How are its members selected?*

•Federal Appeals Commission•: members are appointed by the Federal Council (Swiss Government) for a period of four years.

Cantonal courts or review bodies: members of administrative courts are generally appointed by the cantonal parliament, members of an independent review body sometimes by the cantonal government.

- *Are its decisions subject to judicial review?*

These decisions are not subject to judicial review but they have procedures as described in Article XX GPA paragraph 6.

-If not, how are the requirements of paragraph 6 of Article XX taken into account?

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

For procurement under the Federal Law on Government Procurement: Federal Law on Government Procurement and federal law on the administrative procedure (systematic collection of Swiss legislation number: 172.021).

For procurement under cantonal law: Inter-cantonal Agreement, implementing cantonal law on government procurement, Law on the Establishment of a Swiss Common Market and cantonal legislation on administrative procedure.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

-Do these measures include the possibility to suspend the procurement process? On what conditions?

The supplier who has the right to appeal may ask for suspension of the procurement process if the contract with another supplier has not yet been concluded. In such a case, the interest of the complainant has to outweigh the public interest in the procurement being executed without delay.

For procurement under cantonal law, some cantonal procedural laws provide for automatic suspensive effect which can be withdrawn by the court.

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

The court or independent review body may decide itself in the case or revert it to the respective entity with instructions. Compensation for loss or damages suffered covers only the negative interest, that means that the supplier should get compensation for his expenses, not compensation for the contract he has not been awarded.

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

Information on time-periods for the stages of the challenge process is difficult to obtain. There are no fixed time-limits for the different stages. Interim measures can be obtained in a very short period (if necessary within one or two days).

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

Costs have to be borne by the unsuccessful party in general. The successful party bears no cost and can even get compensation for the costs.

Monitoring of the enforcement of the GPA

Commission for the implementation and monitoring of the international obligations of Switzerland in the area of government procurement

In order to monitor the compliance with international obligations, the Federal Council (Swiss Government) has established an independent authority, whose services are available for suppliers and service providers from countries members to the GPA, if they face systemic difficulties with the way the Swiss authorities implement the GPA.

WORLD TRADE
ORGANIZATION

GPA/12/Rev.1
9 June 1997

(97-2376)

Committee on Government Procurement

Original: English

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the Republic of Korea

Revision

The attached communication has been received from the Republic of Korea in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Contents

I. SUMMARY OF DOMESTIC REGULATIONS

1. Summary of the ARCSP
2. Summary of the Enforcement Decree of the ARCSP
3. Summary of the Special Regulation of the Enforcement Decree of the ARCSP for Specific Procurement
4. Summary of Other Regulations Related to Government Procurement

II. CONTACT POINTS FOR AN INQUIRY ON GOVERNMENT PROCUREMENT

III. ANSWERS TO THE CHECKLISTS

I. SUMMARY OF DOMESTIC REGULATIONS

1. Summary of the Act Relating to Contracts to which the State is a Party

1)1 *Basic Law for Government Procurement*

The Act Relating to Contracts to which the State is a Party (ARCSP) is the basic regulation for government procurement. Unless otherwise provided for in other laws, government procurement is conducted under this Act.

1.2 *The Scope of the Government Procurement Contract*

The scope of government procurement contracts for international tendering is:

-contracts for goods, construction work and services concluded by governmental agencies (according to the GPA and the international norm based upon the GPA) which exceed the amount determined and publicly announced by the Minister of Finance and Economy.

Exceptions to international tendering allowed by the GPA:

-procurement of goods and services for resale or use in the production of goods for sale or in the provision of services for sale;

-single tendering procurement including set-asides for small and medium enterprises pursuant to the provisions of the Small and Medium Enterprise Products Promotion Act;

-procurement of agricultural, marine or livestock products pursuant to the Foodgrain Management Law, the Law on Marketing and Price Stabilization of Agricultural and Fishery Products and the Livestock Law.

When necessary, the head of each central agency may procure goods and services through international tendering even though the procurement need not undergo international tendering under the GPA.

The threshold values for international tendering are:

-151 million won ex VAT for central government entities• supplies and services procurement;

-5,830 million won ex VAT for central government entities• construction works;

-233 million won ex VAT for local government entities• supplies and services procurement;

-17,490 million won ex VAT for local government entities• construction works;

-524 million won ex VAT for other entities• supplies procurement;

-17,490 million won ex VAT for other entities• construction works.

1.3 *The Principle of Contract: Bona Fides*

- Contracts shall be concluded through the agreement of contracting parties on equal standing and shall be implemented on a bona fide basis.
- All international tendering shall be conducted under the principles of reciprocity. The contract officials shall not impose any special terms or conditions upon the citizens of a member country of the Government Procurement Agreement or upon the products or services produced from those countries.

1.4 *Decision on the Selected Tenderer*

In a competitive tendering, the successful tenderer shall be:

- a person who is deemed fully capable of fulfilling the terms of the contract and offers the lowest bid;
- a person who offers the most favourable bid for the State in conformity with the evaluation criteria specified in the public notice or the tender documentation;
- a person whose bid conforms closest to the criteria if the evaluation criteria are determined by the Presidential Decree considering the nature and scale of contracts.

1.5 *Principles of General Competition in Government Procurement*

- The contract official shall conduct a public procurement according to the competition principle. However, if necessary, taking into consideration the purpose, nature, scale, etc. of the contract, he may nominate participants or restrict the qualification of the participants.

1.6 *Restrictions on Tendering Participation Eligibility for an Improper Business Person*

A person who prevents fair competition or proper fulfilment of the contract, or a person who is deemed unqualified to participate in the tendering may be denied participation for a specified period.

Procedure for this restriction:

- The head of a central agency shall provide the person with an opportunity to state his opinion in advance and, if necessary, shall hear the opinions of other persons concerned.

1.7 *The International Contract Dispute Mediation Committee*

Challenge procedure

- Those who claim to have been disadvantaged in the implementation of the provisions on the scope of the government procurement contract, eligibility for participation, public notice or the decision on the successful tenderer may make an objection to the central agency concerned.
- Anyone dissatisfied with the ensuing measures by the agency may request a review from the International Contract Dispute Mediation Committee established in the Ministry of Finance and Economy.

Effect of the mediation

- The Committee shall undertake an investigation and provide mediation. If no objection is raised within fifteen days regarding the result of the mediation, it shall have the same effect as a judicial conciliation.

2. Summary of the Enforcement Decree of the Act Relating to Contracts to which the State is a Party

2.1 *Principles of Contracts*

- In the conclusion of contracts, a contract official shall not impose any special condition which unreasonably restricts the contractual benefit of the other party, as prescribed by the related provisions.

2.2 *Estimated Value of a Contract and Standard Price*

- The estimated value of a contract is a criterion for determining the value of contracts for purposes of implementing the GPA. It is based upon the budget amount for a procurement and calculated according to the provisions of the GPA. It shall be disclosed in a public notice.
- The Standard Price (presumed price) is a means to determine the best bidding price. It is determined by the illustrative transaction price, the cost price or the appraised price. It shall not be disclosed in advance.

2.3 *Method of Competition & Qualification of Tendering*

- Competition is conducted through competitive tendering in which there are more than two effective bidders.
- The bidder should own or be leasing the facilities required for manufacturing or supplying the contract object.
- When any approval or licence is required pursuant to the provisions of other laws, it should be obtained.

2.4 *Public Notice & Site Presentation*

- A public notice on a domestic tendering will be given ten days before the tendering date. (The related provisions for an international tendering are prescribed by the Special Enforcement Decree.)
- In the case of a construction work tendering, the public notice will be given seven days before the site presentation date.
- The minimum time periods between the site presentation date and the tendering date are:
 - When the estimated price is less than 1 billion won
⇒ 10 days
 - When the estimated price is 1 billion won or more, and less than the notified amount
⇒ 20 days
 - When the estimated price is the notified amount or more

⇒ 33 days

(* The notified amount is determined by the GPA.)

•Details of the public notice:

- Matters assigned for the tendering
- Place, date and time for the tendering and its opening
- Qualification of a bidder
- Decision method for the successful tenderer, etc.

2.5 *Decision Method for the Successful Tenderer*

- Performance ability test method

In a contract above the notified amount, a successful tenderer shall be examined with respect to the performance ability of the contract concerned in the order of the lowest tenderer below the standard price.

- Decision method in a domestic tendering

A successful tenderer is a bidder with the lowest price below the standard price, provided that the bidding price is not less than the amount of 90/100 of the standard price.

In the tender for purchasing goods, the successful tenderer is the lowest price bidder regardless of the proviso above.

2.6 *Single Tendering*

Following are the cases in which a single tendering can be applied:

- in the case of a situation where an Act of God or national security is concerned;
- in the case of a contract with the current construction company to ensure future identification of the construction contractor responsible for any possible defects;
- in the case of a contract to procure goods related to patents or in the case where the supplier is only one person;
- in the case of a work whose estimated price is under 50 million won, or goods and services whose estimated prices are under 20 million won;
- in the case of goods that are set aside for small business;
- in the case of goods that are related to provisions of the Social Welfare Business Act;
- in the case of no bidder, even after a tendering renotification, etc.

2.7 *Restrictions on Tendering Participation for an Improper Business Person*

Restrictions may be imposed for a specific period on:

- a person who has constructed structures defectively or designed them inadequately;
- a person who has caused danger or damage to the public due to the lack of safety measures; or
- a person who has given a bribe in a tendering procedure, etc.

3. Summary of the Special Regulation of the Enforcement Decree of the ARCSP for a Specific Government Procurement (Special Enforcement Decree)

3.1 *Scope of the Special Enforcement Decree*

The Special Enforcement Decree will be applied to all international tendering prescribed by the GPA and other provisions.

For an international tendering which is not covered by the GPA, there is no obligation for observing the provisions of the GPA. However, provisions of the Special Enforcement Decree shall be applied correspondingly.

3.2 *Principles of Contracts for a Specific Procurement*

-Fair competition and non-discrimination principles shall be observed in all international tendering.

-Any procurement requirement shall not be divided with the intention of avoiding the application of GPA.

-Entities shall not impose offsets on suppliers from other GPA members in an international tendering.

3.3 *Tendering Procedure*

There are three types of tendering in the international tendering procedure: open tendering, selective tendering and limited tendering (single tendering).

3.4 *Language in an International Tendering*

-The basic language is Korean. When necessary, however, foreign languages including WTO official languages can be used.

-In a public notice, main items for a tendering shall be written in one of the WTO official languages.

3.5 *Qualification of Suppliers in Open Tendering and a Supplier's List*

-Qualifications for a bidder, such as contract performance record, technical performance ability, financial capacity, etc., can be provided to confirm a supplier's ability to fulfil a contract.

-To simplify the qualification procedures, entities can avail themselves of a permanent supplier's list.

3.6 *Public Notice on Intended Procurement and Decision on the Successful Tenderer*

-Time limits for a tendering shall not be less than 40 days from the date of the public notice.

-The public notice shall contain details related to the tendering according to the provisions of the GPA.

-Information on the contract award shall be published no later than 72 days after the award of each contract.

3.7 *Challenge Procedures & the International Contract Dispute Mediation Committee*

- Suppliers can bring alleged breaches of the GPA before the procurement entities or the International Contract Dispute Mediation Committee.
- The Committee has been established in the Ministry of Finance and Economy to investigate and mediate requests for review by suppliers.
- The chairman of the Committee is the Vice Minister of Finance and Economy. The Committee has 15 members who are professors, barristers, officials, etc.
- The Committee can order interim measures which include suspension of tendering procedures, etc.
- Mediation by the Committee can be provided for the correction of breaches of the GPA or for the compensation of losses or damages suffered.
- The mediation has the same effect as a judicial conciliation when there is no objection.

3.8 *Implementing International Business Practices*

When necessary, in light of the nature of international trade, international business practices can be used for currency, deposits of contract payments, inspection, adjustment for inflation, etc.

4. Summary of Other Regulations Related to Government Procurement

4.1 *The Act on Government Procurement Business (AGPB)*

Character of the AGPB

- The AGPB contains provisions for the central government procurement system implemented by the Office of Supply of the Republic of Korea (OSROK).

Coverage of the AGPB

- The procurement by State and local government entities of goods worth more than 50 million won and construction works worth more than 2 billion won shall be conducted through OSROK.
- Government invested institutions, if necessary, can commit the procurement business to the OSROK.

Centralization of government procurement

- Basically, each government authority is responsible for procuring goods, services and construction services for its own use. However, goods and works of which the estimated value exceeds a given threshold value should be procured and supplied through the Office of Supply of the Republic of Korea on behalf of the other end-user institution (end-user).
- End-users are classified into two categories: obligatory and voluntary. The former consists of central and local government agencies, which are required to purchase their needed goods and works above a given threshold value

through OSROK. The latter consists of government-funded or government-sponsored agencies, which have the option to procure goods, services and works on their own or through OSROK.

- Even obligatory end-users, however, are allowed to purchase goods and conclude construction contracts for themselves in cases of urgent procurement needs, small purchases below a given threshold value or procurement for national defence or security.

OSROK procurement procedures

- Each central and local government agency will forecast its needs for supplies and construction services during the course of a year, determine the purchase request plan with the preparation of budgeted funds, and submit it to OSROK before the beginning of the next fiscal year.
- Upon receipt of the purchase request plans from the end-users, OSROK shall draw up a comprehensive Acquisition Program considering the end-users procurement plan for the coming year as well as the procurement level of the previous year. OSROK will then procure and supply in a cost-effective and timely manner.

4.2 *Local Financing Act*

Character

- The local government procurement system is prescribed by the Local Financing Act and its Presidential Decree, etc.
- The provisions of the Act and its Presidential Decree regulate specialties for local government procurement. However, the main contents of these provisions are quoted from the ARCSP. Therefore, local government entities operate under the same basic procurement system as the central government.

Main differences in provisions from the ARCSP

- In case of local government procurement for a construction work less than 500 million won, a regional restriction can be imposed as a precondition for the bid. For example, according to the provisions of the Local Finance Act or its Enforcement Decree, entities can restrict participants' eligibility to persons doing business within its jurisdiction when the estimated price is less than 5 billion won.

According to the provisions by the ARCSP and its Enforcement Decree, etc., the restriction can be imposed only on those construction works worth less than 3 billion won.

4.3 *The Government-Invested Enterprise Management Law (GIEML)*

- Procurement business by government-invested institutions is prescribed by the Government-Invested Enterprise Management Law and Administrative Regulations by the Ministry of Finance & Economy.
- The difference between GIEML and ARCSP is that the scope of entities covered by each law is different and GIEML has a special provision regarding single

tendering. However, the main contents of these provisions are quoted from the Act Relating to Contracts to which the State is a Party. Therefore, government-invested entities operate under the same basic procurement system as the central government.

II. CONTACT POINTS FOR AN INQUIRY ON GOVERNMENT PROCUREMENT

The Act Relating to Contracts to which the State is a Party

Ministry of Finance and Economy
Government Accounting Policy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Local Financing Act

Ministry of Home Affairs
Local Financing and Economy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Government-Invested Enterprise Management Law

Ministry of Finance and Economy
Government Loan and Enterprise Management Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Act on Government Procurement Business

Office of Supply
Administration and Management Division

Telephone: •82 2 533 5979
Telefax: •82 2 596 9548

III. ANSWERS TO THE CHECKLISTS

I. GENERAL ELEMENTS

1. *Has the agreement been transposed into national law and/or does it apply directly?*

It has been transposed into domestic laws and regulations such as the Act Relating to Contracts to which the State is a Party (•ARCSP•), the Local Financing Act and the Government-Invested Enterprise Management Law.

The Act Relating to Contracts to which the State is a Party (•ARCSP•) is the basic regulation on procurement by central government institutions. It prescribes details

concerning contracts to which the state is a party, including procurement proceedings and contract administration. It contains details related to government procurement contracts through international competitive bidding. It prescribes provisions related to National Treatment, Non-discrimination, and the Transparency of Government Procurement.

The Enforcement Decree of the ARCSP provides details delegated by the ARCSP and those necessary for the implementation of domestic tendering.

The Special Enforcement Decree of the ARCSP for a Specific Government Procurement provides details delegated by the ARCSP and those necessary for the implementation of international tendering.

2. In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?

Entities below the federal or central state level have their own procurement system such as the Local Financing Act. However, this Act generally follows the provisions of the ARCSP.

3. In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?

Procurement by other entities such as government-invested enterprises is controlled by the Government-Invested Enterprise Management Law. This Law also generally follows the provisions of the ARCSP.

4. Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?

There are no significant differences but there are some exceptions such as regional restrictions and conditions for single tendering. Local governments can restrict participants' eligibility to persons doing business within their jurisdictions, when the estimated price of the work is less than 5 billion won. The restriction can be imposed on construction works worth less than 3 billion won by the central government.

5. To what extent is information technology used in the process of government procurement?

We are running a database system offering information on tendering opportunities.

II. SPECIFIC ELEMENTS

6. Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.

ARCSP Article 5 of its Special Enforcement Decree (SED) Article 4

7. Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.

The provisions for a public notice reflect the provisions of the GPA. These are almost the same as the provisions of the GPA. Basically public notice for open or selective tenderings should be given no less than 40 days before the tender date. In some cases, for a selective tendering, the time-limit for a tender is extended to more than 65 days.

A public notice shall contain every item prescribed by the GPA such as the place, date and time for tendering and its opening, qualification of the bidder, contact points, etc. (SED Art. 11, 12).

8. Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.

A notice of planned procurement can be used by any entity according to Article IX:3 of the GPA (SED Art. 13). The entities may notify in the gazette the plan for procurement of goods, construction works and services to be supplied under specific procurement contracts during each fiscal year. The notice on procurement plans shall contain the statements set forth in the related provision of the GPA.

9. In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?

If necessary, entities can use the permanent lists of suppliers. Qualification of suppliers can be determined by entities, taking into consideration construction capacity, skills or management status (SED Art. 10).

It is not necessary for a contract official to change the requirements for the supplier's list on a contract-by-contract basis. It is the same as the current classification system for suppliers. The requirements for the supplier's list are fixed.

10. Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

Negotiations are allowed during the tendering procedure. If necessary, taking into consideration the nature of the contract, urgency and national security, the head of each central agency or its public officials may enter into a contract after receiving proposals from bidders and negotiating technical specifications, quality, etc.

11. Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be not less than X days. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time-limits which have been established.

The time-limits for tendering shall be more than 40 days after a public notice. According to the provisions of the GPA, some exceptions are prescribed as below.

In the case of an emergency notice: more than 10 days after a public notice.

In the case of a planned procurement notice: more than 24 days after a public notice.

12. To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The basic language is Korean in the tendering procedures. When necessary, however, foreign languages, including WTO official languages, can be used (SED Art. 8).

III. CHALLENGE PROCEDURES - ARTICLE XX

13. Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

Anyone who claims to have been disadvantaged due to breaches of the GPA by an entity's measures in the course of international tendering may make an objection and seek revocation or correction of such acts from the International Contract Dispute Mediation Committee.

14. To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

A supplier or a contractor shall submit a complaint within 15 days from occurrence of the act which is the cause of the objection or within 10 days from acquiring knowledge of such an act.

The head of the relevant procuring entity shall, within 10 days from the receipt of the complaint, examine and take necessary measures such as correction and give a prompt notice of the decision to the supplier or the contractor submitting the complaint.

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

In order to examine and mediate the request for a review, a committee is established in the Ministry of Finance and Economy.

- ***How are its members selected?***

The chairman of the Committee is the Vice Minister of Finance and Economy. The Committee has 15 members who are professors and barristers designated by the Minister of Finance and Economy and public officials designated by the heads of major procurement entities.

- ***Are its decisions subject to judicial review?***

The mediation has the same effect as a judicial conciliation when no objection is raised. If there are any objections, the case can be sent to the court.

- ***If not, how are the requirements of paragraph 6 of Article XX taken into account?***

We make the provisions for the various challenge procedures reflect the provisions of the GPA, such as holding hearings before a decision, conducting an open mediation process, providing decisions in writing, etc.

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

The ARCSP contains general provisions on the challenge procedures. The case can be sent to the related institutions for a special consultation. In the process of the Committee's mediation, procedures such as delivery, notice, etc. shall follow the provisions of the Act for the Civil Suit.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

Suspension of tendering proceedings or awarding of contracts may be granted until the arbitration (mediation) process in the Committee is completed.

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

The Committee can make a mediation offer including cancellation and correction of breaches and compensation for losses or damages. There are limits to the compensation. It is limited to costs for tender preparation or protest.

(vi) Give any available information on the time-periods for the stages of the challenge process, including to obtain interim measures and a final decision.

The supplier or contractor who has an objection to the measure by the entity concerned can request a review by the Committee for International Dispute Mediation within 15 days from receipt of the notice of decision.

Interim measures by the Committee shall be taken within seven days from the date of receipt of the opinion of a procurement entity.

The Committee, unless there are any other specific reasons, shall review and arbitrate the appeal filed within 50 days from the date of its receipt.

The mediation shall be final unless both parties (the applicant and the head of a central agency concerned) have an objection to it within 15 days from completion of the mediation. It shall have the same effect as an out-of-court settlement.

Legal channels for complaints or appeals are open to any supplier. Appeals can be raised in a civil suit.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

Translation, stenography, appreciation or testing cost can be billed to the appellant.

If there is a prior arrangement between both parties, the cost of challenge procedures is determined by the arrangement. Therefore, there can be no cost in some cases.

RESTRICTED

WORLD TRADE
ORGANIZATION

GPA/13

27 March 1997

(97-1278)

Original: English

Committee on Government Procurement

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Canada

The attached communication has been received from Canada in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

SUMMARY OF LEGISLATION

1. Basic Legislation Giving Effect to the Agreement

Bill C-57, *An Act to Implement the Agreement establishing the World Trade Organization* (the WTO Implementation Act), entered into force on 1 January 1995. The WTO Implementation Act accomplished all that was necessary, by way of legislation, to ensure that Canada's obligations under the Agreement on Government Procurement (AGP) can be met. Section 3 provides that the purpose of the WTO Implementation Act is to implement the Agreement Establishing the World Trade Organization, including the agreements set out in Annexes 1A, 1B, 1C, 2 and 3 thereof and the agreements set out in Annex 4 thereof that have been accepted by Canada (collectively, the WTO Agreement). Section 4 provides that the WTO Implementation Act is binding on the Government of Canada.

Part I of the WTO Implementation Act contains general provisions applicable to implementation of the WTO Agreement. Section 8 provides that the WTO Agreement is approved. Sections 9 to 13 empower the Federal Cabinet to take various kinds of action in furtherance of administering Canada's activities under the WTO Agreement.

2. Additional Legislation Giving Effect to the Agreement

Part II of the WTO Implementation Act also provides for related and consequential amendments to other federal legislation required to give effect to the WTO Agreements, including the AGP.

Section 116 of the WTO Implementation Act provides for amendments to the *Financial Administration Act* that permit the Federal Cabinet to give a directive to any parent crown corporation for the purpose of implementing the WTO Agreement. This enables the Federal Cabinet to require the government enterprises listed in Canada's Annex 3 of Appendix I of the AGP to comply with the requirements of the AGP.

Sections 40 to 42 and 44 to 46 of the WTO Act provide for a number of minor amendments to the *Canadian International Trade Tribunal Act*. More extensive amendments of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* were undertaken in order to empower the Canadian International Trade Tribunal (the •Tribunal•) to conduct an inquiry into a complaint regarding any aspect of the procurement process in respect of a contract for the procurement of goods or services, or any combination of goods and services, described in Article I of the AGP. Prior to these amendments, the Tribunal had jurisdiction to conduct an inquiry for any such contract described in Article 1001 of the North American Free Trade Agreement (NAFTA) or in Article 502 of the Agreement on Internal Trade (AIT).

The *Canadian International Trade Tribunal Rules* govern the proceedings, practice and procedures of the Tribunal in dealing with procurement complaints. The rules already provided for procurement complaints under the NAFTA and the AIT when the AGP entered into force and did not require amendment.

3. Effect of the Legislative Changes

The combined effect of the WTO Implementation Act and the amendments to the *Canadian International Trade Tribunal Procurement Inquiry Regulations* is:

- (i) to require all government entities and enterprises listed in Canada's Annex 1 and Annex 3 of Appendix I of the AGP to abide by the provisions of the AGP; and
- (ii) to empower the Tribunal to conduct an inquiry into any complaint that a covered government entity or enterprise has failed to abide by the provisions of the AGP and to recommend a remedy for any complaint that it finds to be valid, including awarding a contract or payment of compensation, as appropriate.

Government entities that are subject to the AGP are expected to carry out their procurement activities in accordance with the provisions of the AGP, as well as the NAFTA and the AIT. Accordingly, the Government of Canada uses the Open Bidding Service (OBS), an internationally accessible electronic database, and publishes a bulletin called Government Business Opportunities which contains most of the opportunities listed on the OBS. Each notice contains a field for •Agreement Type• which identifies all applicable trade agreements. Tendering procedures and awarding of contracts are also carried out in accordance with the requirements of any applicable trade agreements. Domestic suppliers and foreign suppliers alike may file a complaint with the Tribunal if they believe that a government entity has failed to comply with the requirements of any applicable trade agreement.

4. Copies of Relevant Legislation

Copies have been provided to the WTO Secretariat of:¹

- (i) the preamble, sections 1 to 13, and sections 40 to 45 of the *World Trade Organization Implementation Act*, S.C. 1994, C. 57;
- (ii) sections 1 to 3, 13, 16, 17, 30.1, 30.11 to 30.19, 31 to 37, 39, 40 and 43 to 48 of the *Canadian International Trade Tribunal Act*, R.S.C. 1985, C. 47;
- (iii) *Canadian International Trade Tribunal Procurement Inquiry Regulations* (unofficial consolidation); and
- (iv) sections 1 to 29 and 93 to 108 of the *Canadian International Trade Tribunal Rules*, SOR/91-409, SOR/93-601.

¹Available for consultation in office no. 3012.

CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1) *Has the Agreement been transposed into national law and/or does it apply directly?*

Bill C-57, *An Act to Implement the Agreement Establishing the World Trade Organization*, brought the AGP into force for Canada on 1 January 1996. Certain amendments to the *Financial Administration Act*, the *Canadian International Trade Tribunal Act* and the *Canadian International Trade Tribunal Procurement Inquiry Regulations* were required to implement the AGP into Canadian law.

2) *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

n.a.

3) *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

n.a.

4) *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

n.a.

5) *To what extent is information technology used in the process of government procurement?*

The Government of Canada uses the Open Bidding Service (OBS), an internationally accessible electronic database. The Government also publishes a bulletin called Government Business Opportunities (GBO) which contains most of the opportunities listed on the OBS. Most bidding opportunities for goods and services valued at over CAN \$25,000 are advertised on the OBS, as well as construction, maintenance, architecture, engineering and leasing opportunities over CAN \$60,000, communications professional services valued at over CAN \$50,000 and printing requirements valued at over CAN \$10,000. All procurement covered by the WTO Agreement is advertised on the OBS and in the GBO. Each notice contains a field for •Agreement Type• which identifies all applicable trade agreements, including the AGP, for that requirement. Canada has submitted a full explanation of the use of information technology in procurement to the WTO.²

²GPA/W/24/Add.2

II. SPECIFIC ELEMENTS

6) *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

The WTO Implementation Act does not contain specific provisions that reflect the national treatment and non-discrimination commitments of Article III. Rather, it approves the Agreement Establishing the World Trade Organization, including the agreements set out in Annexes 1A, 1B, 1C, 2 and 3 thereof and the agreements set out in Annex 4 thereof that have been accepted by Canada (i.e., the AGP, among others). It also provides for related and consequential amendments to other federal legislation required to give effect to the various agreements, including the AGP.

The *Canadian International Trade Tribunal Act* (CITT Act) and the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (CITT Regulations) were amended to empower the Canadian International Trade Tribunal (Tribunal) to conduct an inquiry into a complaint into any aspect of the procurement process in respect of a contract for the procurement of goods or services, or any combination of goods and services, described in Article I of the AGP. Prior to these amendments, the Tribunal had jurisdiction to conduct an inquiry for any such contract described in Article 1001 of the NAFTA or in Article 502 of the AIT.

Section 30.14 (2) of the CITT Act provides:

(2) At the conclusion of an inquiry, the Tribunal shall determine whether the complaint is valid on the basis of whether the procedures and other requirements prescribed in respect of the designated contract, or the class of contracts to which it belongs, have been or are being observed.

Section 11 of the CITT Regulations provides:

11. Where the Tribunal conducts an inquiry into a complaint, it shall determine whether the procurement was conducted in accordance with the requirements set out in whichever one of the NAFTA, the Agreement on Internal Trade or the Agreement on Government Procurement applies.

Thus, alleged failure to accord national treatment or non-discrimination as required by Article III of the Agreement would be a matter for the Tribunal to consider in determining whether a complaint is valid.

7) *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

In accordance with Article IX:2 of the Agreement, all of the entities covered by the Agreement are permitted to publish an invitation to participate in the form of a notice of proposed procurement.

8) *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

n.a.

9) *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

In the case of selective tendering procedures, the procuring entity decides whether to use open or selective tendering procedures depending on the nature of the requirement.

10) *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

All of the entities covered by the Agreement are permitted to conduct negotiations on procurements that are covered by the Agreement. The negotiations must be carried out according to the provisions set out in Article XIV of the Agreement.

11) *Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be •not less than X days•. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

Consistent with our international agreements, the period for the receipt of tenders varies from 7 to 40 days from the date of publication, depending upon the relevant legislation or policy.

Time limits for delivery are established based on the requirement and must be consistent with the provisions set out in Article XI of the Agreement.

12) *To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?*

Tenders for AGP-covered procurement may be submitted in English or French, Canada's two official languages.

III. CHALLENGE PROCEDURES - ARTICLE XX

13) *Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.*

A copy of the publication Procurement Review Process - A Descriptive Guide, January 1996, has been provided to the WTO. This guide describes Canada's challenge procedures.

14) *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is •not less than 10 days•. What are the limits in domestic legislation?*

A complaint must be filed within 10 working days after the day on which the basis of the complaint became known or reasonably should have become known to the

potential supplier. A potential supplier who has made an objection regarding a procurement to the relevant government institution, and is denied relief by that government institution, may file a complaint with the Tribunal within 10 working days after the day on which the potential supplier has actual or constructive knowledge of the denial of relief, provided that the objection was made within 10 working days after the day that the basis for the objection became known or reasonably should have become known.

The Tribunal can extend the time limit to a maximum of 30 days if it determines that the failure to file the complaint in time was attributable to a cause beyond the control of the potential supplier or that the complaint concerns an aspect of the procurement process of a systemic nature.

(ii) What body is responsible for the challenge procedures? Is this a •court• or an •impartial and independent review body•? If the latter:

The Canadian International Trade Tribunal is responsible for determining the validity of procurement complaints. It is a quasi-judicial tribunal and, as regards certain matters, including the attendance and examination of witnesses, the production of documents and the enforcement of its orders, has the powers of a superior court of record. The Tribunal is an impartial and independent review body for the purpose of determining the validity of procurement complaints.

- *How are its members selected?*

The Tribunal is comprised of a Chairman, two Vice-Chairmen, up to six other permanent members and up to five temporary members, all of whom are appointed by the Federal Cabinet. Permanent appointments are for a five-year term. The Chairman may assign one member of the Tribunal to deal with a procurement complaint. A member so assigned has all of the Tribunal's powers, duties and functions in relation to the complaint.

- *Are its decisions subject to judicial review?*

Yes.

-If not, how are the requirements of paragraph 6 of Article XX taken into account?

n.a.

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

The Tribunal determines the validity of procurement complaints by reference to the standards set out in the AGP, the NAFTA and the AIT. See section 11 of the Regulations, reproduced as part of Canada's response to question 6.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

Any party to a procurement complaint proceeding may request that the Tribunal consider the feasibility of using the •express option• procedure which is designed to bring about the resolution of a complaint within 45 days instead of the usual 90-day time-frame.

*-Do these measures include the possibility to suspend the procurement process?
On what conditions?*

The Tribunal may order the government institution responsible for the procurement to postpone the awarding of the contract until the Tribunal determines the validity of the complaint. The Tribunal shall rescind such an order if, within seven working days of the making of the order, the government institution certifies in writing that the procurement is urgent or that a delay in awarding the contract would be contrary to the public interest. The Tribunal has no power to suspend a contract that has already been awarded.

(v)How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

Where the Tribunal determines that a complaint is valid, it may recommend such remedy as it considers appropriate, including any one or more of the following:

- (a)that a new solicitation for the contract be issued;
- (b)that the bids be re-evaluated;
- (c)that the contract be terminated;
- (d)that the contract be awarded to the complainant; or
- (e)that the complainant be compensated by an amount specified by the Tribunal.

The government institution involved in the procurement would be required to implement the Tribunal's recommendations to the greatest extent possible. If the government institution does not intend to fully implement the Tribunal's recommendations, it must notify the Tribunal of the reasons for not doing so.

There is no prescribed limitation on the kinds of losses or the total amount that the Tribunal can recommend as compensation. The Tribunal tends to rely on common law principles applicable to assessment of damages. The Tribunal may award the complainant the reasonable costs of responding to a bid solicitation, independently of any amount that it recommends as compensation.

(vi)Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

See Appendix 1 and Appendix 2 of the publication Procurement Review Process - A Descriptive Guide.

(vii)What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

There is no fee for filing a complaint with the Tribunal and parties may file materials and appear before the Tribunal without being represented by a lawyer. The complainant would have to bear any legal expenses that it does incur which it *may* recover (in whole or in part) under an award of costs granted in the discretion of the Tribunal. Similarly, a complainant *may* be liable to pay an award of costs in favour of the relevant government institution and any intervening party if the Tribunal dismisses the complaint during the course of the proceedings or ultimately determines that the complaint is invalid.

RESTRICTED

GPA/12

11 February 1997

(97-0512)

Original: English

WORLD TRADE
ORGANIZATION

Committee on Government Procurement

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from the Republic of Korea

The attached communication has been received from the Republic of Korea in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

BASIC REGULATIONS¹

1. The Act Relating to Contracts to which the State is a Party (ARCSP)
2. The Enforcement Decree of the ARCSP
3. The Special Enforcement Decree of the ARCWSP for a Specific Government Procurement

¹Copies (in Korean) are available for consultation in the Intellectual Property and Investment Division (office 3057).

1. SUMMARY OF DOMESTIC REGULATIONS

Summary of Act Relating to Contracts to which the State is a Party

1) *Basic Law for the Government Procurement*

The Act Relating to Contracts to which the State is a Party (ARCSP) is the basic regulation for the government procurement. Except special provisions provided by other laws, the government procurement is governed by this Act.

2) *The Scope of Government Procurement Contract*

The scope of government procurement contracts for an international tendering is:

- the contracts for goods, construction works and services concluded by governmental agencies according to the international norm and the Government Procurement Agreement which exceed the amount determined and publicly announced by the Minister of Finance and Economy.

The exception of an international tendering allowed by the GPA:

- the contracts for goods and services procured with a view to resale or to use in the production of goods or provision of services for sale from small and medium enterprises pursuant to the provisions of the Small and Medium Enterprise Products Promotion Act, and purchasing any agricultural, marine or livestock products pursuant to the Grains Control Act, the Act relating to Distribution and Stability of Agricultural and Marine Products, or the Livestock Industry Act.

The head of each central agency may procure goods and services through an international tendering when necessary.

3) *The Principle of Contract: Bona Fide*

- Contracts shall be concluded according to the principle of bona fide.
- An international tendering shall be implemented according to the principles of reciprocity. The contract officials shall not impose any special terms or conditions upon the citizens of a member country of the Government Procurement Agreement or upon the products or services produced from those countries.

4) *Decision on the Selected Tenderer*

In a competitive tendering, the successful tenderer shall be:

- a person who is deemed fully capable of fulfilling the terms of the contract and offers the lowest bid;
- a person who offers the most favourable bid for the State in conformity with the evaluation criteria specified in the public notice or the tender documentation;

- a person whose bid conforms closest to the criteria if the evaluation criteria are determined by the Presidential Decree considering the contract's nature and scale.

5) *Principles of General Competition in Government Procurement*

- The public officer in charge of contract shall conclude a contract by the means of general competition. Except, if deemed necessary, taking into consideration the contract's purpose, nature, scale, etc., he may nominate participants or restrict the qualification of the participants.

6) *Restriction on Tendering Participation Eligibility for Improper Business Person*

Restriction on tendering participation to an improper business person may be imposed for a specified period:

- a person who might be detrimental to a fair execution of the competition or a proper fulfilment of the contract; or
- a person who is deemed unqualified to participate in the tendering.

Procedure for this restriction:

- The head of a central agency shall give the other party an opportunity to state his opinion in advance and, if necessary, hear the opinion of the interested person.

7) *The International Contract Dispute Mediation Committee*

Challenge procedure

- Those who have got a disadvantage by the matter of the scope of the government procurement contract, eligibility for participation, public notice, and decision on successful tenderer may make an objection.
- Anyone who is dissatisfied with the measures by the demanded institution may request a review for a mediation to the International Contract Dispute Mediation Committee established in the Ministry of Finance and Economy.

Effect of the mediation

- The Committee shall make the investigation and mediation. If not any objection is raised within fifteen days after an agreement, it shall have the same effect as a judicial conciliation.

Summary of Enforcement Decree of the Act Relating to
Contracts to which the State is a Party

1. *Principles of Contracts*

-In the conclusion of contracts, a contract official shall not impose any special condition which unreasonably restricts the contractual benefit of the other party, which is prescribed by the related provisions.

2. *Estimated Value of Contract and Standard Price*

-Estimated value of contract is a criterion opened in a public notice. It is a basic tool for determining the value of contracts for purposes of implementing the GPA. It is based upon the budget amount for a procurement and calculated according to the provisions of the GPA.

-Standard Price is a means to determine a best bidding price. It is determined by the illustrative transactional price, the cost price or the appraised price. It shall not be informed.

3. *Method of Competition & Qualification of Tendering*

-The competition is conducted by means of a competitive tendering in which more than two effective bidders participate.

-The bidder should be owning or leasing the facilities required for manufacturing or supplying of the contract object.

-When any approval or licence is required pursuant to the provisions of the laws, it should be qualified.

4. *Public Notice & Site Presentation*

-A public notice on domestic tendering will be given ten days before the tendering date (international tendering is prescribed by the Special Enforcement Decree).

•In the case of construction work tendering, it will be given seven days before the site presentation date.

•Site presentation will be carried out before following period:

·When the estimated price is less than 1 billion won
⇒ 10 days or more

·When the estimated price is 1 billion or more and less than notified amount
⇒ 20 days or more

·When the estimated price is the notified amount or more
⇒ 33 days or more

(* The notified amount is determined by the GPA.)

•Details of the public notice:

- Matters assigned for the tendering
- Place, date and time for the tendering and its opening
- Qualification of a bidder
- Decision method for the successful tenderer, etc.

5. *Decision Method for the Successful Tenderer*

- Performance ability test method

In a contract above notified amount, a successful tenderer shall be examined with respect to the performance ability of the concerned contract in the order of the lowest tenderer under the standard price.

- Decision method operated only in a domestic tendering

A successful tenderer is a bidder with the lowest price, provided that the bidding price is not less than the amount of 90/100 of the standard price and under the standard price.

In the tender for purchasing goods, the successful tenderer is the lowest price bidder.

6. *Single Tendering*

Following are the cases to which single tendering can be applied:

- in case of an Act of God or national security,
- in case of a contract with the current construction company due to difficulties of assigning liabilities for defects that might happen in relation to future construction works,
- in case of purchasing goods granted patent or in case where the supplier is only one person,
- in case of a work whose estimated price is under 50 million won, or goods and services whose estimated price is under 20 million won,
- goods set-aside for a small business,
- goods related provisions of the Social Welfare Business Act,
- in case of no bidder even in the renotification tendering etc.

7. *Restriction on Tendering Participation for an Improper Business Person*

Restriction may be imposed for a specific period to:

- a person who has constructed structures defectively or designed them inadequately,
- a person who has not been careful in taking safety measures, thereby causing danger or damage to the public, or
- a person who gives a bribe in a tendering procedure etc.

Summary of Special Enforcement Decree of the ARCWSP for a Specific Government Procurement (Special Enforcement Decree)

1. *Scope of Special Enforcement Decree*

The Special Enforcement Decree will be applied to:

-an international tendering prescribed by the GPA and other provisions.

For an international tendering which is not covered by the GPA, there are no obligations for observing the provisions of the GPA. However, provisions of Special Enforcement Decree shall be applied correspondingly to even the cases for the standardization of the procurement system.

2. *Principles of Contracts for a Specific Procurement*

-Fair selection for a successful tenderer and non-discrimination to any tenderer shall be done in an international tendering.

-With the intention of avoiding the application of GPA, any procurement requirement shall not be divided.

-Entities shall not impose any offsets in tendering procedures.

3. *Tendering Procedure*

Following are tendering procedures for an international tendering: open tendering, selective tendering and limited tendering (single tendering).

4. *Language in an International Tendering*

-A basic language is Korean. However, when necessary, foreign languages including WTO official languages can be used.

-In a public notice, main items for a tendering shall be written in one of the WTO official languages.

5. *Qualification of Suppliers in Open Tendering and a Supplier's List*

-Main conditions for suppliers are limited to those which are essential to ensure the supplier's capacity to fulfil the contract in question such as contract performance record, technical performance ability and financial capacity etc.

-To simplify the qualification procedures, entities can operate a permanent supplier's list.

6. *Public Notice on Intended Procurement and Decision of Successful Tenderer*

-Time limits for a tendering shall not be less than 40 days from the date of the public notice.

-The public notice shall contain details related to the tendering according to the provisions of GPA.

-Information on the contract award shall be published not later than 72 days after the award of each contract.

7. *Challenge Procedures & International Contract Dispute Mediation Committee*

-Suppliers can challenge alleged breaches of the GPA to the procurement entities or International Contract Dispute Mediation Committee.

-The Committee is established in the Ministry of Finance and Economy to investigate and mediate the request for review by a supplier.

-The chairman of the Committee is Vice Minister of Finance and Economy. The Committee has 15 members who are professors, barristers or officials, etc.

-The Committee can order the interim measures which include suspension of tendering procedures, etc.

-The mediation by the Committee can be provided for the correction of breaches of the GPA or compensation for the loss or damages suffered.

-The mediation has the same effect as a judicial conciliation when it has no objection.

8. *Implementing the International Business Practices*

When necessary, in light of nature of international trade, international business practices can be applied to determine currency, deposit of contract payment, inspection or adjustment of inflation, etc.

2.SUMMARY OF OTHER REGULATIONS RELATED TO THE GOVERNMENT PROCUREMENT

1. *The Act on the Government Procurement Business*

Character of the Act

-The Act contains the provisions for the central government procurement system implemented by the Office of Supply (OSROK).

Applied Institution

-The State and Local government entities shall commit the procurements for the goods more than 50 million won and the construction works more than 2 billion won to the OSROK.

-Government invested institutions, if necessary, can commit the procurement business to the OSROK.

Centralization of the government procurement

- Basically, each government authority is responsible for procuring goods, services and construction services for its own use. However, goods and works exceeding a given threshold value, which a specialized agency can procure more efficiently, should be procured and supplied through the Office of Supply of the Republic of Korea to central and local government agencies (so-called end-users).
- The OSROK's end-users are classified into two categories: obligatory and voluntary. The former consists of central and local government agencies, which are required to purchase their needed goods and works above a given threshold value through the OSROK. The latter consists of government-funded or government-sponsored agencies, which have options to procure goods, services and works for themselves or through the OSROK.
- Even the obligatory end-users, however, are allowed to purchase goods and conclude construction contracts for themselves in cases of urgent procurement needs, small purchases below a given threshold value or procurement for national defence or security.

System to draw up government procurement

- Each central and local government agency will forecast its need for supplies and construction services during the course of a year, determine the purchase request plan with the preparation of the budgeted funds, and submit it to the OSROK before the beginning of the next fiscal year.
- Upon receipt of the purchase plans from the end-users, the OSROK shall draw up a comprehensive Acquisition Program considering the end-users' procurement plan for the coming year as well as the procurement level of the previous year, which will then procure and supply in a cost-effective and timely manner.

2. *Local Financing Act*

Character

- The local government procurement system is prescribed by the Local Financing Act and its Presidential Decree, etc.
- The provisions of the Act and its Presidential Decree regulate specialties for the local government procurement. However, main contents of these provisions are quoted from the Act Relating to Contracts to which the State is a Party.
- In conclusion, local government entities operate the same procurement system as the central government.

Main different provisions from the ARCSP

- In case of local government procurement, the estimated price for the regional restriction is different from that of the state.

According to the provisions by the Local Finance Act or its Enforcement Decree, entities can restrict participants' eligibility to only the person doing business within its jurisdiction when the estimated price is less than 5 billion won.

According to the provisions by the ARCSP and its Enforcement Decree etc., the restriction can be imposed to the construction work only less than 3 billion won.

3. *The Government Invested Enterprise Management Law*

-Procurement business of the government invested institution is prescribed by the government invested Enterprise Management Law and Administrative Regulation by the Ministry of Finance & Economy.

-These regulations include some specialties for the entities applied and exception in the single tendering from the provisions of the ARCSP. However, main contents of these provisions are quoted from the Act Relating to Contracts to which the State is a Party.

-In conclusion, government invested entities operate the same procurement system as the central government.

3. CONTACT POINTS FOR AN INQUIRY ON THE GOVERNMENT PROCUREMENT

The Act Relating to the Contracts to which the State is a Party

Ministry of Finance and Economy
Government Accounting Policy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Local Financing Act

Ministry of Home Affairs
Local Financing and Economy Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Government Invested Enterprise Management Law

Ministry of Finance and Economy
Government Loan and Enterprise Management Division

Telephone: •82 2 500 5391
Telefax: •82 2 503 9291

The Act on the Government Procurement Business

Office of Supply
Administration and Management Division

Telephone: •82 2 533 5979
Telefax: •82 2 596 9548

4. ANSWER TO THE CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

1. *Has the agreement been transposed into national law?*

It has been transposed into domestic laws and regulations such as the Act Relating to Contracts to which the State is a Party (•ARCSP•), the Local Financing Act and the Government Invested Enterprise Management Law.

The Act Relating to Contracts to which the State is a Party (•ARCSP•) is the basic regulation on the procurement by the central government institution. It prescribes details concerning contracts to which the state is a party, including procurement proceedings and contract administrations. It contains details related to government procurement contracts through an international competitive bidding. It prescribes provisions related to National Treatment, Non-discrimination, and the Transparency of Government Procurement.

The Enforcement Decree of the ARCSP provides details delegated by the ARCSP and those necessary for the implementation of a domestic tendering.

The Special Enforcement Decree of the ARCSP for a Specific Government Procurement provides details delegated by the ARCSP and those necessary for the implementation of an international tendering.

2. *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

Entities below the federal or central state level have their own procurement system such as Local Financing Act. But the Act generally follows provisions of ARCSP.

3. *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Other entities such as government invested enterprises are controlled by the Government Invested Enterprise Management Law. But the Law also generally follows provisions of ARCSP.

4. *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

There are no significant differences except regional restriction and conditions for a single tendering. For example, a local government can restrict participants' eligibility to

persons doing business within its jurisdiction, when the estimated price of the work is less than 5 billion won. However, the restriction can be imposed by a central government only to the construction work of which the estimated price is less than 3 billion won.

5.To what extent is information technology used in the process of government procurement?

We are running a database system offering information of tendering opportunities.

II. SPECIFIC ELEMENTS

6. Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement?

ARCSP Article 5 and its Special Enforcement Decree (SED) Article 4

7. Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.

Provisions for the public notice are provided reflecting the provisions of the GPA. Those are almost same provisions of the GPA. Basically public notice for open or selective tendering should be done not less than 40 days before the tender date. In some cases for a selective tendering, time limit for a tender will be extended to more than 65 days.

A public notice shall contain every item prescribed by the GPA such as place, date and time for tendering and its opening, qualification of the bidder and contact points etc. (SED Art. 11, 12).

8. Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or notice regarding qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.

Besides a public notice, other provisions for a notice of the planned procurement are prescribed according to the Article IX:3 of the GPA (SED Art. 13).

9. In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?

If necessary, entities can use permanent supplier's lists. Qualifications for registration at supplier's lists can be determined by entities, considering experiences, skills or business conditions of entities (SED Art. 10).

It is not necessary for a contract official to change the requirements for supplier's list on a contract-by-contract basis. It is same as the current classification system for suppliers. The requirements for the supplier's list are fixed.

10. Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?

Negotiation can be allowed during the tendering procedure. If it is deemed necessary, taking into consideration the nature of contract, the urgency, national security, the head of each central agency or the public officials may enter into the contract after receiving the proposals from bidders suppliers and negotiating technical specification or qualities, etc.

11. Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be not less than X days. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.

The time-limits for tendering shall be more than 40 days after a public notice. In compliance with the provisions of the GPA, some exceptions are prescribed as below:

In case of an emergency notice: more than 10 days after a public notice.

In case of a planned procurement notice: more than 24 days after a public notice.

12. To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The basic language is Korean in the tendering procedure. However, when necessary, a foreign language including WTO official languages can be used (SED Art. 8).

III. CHALLENGE PROCEDURES - ARTICLE XX

13. Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and making them generally available. Please provide this information.

Anyone who has been disadvantaged due to the breaches of the GPA occurred by an entity's measure in the course of international tendering may make an objection for revocation or correction of such acts to the International Contract Dispute Mediation Committee (SED Art. 28).

14. To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

A supplier or contractor shall submit a complaint within 15 days after the occurrence of the act which is the cause of the objection or 10 days after acquiring knowledge of such an act.

The head of the relevant procuring entity shall, within 10 days of the receipt of the complaint, examine and take necessary measures such as correction and give a prompt notice of the decision to the supplier or the contractor submitting the complaint.

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

In order to examine and mediate the request for a review, a committee is established in the Ministry of Finance and Economy.

- How are its members selected?

The chairman of the Committee is Vice Minister of Finance and Economy. The Committee has 15 members who are professors, barristers designated by the Minister of Finance and Economy or public officials designated by the heads of major procurement entities.

- Are its decisions subject to judicial review?

The mediation has the same effect as a judicial conciliation when there is no objection. If there are any objections, the case can be sent to the court.

- If not, how are the requirements of paragraph 6 of Article XX taken into account?

We have the provisions for various challenge procedures reflecting the provisions of the GPA such as hearing before a decision, open mediation process, decision by writing, etc.

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

ARCSP has general provisions for the review of the challenge procedures, reviewing, examining and investigating. The case can be sent to the related institutions for a special appreciating. During the process, the provisions for the procedures such as delivery or notice etc. shall follow the provisions of the Act for the Civil Suit.

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

Suspension of tendering proceedings or awarding of contracts may be granted until the arbitration (mediation) process in the Committee is completed.

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

The Committee can make a mediation offer including cancelation and correction of the breaches and compensation for loss or damages. There are limits to the compensation. It will be limited to the expense for a preparation for the tendering and mediation.

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

A supplier or contractor who has an objection to the measure by the entity concerned can request a review of the Committee for International Dispute Mediation within 15 days of the receipt of the notice of decision.

Interim measures by the Committee shall be taken within seven days of the receipt of the opinion of a procurement entity.

The Committee, unless there are any other specific reasons, shall review and arbitrate the appeal filed within 50 days of its receipt.

The mediation shall be final unless the applicant for appeal or the head of a procuring entity concerned raises any objection to it within 15 days of the completion of mediation. It shall have the same effect as an out-of-court settlement.

Legal channels for complaints or appeals are open to any suppliers. Appeals can be raised to a civil suit.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

Translation, stenography, appreciation or testing cost can be billed to the appellant.

If there is a prior arrangement between both parties, the cost of challenge procedures can be imposed by the arrangement. Therefore, there can be no cost in some cases.

RESTRICTED

WORLD TRADE
ORGANIZATION

GPA/10

10 January 1997

(97-0045)

Original: English

Committee on Government Procurement

NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Communication from Norway

The attached communication has been received from Norway in accordance with the Committee Decision of 4 June 1996 relating to the procedures for the Notification of National Implementing Legislation (GPA/1/Add.1).

1. SUMMARY OF THE NORWEGIAN LEGISLATION ON PUBLIC PROCUREMENT¹

Norway's international obligations in the area of public procurement have been transposed into national legislation through one law and four regulations, hereinafter •the regulations•, transposing both the European Economic Area (EEA) Directives and the WTO Agreement on Government Procurement (GPA). These are:

- Lov om offentlige anskaffelser mv• of 27 November 1992 (The Public Procurement Act)
- Forskrift om tildeling av kontrakter om offentlige varekjøp• of 4 December 1992 (The public supplies Regulation, SPR)
- Forskrift om tildeling av kontrakter om offentlige tjenestekjøp• of 1 July 1994 (The public services Regulation, SR)
- Forskrift om tildeling av offentlige bygge- og anleggskontrakter• of 4 December 1994 (The public works Regulation, WR)
- Forskrift om innkjøpsregler for oppdragsgivere innen vann- og energiforsyning, transport og telekommunikasjon• of 16 December 1994 (The Regulation of procurement procedures of entities operating in water, energy, transport and telecommunications sectors, UR).

The Regulations on supplies, services and works contracts cover entities in the •Public Sector•. The Regulation on procurement procedures of entities operating in the water-, energy-, transport- and telecommunications sectors is called •the Utilities Sector• Regulation.

Since the GPA rules on public procurement to a large extent coincide with the EEA rules, only minor amendments were made in the law and the regulations in 1996 to bring the Norwegian legislation in accordance with the GPA.

THE BASIC PRINCIPLES

1. The detailed rules of the regulations apply to procurements with an expected total contract value above certain threshold values.

The threshold values after the entry into force of the GPA are:

- NOK 1,100,000 ex VAT for central government entities• supplies and service procurements. This threshold value is brought about by the GPA;

¹The following publications (in Norwegian) are available for consultation in the Intellectual Property and Investment Division (office 3057): the Public Procurement Act (*Lov om offentlige anskaffelser m.v. - Ajourført med endringer, senest ved lov av 15. mars 1996 nr. 15*); the Public Supplies Regulation (*Forskrift om tildeling av kontrakter om offentlige varekjøp -Fastsatt ved kgl.res. av 4. desember 1992 med endringer, sist ved kgl res av 13. september 1996*); the Public Services Regulation (*Forskrift om tildeling av kontrakter om offentlige tjenestekjøp - Fastsatt ved kgl.res. av 1. juli 1994 med endringer, sist ved kgl res av 13. september 1996*); the Public Works Regulation (*Forskrift om tildeling av offentlige bygge- og anleggskontrakter -Fastsatt ved kgl.res. 4. desember 1992 med endringer, sist ved kgl res av 13. september 1996*); and the Regulation of Procurement Procedures of Entities Operating in the Water, Energy, Transport and Telecommunications Sectors (*Forskrift om innkjøpsregler for oppdragsgivere innen vann- og energiforsyning, transport og telekommunikasjon (forsyningssektorene) -Fastsatt ved kgl.res. av 16. desember 1994 med endringer, sist ved kgl res av 13. september 1996*)

- NOK 1,650,000 ex VAT for other Public sector entities• supplies and service contracts;
- NOK 41,500,000 ex VAT for all covered entities• works projects;
- NOK 3,300,000 ex VAT for utilities entities• supplies and service contracts other than in the telecommunications sector;
- NOK 4,950,000 ex VAT for supplies and service contracts awarded by telecom utilities.

There are detailed rules concerning the calculation of estimated contract values regarding these thresholds. These have been explained in document GPA/W/12/Add.6.

2. No discrimination on the grounds of nationality of suppliers and service providers from GPA Parties is allowed when conducting public procurement.

In addition, there is a principle of equal treatment of suppliers, even where only national suppliers and service providers are involved in the competition for a specific contract.

3. International publicity is warranted by publicizing Contract Notices, Contract Award Notices and Periodic Indicative Notices etc. in the Official Journal of the EC (OJEC) and in the database Tenders Electronic Daily (TED).

4. International competition is assured by tender procedures; negotiated procedures are only allowed in exceptional situations. There are more flexible rules regarding notices and the use of negotiated procedures in the Utilities sector.

5. There is obligatory use of objective, non-discriminatory criteria in both the

- selection of candidates and for
- the award of contracts.

The selection criteria to be used and the documentation that can be asked for are regulated in detail by the Regulations.

The award criteria must in principle be of direct economic relevance to the procuring entity. Criteria such as local employment conditions, national content and local, national tax revenue or general environmental aspects may not be considered. Aesthetic and functional aspects may however be duly taken into account.

6. Any firm that participates in a public procurement procedure may bring an action against the contracting entity before the local Court of Justice concerning alleged breaches of the rules. In addition there is a challenge procedure available for suppliers and service providers through the EFTA Surveillance Authority.

APPLICABILITY OF THE REGULATIONS

Several conditions have to be fulfilled if a procurement is to be covered by the regulations:

1. The procurer must be a (central, regional, local) government authority or a •body governed by public law• in the Public sector, or, only in the Utilities sector, a public undertaking or a private undertaking enjoying special rights.

2. In the Utilities sector, it is also necessary to establish that the procurement is connected to one or more of the covered activities in the sectors of

- provision of water, electricity, gas or heat,
 - the exploration and exploitation of oil, gas and coal fields,
 - the provision of air, land and sea transport terminal facilities,
 - the provision of public transport networks or
 - the provision of public telecommunication services.
3. The procurement must be a commercial contract, not e.g. •in-house•.
 4. In the Public sector, it has to be decided which of the three regulations applies.
 5. Exemptions have to be checked, such as
 - many research and development service contracts;
 - contracts awarded by international organizations such as the UN or in connection with common bilateral projects etc.;
 - when a service or works procurement consists of several lots, individual lots below a value ECU 80,000/1 mill. respectively accounting for up to 20% of the total project cost can be exempted.

In the Utilities sector, there are several additional exemption rules.

PROCUREMENT PROCEDURES TO BE USED

1. *Tender procedures*

In the Public sector, the principle is that tender procedures with a prior Tender Notice have to be used.

The contracting authority can choose freely between open and selective tender procedures.

In open tender procedures, which consist of one round, any undertaking established in a country party to the EEA Agreement or the GPA can participate. The qualitative selection of candidates and the selection of the winning tenderer (two separate evaluations) are done one directly after the other.

In selective tender procedures, which consist of a •selection round• and a separate •tender round•, any firm can request to be invited to tender, but only the candidates selected by the contracting authority on the basis of their general qualification for the type of contract to be performed, are sent the tender documents and asked to bid.

2. *Negotiated procedure*

The negotiated procedure, also consisting of a selection round and an •offer/ negotiation round•. Here, the contracting authority can negotiate freely with the qualified suppliers on the basis of their offers. It can only be used in exceptional cases in the Public sector.

In certain situations, the contracting authority can use the negotiated procedure with prior notice, especially when procuring services and works.

In exceptional situations defined narrowly by the regulations the negotiated procedure without prior notice can be made use of, for instance in emergency situations or when supplies are procured only for research and development purposes.

However, the other rules of the regulations do still apply in such cases, e.g. the obligation to publish a contract award notice, and the principle of equal treatment.

3. *The Utilities sector*

In the Utilities sector, both tender procedures and the negotiated procedure with a prior call for competition can always be used. Furthermore, the list of exceptional situations which allow the use of the negotiated procedure without prior call for competition is much longer, covering e.g. supplies procured at a commodity exchange.

In addition, procuring entities can operate qualification systems which only are made known in one single annual notice. A procurement falling into a category the entity operates a qualification system for will not be individually announced. Selective tender procedures or negotiated procedures are used within the qualification systems.

4. *Design contests*

When procuring services, procuring entities in the Public and Utilities sector can organize design contests (with prior notices) and can negotiate with the winner/winners of the design contest in order to arrive at a final agreement.

5. *Minimum time limits*

The regulations state certain minimum time limits to be respected by the procuring entities. They can be reduced in cases of justified haste or when the entity has published a so-called Periodic Indicative Notice about its procurement plans in the following year. The time limits are calculated from the day the notice is sent by the procuring entity. It takes up to 12 days to publish them in the Official Journal.

Tenders are only to be accepted when they arrive at the procuring entities' office within the set deadline. This means that the amount of time available to tenderers is less ample than it might seem to be.

The time limits must not be used in order to discriminate against foreign suppliers. This means that it can be necessary to give tenderers more time when the object of the contract is very complicated or very large.

RULES ON THE USE OF TECHNICAL SPECIFICATIONS

It is not compulsory to use technical specifications.

If specifications are used, the principle is that *European technical specifications* or their national identical copies have to be used. There are, however, a number of exceptions.

Individual brand names can only be used when there is absolutely no other method of describing the required commodities, and must be followed by the words 'or equivalent'.

The GPA has introduced an explicit rule on the use of professional advice in the preparation of technical specifications for a specific procurement. Such advice may not be accepted from firms which may have a commercial interest in the procurement itself if this would preclude competition.

RULES ON TRANSPARENCY - JUSTIFICATION

Procuring entities have to prepare and keep reports covering certain information for every procurement, which the EFTA Surveillance Authority can ask for in the course of monitoring or infraction procedures.

The procuring entity is obliged to justify its award decision vis-à-vis any unsuccessful tenderer who so demands in writing, within 15 days. It must give reasons both for why the unsuccessful tenderer was not chosen, and as to the relevant advantages of the winning tender, but not disclose any public or commercial secrets.

PROTECTION OF COMMERCIAL SECRETS

Any tenderer has the right vis-à-vis the procuring entity that commercial secrets, contained in the information he gives in the course of a tender procedure, be kept secret from other competitors. The interests of transparency and protection of commercial secrets have to be weighed against each other by the procuring entity on an individual basis in each case.

REVIEW PROCEDURES AND SANCTIONS

Any firm that participates in public procurement procedures can complain about alleged breaches of the rules. The supplier is first of all encouraged to take up the matter with the entity concerned directly. If this does not give any results, the formal procedure is to bring an action against the contracting entity before the competent national Court of Justice.

In the Public sector, the review procedures open for three types of sanctions if the supplier is established in an EEA/GPA country:

- Rapid interim measures (court injunctions) temporarily suspending procurement procedures during the challenge procedure.

However, the national review bodies can weigh the interest of the complainant in securing the contract against the public interest in the procurement being executed without delay, and deny injunctions where the public interest outweighs the supplier's interest.

After a contract has been awarded, the national remedies procedures do not open for injunctions.

- The setting aside/nullification of acts and decisions taken by the procuring entity in breach of the regulations. This type of sanction does not allow the re-opening of procurement procedures after the contract has been awarded.
- The award of damages to the offended supplier or suppliers. The damages will not necessarily be limited to •negative interest• (the costs and losses incurred by participating in the award procedure). It is also possible to demand damages for the lost profit, or at least a part of it (positive interest).

In the Utilities sector, the same applies with the following special elements:

- Instead of allowing for rapid interim measures that stop an ongoing procurement procedure, Norway has chosen to open for imposing on the procuring entity a conditional fine

•*high enough to dissuade*• the entity from committing or continuing the act which is claimed to be in breach of the rules.

•In order for damages to be adjudged, the complaining supplier only has to prove that he •would have had a *real chance*• of being awarded the contract, had the discrimination not occurred. No greater burden of proof must be laid on the complainant. In the Utilities sector, the Norwegian Act on Public Procurement only allows for damages for bid costs (negative interest) to be awarded to offended undertakings.

2.OTHER LEGISLATION GIVING EFFECT TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

The EEA Act of 27 November 1992.

3.CONTACT POINT

Requests from another Party concerning the GPA shall be addressed to:

The Ministry of Industry and Trade
P.O. Box 8014 Dep
0030 Oslo
Norway

4. ANSWERS TO CHECKLIST OF ISSUES

I. General elements

1) *Has the Agreement been transposed into national law and/or does it apply directly?*

The Agreement has been transposed into national law. It does not apply directly.

2) *In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?*

No.

3) *In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?*

Annex 3 entities apply the legislation laid down by the Government.

4) *Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?*

There are no differences.

5) *To what extent is information technology used in the process of government procurement?*

Every contract above the relevant thresholds in the Regulations has to be published in the database Tenders Electronic Daily (TED) according to the EEA Agreement. Otherwise, information technology is not much used in government procurement. This will however increase in the future due to several projects in the field of information technology such as the SIMAP, PROPLAN, EDIRAM and DOFFIN projects. The latter projects have been described in the documents GPA/IC/W/7/Add.6/Suppl.1 and GPA/W/24/Add.1.

II. Specific elements

6) *Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.*

• 5A in each of the Regulations on the Public sector and • 13 nr 1 in the Utilities Regulation.

7) *Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.*

According to the Regulations the tender notice has to follow certain models. The tender notice shall give details of the project, say where and when the tenders shall be delivered and call for tenderers or suppliers who wish to be considered to make tenders (SPR • 19, 20, SR • 19, 20, WR • 21, 22, UR • 26, 27).²

²SPR • The Supplies Regulation, SR • The Service Regulation, WR • The Works Regulation, UR • The Utility Regulation

8) *Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.*

The Norwegian legislation does not provide for this opportunity at sub-central level, just in the Utilities sector (• 18 No 1c in the Utilities Regulation).

9) *In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?*

Only in the Utilities sector it is allowed to use a permanent list of suppliers, UR • 34. In the Public sector the suppliers have to be selected on a contract-to-contract basis.

10) *Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?*

All categories of entities may use the negotiated procedure under certain conditions. These are:

- (a) - In the case of irregular tenders in response to an open or restricted tender procedure or in the case of tenders which are unacceptable under national provisions in so far that the original terms for the contract are not substantially altered (SPR • 10 No 2, SR • 10 No 2a, WR • 10 No 2a)
- when the nature of the works/services or the risks attaching thereto do not permit overall pricing (only work and services, SR • 10 No 2b, WR • 10 No 2c)
- when the art of the service makes it difficult to make the necessary specifications for an open or a restricted procedure (only services, SR • 10 No 2c)
- when the works are only for research and development purposes (only work, WR • 10 No 2b)
- instead of a tender procedure, UR • 17 No 1.

In these cases a tender notice shall be published.

(b) Negotiated procedure without a prior tender notice can be used in the following cases:

- In the absence of tenders or appropriate tenders (SPR • 10 No 3a, SR • 10 No 3a, WR • 10 No 3a, UR • 17 No 2a)
- when for technical or artistic reasons, or for reasons connected with protections of exclusive rights there is only one supplier (SPR • 10 No 3c, SR • 10 No 3c, WR • 10 No 3b, UR • 17 No 2c)
- when it is strictly necessary and for reasons of extreme urgency brought up by reasons unforeseen for the procurer, the time limits for open, restricted or negotiated procedure cannot be kept (SPR • 10 No 3d, SR • 10 No 3d, WR • 10 No 3c, UR • 17 No 2d)

- when the products involved are manufactured purely for the purpose of research, experiment, study or development (only goods, SPR • 10 No 3b, UR • 17 No 2b)
- for additional deliveries by the original supplier *under certain conditions* (only goods, SPR • 10 No 3e, UR • 17 No 2e)
- when the service contract concerned is part of the follow-up of a design contest *under certain conditions* (only services, SR • 10 No 3c, UR • 17 No 2l)
- for additional works/services not included in the project initially considered or in the contract first concluded *under certain conditions* (only works and services, SR • 10 No 3e, WR • 10 No 3d, UR • 17 No 2f)
- for new work consisting of a repetition of similar works entrusted to the undertaking to which the same procurer awarded a similar contract *under certain conditions* (only works and services, SR • 10 No 3f, WR • 10 No 3e, UR • 17 No 2g)
- for supplies quoted and purchased on a commodity market (only the Utility sector, UR • 17 No 2h)
- for contracts to be awarded on the basis of a framework agreement *under certain conditions* (only the Utility sector, UR • 17 No 2j)
- for bargain purchases *under certain conditions* (only the Utility sector, UR • 17 No 2j)
- for purchases of goods under particularly advantageous conditions *under certain conditions* (only the Utility sector, UR • 17 No 2k).

11) Article XI contains the time-limits for tendering and delivery. *Time-limits shall normally be not less than X days. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.*

The Norwegian legislation has established time limits as set out in the EEA and GPA Agreements. These include 12 days for sending the notices and publishing them through the publication Office in Luxembourg. The time limits hence are:

- (a) In open procedures the time limit for receipt of tenders shall not be less than 52 days from the date of dispatch of the notice (SPR • 15 No 1, SR • 16 No 1, WR • 16 No 1, UR • 24 No 1).
- (b) The time limit in open procedures may be reduced to 36 days where the procurer has published an indicative notice making known the contracts it intends to award (only work and services, SR • 16 No 1, WR • 16 No 1, UR • 24 No 1).
- (c) In restricted procedures and negotiated procedures the time limit for receipt of requests to participate shall be not less than 37 days from the date of dispatch of the notice (SPR • 17 No 1, SR • 17 No 1, WR • 17 No 1).

In the Utility sector the time limit shall as a general rule not be less than 37 days from the date of dispatch of the notice, but under no circumstances less than 22 days or 15 days *under certain conditions* (UR • 24 No 2).

- (d) The time limit in restricted procedures and negotiated procedure may be reduced to 26 days where the procurers have published an indicative notice making known the contracts they intend to award (only work and services, SR • 17 No 4, WR • 17 No 3)

12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

The entities are allowed to permit tenders to be submitted in any languages, including the official languages of WTO (SPR • 33, SR • 42, WR • 39, UR • 43).

Among the large Norwegian public procurers about 75% permit tenders to be submitted in other languages than Norwegian. Most common is to permit tenders to be submitted in Swedish, Danish and English.

III. Challenge procedures - Article XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

Any firm that participates in public procurement procedures may complain about alleged breaches of the rules. The supplier is first of all encouraged to take up the matter with the entity concerned directly. If this does not give any results, the formal procedure is to bring an action against the contracting entity before the competent national Court of Justice (the county court). All of the normal national legislation on civil court procedures applies.

In the Public sector, the review procedures open for three types of sanctions (PPA • 3, 4 and 5³):

-Rapid interim measures (court injunctions) temporarily suspending procurement procedures during the challenge procedure.

However, the national review bodies can weigh the interest of the complainant in securing the contract against the public interest in the procurement being executed without delay, and deny injunctions where the public interest outweighs the suppliers' interest.

After a contract has been awarded, the national remedies procedures do not open for injunctions.

-Nullification of acts and decisions taken by the procuring entity in breach of the regulations. This type of sanction does not allow re-opening of procurement procedures after the contract has been awarded.

-Award of damages to the offended supplier or suppliers. The damages will not necessarily be limited to •negative interest• (the costs and losses incurred by participating in the award procedure). It is also possible to demand the positive interest or at least a part of it in damages (lost profit).

In the Utilities sector, the same applies with the following special elements:

-Instead of rapid interim measures that stop an ongoing procurement procedure, the procuring entity may get a conditional fine high enough to dissuade the entity from committing or continuing the act which is claimed to be in breach of the rules.

³PPA • the Public Procurement Act

-In order for damages to be adjudged, the complaining supplier has to prove that he would have had a real chance of being awarded the contract, had the discrimination not occurred.

14) *To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.*

(i) *The time-limit to launch a complaint contained in the Agreement is •not less than 10 days•. What are the limits in domestic legislation?*

There are no special time limits in the area of public procurement.

(ii) *What body is responsible for the challenge procedures? Is this a •court• or an •impartial and independent review body•? If the latter:*

- *How are its members selected?*
- *Are its decisions subject to judicial review?*

-If not, how are the requirements of paragraph 6 of Article XX taken into account?

A complaint about formal faults in a tendering procedure may be brought before a national Court of Justice (PPA • 3).

(iii) *What is the applicable law by reference to which the challenge body will examine complaints?*

The Public Procurement Act, the Law Courts Act and the Civil Dispute Act.

(iv) *Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?*

-Do these measures include the possibility to suspend the procurement process? On what conditions?

The supplier can ask for rapid interim measures (court injunctions) temporarily suspending the procurement procedure if the interests of the complainant outweigh the public interest in the procurement being executed without delay before the conclusion of the contract, PPA • 4 (not the Utility sector).

Before the conclusion of the contract, the court may also annul decisions taken during the procurement process, PPA • 3 (not the Utility sector).

In the Utilities sector the Court may instead fine the procuring entity with a conditional fine high enough to dissuade the entity from committing or continuing the act which is claimed to be a breach of the rules (PPA • 4).

(v) *How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?*

No such system is established, but the court may award damages to the offended supplier if there have been infringements of the Act/Regulations.

(vi) *Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.*

The time periods for the stages of the challenge process will depend on the different cases, but a court injunction is possible to get almost immediately (1-2 days).

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

The costs to conduct a challenge procedure vary. The legal fee is NOK 2,970 (the Legal Fee Act • 8), but in addition to that come the costs of getting legal counsel.

It is possible to get legal fee and legal aid free of charge, but only under special conditions. In most cases the complainant must cover the expenses to conduct a challenge procedure.

RESTRICTED

GPA/1/Add.1
27 June 1996

WORLD TRADE ORGANIZATION

(96-2446)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

Addendum

PROCEDURES FOR THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Decision of the Committee of 4 June 1996

1. Parties shall submit the complete texts of their basic legislation (laws and regulations) on government procurement in the original language to the Secretariat where these texts will be open for inspection by Parties. These would include the basic legal instruments pursuant to which effect is given to the provisions of the Agreement. Each Party shall provide a summary of that legislation in a WTO language.
2. In addition, each Party shall describe in a WTO language what other legislation giving effect to the Agreement on Government Procurement exists. This need not take the form of a listing of individual texts but should include sufficient information on the nature of legislation relevant to each category of entities to facilitate another Party requesting a text of interest to it.
3. Each Party shall supply, in response to a request from another Party, a copy of any law, regulation, final judicial decision, administrative ruling or other measure relevant to the Agreement. Each Party shall notify the Committee of the coordinates of a contact point established for that purpose. Through its contact point, a Party from which a text has been requested, shall use its best endeavours to assist the requesting Party with any translation into a WTO language necessary.
4. Each Party shall provide responses to the attached checklist of issues.
5. The notifications shall be made as soon as possible, but in no case later than 31 December 1996.

ATTACHMENT
CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

- 1) Has the Agreement been transposed into national law and/or does it apply directly?
- 2) In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?
- 3) In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?
- 4) Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?
- 5) To what extent is information technology used in the process of government procurement?

II. SPECIFIC ELEMENTS

- 6) Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.
- 7) Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.
- 8) Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.
- 9) In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?
- 10) Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?
- 11) Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be •not less than X days•. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.
- 12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

III. CHALLENGE PROCEDURES - ARTICLE XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

14) To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

- How are its members selected?
- Are its decisions subject to judicial review?
- If not, how are the requirements of paragraph 6 of Article XX taken into account?

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

[home](#) > [trade topics](#) > [govt procurement](#) > [plurilateral agreement](#) > [plurilateral agreement](#)



GOVERNMENT PROCUREMENT: THE PLURILATERAL AGREEMENT

Decisions of the Committee on Government Procurement

The Committee on Government Procurement has taken the following Decisions on procedural matters:

Search Documents Online

These links open a new window: allow a moment for the results to appear.

> [help](#) with downloading these documents

- **Participation of Observers in the Committee on Government Procurement** (Document code GPA/1, Annex 1) > [search](#)
- **Accession to the Agreement on Government Procurement** (Document code GPA/1, Annex 2) > [search](#)
- **Modalities for Notifying Threshold Figures in National Currencies** (Document code GPA/1, Annex 3) > [search](#)
- **Procedures on the Circulation and Derestriction of the Documents of the Committee on Government Procurement** (Document code "varies") > [search](#)
- **Procedures for the notification of national implementing legislation** (Document code GPA/1/Add.1) > [search](#)
- **Other Decisions of the Committee** (Document code "varies") > [search](#)

You can perform more sophisticated searches from the [Documents Online search facility](#) (opens in new window) by defining multiple search criteria such as document symbol (i.e. code number), full text search or document date.

contact us : World Trade Organization, rue de Lausanne 154, CH-1211 Geneva 21, Switzerland

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 3

1 - 3

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
96-0792 	U	GPA/1 Catalogue record	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994) Preview (HTML)	05/03/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
					6 p. 104KB	6 p. 40KB	6 p. 40KB

Pages: [previous](#) [next](#)

Query= (@meta_Symbol GPA/1, Annex 1)
 Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]

Displaying: 1 - 3

Number of hits per page

Search results							
Submitted: 09/01/2006 9:45:51 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 11 KB	96-0792	GPA/1	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994)	05/03/1996	6	U	T/PLURI/GPA/1.WPF
((@meta_Symbol GPA/1, Annex 1)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]							
Result of the search: 3 (for 1 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

RESTRICTED

GPA/1
5 March 1996

WORLD TRADE ORGANIZATION

(96-0792)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

At its meeting on 27 February 1996, the Committee on Government Procurement took the following Decisions on procedural matters:

- Participation of Observers in the Committee on Government Procurement (1994) (Annex 1);
 - Accession to the Agreement on Government Procurement (1994) (Annex 2);
 - Modalities for Notifying Threshold Figures in National Currencies (Annex 3);
- Interim Procedure on the Circulation of Documents of the Committee on Government Procurement (1994), Pending a Definite Procedure (Annex 4); and
- Interim Procedure on the Derestriction of Documents of the Committee on Government Procurement (1994), Pending a Definitive Procedure (Annex 5).

ANNEX 1

PARTICIPATION OF OBSERVERS IN THE COMMITTEE
ON GOVERNMENT PROCUREMENT (1994)

Decision

1. Members of the World Trade Organization which are not Parties to the Agreement may follow the proceedings of the Committee on Government Procurement in an observer capacity.
2. Governments which are not Members of the World Trade Organization, but are in the process of, or have expressed the intent of, accepting or acceding to the WTO Agreement and which are also interested in initiating negotiations for accession to the Agreement on Government Procurement (1994) and have an interest in following the proceedings of the Committee on Government Procurement in an observer capacity, should communicate a request to the Director-General of the World Trade Organization indicating their desire to have observer status in the Committee on Government Procurement. The Committee shall decide on each request.
3. The Committee shall decide on the conditions of observership, including with respect to the provision of information by observers. Observers may participate in the discussions but decisions shall be taken only by Parties.
4. The Committee on Government Procurement may deliberate on confidential matters in special restricted sessions.
5. The Committee may invite, as appropriate, international organizations to participate in sessions of the Committee on Government Procurement in an observer capacity. In addition, requests from international organizations to participate in sessions of the Committee on Government Procurement, in an observer capacity, shall be considered on a case-by-case basis by the Committee. In such considerations, the criteria and conditions for observer status for intergovernmental organizations in the WTO shall be taken into account.
6. This Decision is without prejudice to the provisions of paragraph 2 of Article XVII of the Agreement.

ANNEX 2

ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT
(1994)

Decision

1. In accordance with paragraph 2 of Article XXIV of the Agreement on Government Procurement (1994), any government which is a Member of the WTO may accede to this Agreement on terms to be agreed between that government and the Parties.
2. To this effect, a government interested in accession shall communicate its interest to the Director-General of the WTO and, through him, to the Committee on Government Procurement and shall submit relevant information including an offer by way of appropriate Appendices containing lists of entities and services which would be covered by the Agreement, as well as lists of relevant publications, having regard to the provisions of the Agreement, in particular Article I and, where appropriate, Article V.
3. The government interested in accession shall hold consultations with the Parties to the Agreement on the terms for its accession to the Agreement.
4. With a view to facilitating accession, the Committee on Government Procurement shall establish a working party if the applicant government, or any Party to the Agreement, so requests. The working party should examine: (i) the coverage offer made by the applicant government; and (ii) relevant information pertaining to export opportunities in the markets of the Parties, taking into account the existing and potential export capabilities of the applicant government and export opportunities for the Parties in the market of the applicant government.
5. Upon a decision by the Committee on Government Procurement agreeing to the terms of accession including the lists of entities and services as well as of relevant publications of the applicant government, the applicant government shall deposit with the Director-General of the WTO an instrument of accession which states the terms so agreed. The applicant government's lists of entities, services and publications in their authentic WTO language(s) shall be appended to the Agreement.

ANNEX 3

MODALITIES FOR NOTIFYING THRESHOLD FIGURES IN NATIONAL CURRENCIES

Decision

General

Each Party will calculate and convert for itself the value of the thresholds contained in its Appendix I into its own national currency, it being understood that these calculations will be based on the conversion rates published by the IMF in its monthly •International Financial Statistics• (for the EC, the Member States• currency equivalents of the ECU for determining the value of public contracts are calculated and published by the EC Commission). Parties will notify without delay to the Committee the method and result of their calculation, for possible examination and challenge in the Committee.

Basis for calculation¹

The conversion rates will be the average of the daily values of the respective national currency in terms of the SDR over the two-year period preceding 1 October or 1 November of the year prior to the thresholds in national currency becoming effective which will be from 1 January. For Israel and Japan the conversion rate will be established in the same way as above but the relevant date for the calculation will be 1 January (rather than 1 October or 1 November) and the newly-established conversion rate will take effect on 1 April.

Period of validity of national thresholds

Thresholds expressed in national currencies will be fixed for two years, i.e. calendar years for all Parties except Israel and Japan, where the fiscal year (1 April-31 March) will be used.

Safeguard mechanism

If a major change in a national currency vis-à-vis the SDR during a year were to create a significant problem with regard to the application of the Agreement, the matter will be considered in the Committee.

¹It is understood that the EC calculates its thresholds based on a unilateral reduction of 13 per cent in the thresholds applicable to the EC (pursuant to the relevant decision by the Committee under the Tokyo Code of 20 May 1987, in furtherance of the panel decision on Value-Added Tax and Threshold (GPR/21, GPA/IC/W/2, pages 3 and 4).

ANNEX 4

INTERIM PROCEDURE ON THE CIRCULATION OF DOCUMENTS OF THE
COMMITTEE ON GOVERNMENT PROCUREMENT (1994), PENDING A
DEFINITIVE PROCEDURE

Decision

Formal documents shall be circulated to members of the Committee and to observers and shall be available, on request, to Members of the WTO. In certain cases, the circulation of sensitive documents shall be determined on an *ad hoc* basis.

ANNEX 5

INTERIM PROCEDURE ON THE DERESTRICTION OF DOCUMENTS OF
THE COMMITTEE ON GOVERNMENT PROCUREMENT (1994), PENDING A
DEFINITIVE PROCEDURE

Decision

The Committee decides that documents pertaining to its work and that of its subsidiary bodies shall be derestricted in accordance with the following procedure:

- (a) the Secretariat will prepare a list of such documents proposed for derestriction, which will include decisions, Secretariat background notes, and working papers that do not include details of individual country positions or proposals;
- (b) this list will be circulated to all participants;
- (c) documents on the list will be derestricted 60 days after their circulation unless a participant has requested that a document remain restricted;
- (d) the Secretariat will issue a list after the date fixed for derestriction, specifying the documents derestricted.

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the [title](#) to display the unformatted text of the document
Click on the [E](#), [F](#) or [S](#) to display the document in its original format

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 3

1 - 3

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
96-0792 	U	GPA/1 Catalogue record	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994) Preview (HTML)	05/03/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
					6 p. 104KB	6 p. 40KB	6 p. 40KB

Pages: [previous](#) [next](#)

Query= (@meta_Symbol GPA/1, Annex 2)

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]

Displaying: 1 - 3

Number of hits per page

Search results							
Submitted: 09/01/2006 9:47:14 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 11 KB	96-0792	GPA/1	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994)	05/03/1996	6	U	T/PLURI/GPA/1.WPF
((@meta_Symbol GPA/1, Annex 2)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]							
Result of the search: 3 (for 1 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the [title](#) to display the unformatted text of the document
 Click on the [E](#), [F](#) or [S](#) to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Down](#)

[View](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter in the document in the results display, right click and select the Save option

Search results

Matches: 3

1 - 3

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date
96-0792	U	GPA/1 Catalogue record	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994) Preview (HTML)	05/03/1996

Pages: [previous](#) [next](#)

Query= ((@meta_Symbol GPA/1, Annex 3))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]

Number of

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 6

1 - 6

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
02-5798 	U	GPA/72 Catalogue record	Procedures for the Circulation and Derestriction of Documents of the Committee on Government Procurement - Decision of 8 October 2002 Preview (HTML)	23/10/2002	E <input checked="" type="checkbox"/> 2 p. 34KB	F <input type="checkbox"/> 2 p. 33KB	S <input type="checkbox"/> 2 p. 31KB
97-1141 	U	GPA/1/Add.2 Catalogue record	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Circulation and Dere [...] - Decision of 24 February 1997 Preview (HTML)	19/03/1997	E <input checked="" type="checkbox"/> 4 p. 112KB	F <input type="checkbox"/> 4 p. 42KB	S <input type="checkbox"/> 4 p. 42KB

Pages: [previous](#) [next](#)

Displaying: 1 - 6

Query= ((@meta_Symbol GPA/1/Add.2) or (@meta_Symbol GPA and (@meta_Title Procedures and (Circulation and Derestriction of Documents))))
 Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]

Number of hits per page

Search results							
Submitted: 09/01/2006 9:51:49 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 7 KB	02-5798	GPA/72	Procedures for the Circulation and Derestriction of Documents of the Committee on Government Procurement - Decision of 8 October 2002	23/10/2002	2	U	T/PLURI/GPA/72.doc
2 11 KB	97-1141	GPA/1/Add.2	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Circulation and Derestriction of Documents of the Committee on Governm[...]- Decision of 24 February 1997	19/03/1997	4	U	T/PLURI/GPA/1A2.WPF
((@meta_Symbol GPA/1/Add.2) or (@meta_Symbol GPA and (@meta_Title Procedures and (Circulation and Derestriction of Documents))))) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]							
Result of the search: 6 (for 2 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

**PROCEDURES FOR THE CIRCULATION AND DERESTRICTION
OF DOCUMENTS OF THE COMMITTEE ON GOVERNMENT PROCUREMENT**

Decision of 8 October 2002

The Committee on Government Procurement,

Having regard to the Decision on Procedures for the Circulation and Derestriiction of WTO Documents of 14 May 2002 (WT/L/452) and Article XXI of the Agreement on Government Procurement and Article II:3 of the Marrakesh Agreement Establishing the World Trade Organization,

Considering that there is a need to improve the current Procedures for the Circulation and Derestriiction of documents of the Committee on Government Procurement and align them with those of the WTO in WT/L/452,

Emphasizing the importance of greater transparency in the functioning of the Committee on Government Procurement,

Decides as follows:

1. All official documents of the Committee on Government Procurement and of any subsidiary body established by it¹ shall be unrestricted.
2. Notwithstanding the provisions of paragraph 1,
 - (a) any Party may submit a document as restricted, which shall be automatically derestricted after its first consideration by the relevant body or 60 days after the date of circulation, whichever is earlier, unless requested otherwise by that Party.² In the latter case, the document may remain restricted for further periods of 30 days, subject to renewed requests by that Party within each 30-day period. The Secretariat shall remind Parties of such deadlines, and derestrict the document upon receipt of a written instruction. Any document may be derestricted at any time during the restriction period at the request of the Parties concerned.
 - (b) The Committee and any subsidiary body established by it when requesting a document to be prepared by the Secretariat shall decide whether it shall be issued as restricted or unrestricted. Such documents which are issued as restricted shall automatically be derestricted 60 days after the date of circulation, unless requested otherwise by a Party.

¹ For the purposes of this Decision, an official document shall be any document submitted by a Party or prepared by the Secretariat to be issued in any one of the following WTO document series: GPA-series.

² However, any document that contains only information that is publicly available or information that is required to be published under the provisions of Article XIX:1 of the Agreement on Government Procurement shall be unrestricted.

In the latter case, the document shall remain restricted for one additional period of 30 days after which it shall be derestricted;

- (c) minutes of meetings (including records, reports and notes) shall be restricted and shall be automatically derestricted 45 days after the date of circulation³;
- (d) documents relating to rectifications or modifications of Appendices I through IV pursuant to Article XXIV:6 of the Agreement on Government Procurement shall be restricted and automatically derestricted upon certification of such changes in the Appendices;
- (e) documents relating to any accession shall be restricted and shall be automatically derestricted upon the Committee decision on the accession of the WTO Member concerned.

3. Translation of official GPA documents in all three official WTO languages (English, French and Spanish) shall be completed expeditiously. Once translated in all three official WTO languages, all official GPA documents that are not restricted shall be made available via the WTO web-site to facilitate their dissemination to the public at large.⁴

4. The Decision of the Committee on Government Procurement of 19 March 1997 on the Circulation and Derestriction of the Documents of the Committee on Government Procurement, as contained in GPA/1/Add.2, shall be abrogated as of the date of adoption of the present decision, but will remain in effect for documents circulated prior to that date.

5. In the light of the experience gained from the operation of these procedures and changes in any other relevant procedures under the WTO, the Committee on Government Procurement will, at an appropriate time, review and if necessary modify the procedures.

³ It is understood that, normally, minutes (including records, reports and notes) of meetings shall be circulated within three weeks after a meeting of the Committee and not later than the notice convening the following meeting of the Committee.

⁴ Notwithstanding paragraph 3, any document that contains information that is publicly available or information required to be published under Article XIX:1 of the Agreement on Government Procurement shall continue to be made available via the WTO web-site immediately in the original WTO language in which it is written.

WORLD TRADE
ORGANIZATION

GPA/1/Add.2
19 March 1997

(97-1141)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)

Addendum

CIRCULATION AND DERESTRICTION OF DOCUMENTS OF THE
COMMITTEE ON GOVERNMENT PROCUREMENT¹

Decision of 24 February 1997^{2,3}

The Committee on Government Procurement *decides* to adopt the following procedures with respect to the circulation⁴ and derestriction of documents:

- 1) Formal documents shall be circulated to members of the Committee, to observers and to other Members of the WTO. In certain cases, the circulation of sensitive documents shall be determined on an *ad hoc* basis. The formal documents shall also be made available to Members of the WTO through the WTO Document Dissemination Facility via the Internet.
- 2) Documents circulated after the entry into force of the Agreement on Government Procurement in any GPA/- document series shall be circulated as unrestricted with the exception of documents specified in the attached Appendix, which shall be circulated as restricted and subject to derestriction, or consideration thereof, as provided. Notwithstanding the exceptions specified in the Appendix, any document that contains only information that is publicly available or information that is required to be published under the Agreement on Government Procurement shall be circulated on an unrestricted basis.

¹The Decision does not cover documents outside of a formal document series, such as a submission to a dispute settlement panel, or an interim report of a dispute settlement panel submitted to the parties thereto.

²The Decision replaces the Decisions on interim procedures, dated 27 February 1996, on the circulation and derestriction of documents contained in GPA/1, Annexes 4 and 5 respectively.

³In adopting these procedures, the Committee took note that Parties attached particular importance to the restricted nature of documents so designated, and that individual governments should proceed accordingly in their handling of such documents.

⁴The terms •circulation• and •circulated• when used in this Decision shall be understood to refer to the distribution by the Secretariat of documents to all Parties to the Agreement and to other WTO Members.

- 3) Notwithstanding the exceptions to paragraph 2 set forth in the Appendix,
- (a) any Party may, at the time it submits any document for circulation, indicate to the Secretariat that the document be issued as unrestricted, and
- (b) any restricted document circulated after the date of entry into force of the Agreement may be considered for derestriction at any time by the Committee or may be considered for derestriction at the request of any Party.
- 4) Requests for consideration for derestriction shall be made in writing and shall be directed to the Chairman of the Committee. Such requests shall be circulated to all Parties and placed on the agenda of a forthcoming meeting of the Committee for consideration. However, in order to preserve the efficiency of the work of the Committee, the Party concerned may indicate to the Secretariat that it circulate to Parties a notice advising them of the documents proposed for derestriction and the date proposed for derestriction, which shall normally be sixty days after the date the notice is circulated. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Party notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.
- 5) The Secretariat shall prepare and circulate a list of documents eligible for consideration for derestriction, indicating the proposed date of derestriction, which shall normally be sixty days after the circulation of the list. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Party notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.
- 6) If a document⁵ considered for derestriction is not derestricted because of an objection by any Party, and remains restricted at the end of the first year following the year in which an objection was raised, the document shall be considered for derestriction at that time.
- 7) The Secretariat will circulate periodically (e.g. every six months) a list of newly derestricted documents, as well as a list of all documents remaining restricted.
- 8) In the light of the experience gained from the operation of these procedures and changes in any other relevant procedures under the WTO, the Committee will review, and if necessary modify, the procedures two years after their adoption.

⁵These procedures shall apply *mutatis mutandis* to the consideration for derestriction of a portion of a document that remains restricted as a result of an objection made pursuant to paragraph 4.

APPENDIX

(a) Working documents in all GPA/- document series (i.e. draft documents such as agendas, decisions, proposals, applications for accession, Secretariat background notes as well as other working papers issued as •GPA/W/-• documents), including documents in the GPA/SPEC/- series.

Such documents shall be derestricted upon the adoption of the report or of the decision pertaining to their subject matter, or considered for derestriction six months after the date of their circulation⁶, whichever is earlier. All background notes by the Secretariat, however, shall be considered for derestriction six months after the date of their circulation.

(b) Documents relating to rectifications or modifications of Appendices to the Agreement pursuant to Article XXIV: 6 of the Agreement.

Such documents shall be derestricted upon completion of the Article XXIV:6 process through the certification of the changes.

(c) Minutes of meetings of the Committee and its subsidiary bodies.

Such documents shall be considered for derestriction six months after the date of their circulation.

(d) Documents relating to working parties or other subsidiary bodies established by the Committee including working parties on accessions.

Such documents shall be derestricted upon the adoption of the report of the working party. Prior to the adoption of the report, any such documents shall be considered for derestriction at the end of the first year following the year in which they were circulated.

(e) Documents submitted to the Secretariat by a Party for circulation if, at the time the Party submits the document, the Party indicates to the Secretariat that the document should be issued as restricted.

Such documents shall be considered for derestriction at the end of each six-month period.⁷

⁶The •date of circulation• means the date printed on the front page of a document indicating when it has been made available to Parties• delegations.

⁷Documents circulated during the period January through June would be considered for derestriction directly after the end of that period. Documents circulated during the period July through December would be considered for derestriction directly after the end of that period.

(f) Reports of panels which are circulated in accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes.⁸

Such reports shall be circulated to all Parties to the Agreement on Government Procurement and other WTO Members as restricted documents and derestricted no later than the tenth day thereafter if, prior to the date of circulation, a party to the dispute that forms the basis of a report submits to the Chairman of the Dispute Settlement Body a written request for delayed derestriction. A report circulated as a restricted document shall indicate the date upon which it will be derestricted.⁹

⁸This provision will be subject to review at the time of review of the Dispute Settlement Understanding, and will be discontinued if there is no consensus on the matter.

⁹The following standard cover note will be placed on panel reports: •The report of the Panel on [name of dispute] is being circulated to all Parties to the Agreement on Government Procurement and other WTO Members, pursuant to the DSU. The report is being circulated as an unrestricted document from [date] pursuant to the procedures for the Circulation and Derestriction of Documents of the Committee on Government Procurement [document number]. Parties to the Agreement on Government Procurement are reminded that in accordance with the DSU only parties to the dispute may appeal a panel report, an appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel, and that there shall be no *ex parte* communications with the panel or Appellate Body concerning matters under consideration by the panel or Appellate Body. •

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 3

1 - 3

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
96-2446 	U	GPA/1/Add.1 Catalogue record	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Procedures for the N [...]f the Committee of 4 June 1996 Preview (HTML)	27/06/1996	E <input checked="" type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
					3 p. 107KB	3 p. 32KB	3 p. 31KB

Pages: [previous](#) [next](#)

Query= ((@meta_Symbol GPA/1/Add.1))
 Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]

Displaying: 1 - 3

Number of hits per page

Search results							
Submitted: 09/01/2006 9:52:24 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 9 KB	96-2446	GPA/1/Add.1	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Procedures for the Notification of National Implementing Legislation -[...]f the Committee of 4 June 1996	27/06/1996	3	U	T/PLURI/GPA/1A1.WPF
((@meta_Symbol GPA/1/Add.1) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A]							
Result of the search: 3 (for 1 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

RESTRICTED

GPA/1/Add.1
27 June 1996

WORLD TRADE ORGANIZATION

(96-2446)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

Addendum

PROCEDURES FOR THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Decision of the Committee of 4 June 1996

1. Parties shall submit the complete texts of their basic legislation (laws and regulations) on government procurement in the original language to the Secretariat where these texts will be open for inspection by Parties. These would include the basic legal instruments pursuant to which effect is given to the provisions of the Agreement. Each Party shall provide a summary of that legislation in a WTO language.
2. In addition, each Party shall describe in a WTO language what other legislation giving effect to the Agreement on Government Procurement exists. This need not take the form of a listing of individual texts but should include sufficient information on the nature of legislation relevant to each category of entities to facilitate another Party requesting a text of interest to it.
3. Each Party shall supply, in response to a request from another Party, a copy of any law, regulation, final judicial decision, administrative ruling or other measure relevant to the Agreement. Each Party shall notify the Committee of the coordinates of a contact point established for that purpose. Through its contact point, a Party from which a text has been requested, shall use its best endeavours to assist the requesting Party with any translation into a WTO language necessary.
4. Each Party shall provide responses to the attached checklist of issues.
5. The notifications shall be made as soon as possible, but in no case later than 31 December 1996.

ATTACHMENT

CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

- 1) Has the Agreement been transposed into national law and/or does it apply directly?
- 2) In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?
- 3) In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?
- 4) Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?
- 5) To what extent is information technology used in the process of government procurement?

II. SPECIFIC ELEMENTS

- 6) Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.
- 7) Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.
- 8) Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.
- 9) In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?
- 10) Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?
- 11) Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be •not less than X days•. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.
- 12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

III. CHALLENGE PROCEDURES - ARTICLE XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

14) To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

- How are its members selected?
- Are its decisions subject to judicial review?
- If not, how are the requirements of paragraph 6 of Article XX taken into account?

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

[Close this window to return to main WTO site](#)

[Need more information? Go to Documents online to perform a detailed document search](#)

[FAQ](#)

Options for viewing

Click on the title to display the unformatted text of the document
 Click on the E, F or S to display the document in its original format

Options for downloading compressed documents

- Exe file format
- Zip file format
- Include index
- Structured
- all English
- all French
- all Spanish
- results list only

[Download](#)

[View all records](#)

Options for printing

Use either of the viewing options then print in the normal way (Ctrl P)

Options for downloading uncompressed documents

To download a single document uncompressed, place the cursor over the letter indicating the language of the document in the results display, right click and select the Save option

Search results

Matches: 51

1 - 51

Pages: [previous](#) [next](#)

Doc#	Access	Symbol	Title - HTML format	Date	Original format		
05-6230 	U	GPA/86 Catalogue record	Committee on Government Procurement - Decision Pursuant to Article XXIV:6(a) of the Agreement on Government Procurement - Decision of 21 December 2005 Preview (HTML)	22/12/2005	E <input checked="" type="checkbox"/> 4 p. 60KB	F <input type="checkbox"/> 4 p. 58KB	S <input type="checkbox"/> 4 p. 48KB
05-3317 	U	GPA/79/Add.1 Catalogue record	Committee on Government Procurement - Modalities for the Negotiations on Extension of Coverage and Elimination of Discriminatory Measures and Practices - De[...].ion of 21 July 2005 - Addendum Preview (HTML)	22/07/2005	E <input checked="" type="checkbox"/> 1 p. 40KB	F <input type="checkbox"/> 1 p. 41KB	S <input type="checkbox"/> 1 p. 37KB
04-5558 	U	GPA/83 Catalogue record	Committee on Government Procurement - Decision Pursuant to Article XXIV:6(a) of the Agreement on Government Procurement - Decision of 16 December 2004 Preview (HTML)	17/12/2004	E <input checked="" type="checkbox"/> 1 p. 42KB	F <input type="checkbox"/> 1 p. 41KB	S <input type="checkbox"/> 1 p. 38KB
04-3073 	U	GPA/79 Catalogue record	Committee on Government Procurement - Modalities for the Negotiations on Extension of Coverage and Elimination of Discriminatory Measures and Practices - Decision of 16 July 2004 Preview (HTML)	19/07/2004	E <input checked="" type="checkbox"/> 2 p. 48KB	F <input type="checkbox"/> 2 p. 46KB	S <input type="checkbox"/> 2 p. 42KB
04-1978	U	GPA/78	Committee on Government Procurement - Decision	04/05/2004	E	F	S

		Catalogue record	Pursuant to Article XXIV:6(a) of the Agreement on Government Procurement - Decision of 23 April 2004 Preview (HTML)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 46KB	2 p. 46KB	2 p. 42KB
02-5798	U	GPA/72 Catalogue record	Procedures for the Circulation and Derestriction of Documents of the Committee on Government Procurement - Decision of 8 October 2002 Preview (HTML)	23/10/2002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 p. 34KB	2 p. 33KB	2 p. 31KB
00-4115	U	GPA/43 Catalogue record	Committee on Government Procurement - Accession of Iceland - Decision of the Committee of 29 September 2000 Preview (HTML)	09/10/2000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14 p. 51KB	14 p. 62KB	14 p. 68KB
97-1141	U	GPA/1/Add.2 Catalogue record	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Circulation and Dere [...] - Decision of 24 February 1997 Preview (HTML)	19/03/1997	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 p. 112KB	4 p. 42KB	4 p. 42KB
96-5155	U	GPA/9 Catalogue record	Committee on Government Procurement - Accession of Hong Kong - Decision Preview (HTML)	09/12/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13 p. 81KB	14 p. 100KB	14 p. 62KB
96-3791	U	GPA/6 Catalogue record	Committee on Government Procurement - Accession of Singapore - Decision of the Committee of 20 September 1996 Preview (HTML)	09/10/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10 p. 40KB	10 p. 88KB	10 p. 48KB
96-2446	U	GPA/1/Add.1 Catalogue record	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Procedures for the N [...]f the Committee of 4 June 1996 Preview (HTML)	27/06/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 p. 107KB	3 p. 32KB	3 p. 31KB
96-0796	U	GPA/3 Catalogue record	Committee on Government Procurement - Accession of Liechtenstein - Decision Preview (HTML)	06/03/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12 p. 59KB	12 p. 97KB	12 p. 55KB
96-0792	U	GPA/1 Catalogue record	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994) Preview (HTML)	05/03/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 p. 104KB	6 p. 40KB	6 p. 40KB
96-0794	U	GPA/2 Catalogue record	Committee on Government Procurement - Accession of the Kingdom of the Netherlands with respect to Aruba - Decision Preview (HTML)	05/03/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5 p. 40KB	5 p. 32KB	4 p. 27KB
96-0143	D	GPA/IC/9 Catalogue record	REPORT OF THE INTERIM COMMITTEE ON GOVERNMENT PROCUREMENT TO THE COMMITTEE ON GOVERNMENT PROCUREMENT TO BE ESTABLISHED UNDER THE NEW	16/01/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

94-2207 	D	GPA/IC/3 Catalogue record	AGREEMENT ON GOVERNMENT PROCUREMENT Preview (HTML)	28/10/1994	5 p. 39KB	5 p. 42KB	5 p. 41KB
			Interim Committee on Government Procurement - Modifications of the Annexes to Appendix I to the Agreement on Government Procurement before its Entry into Fo[...] - Decision of 17 January 1994 Preview (HTML)		E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>
94-1569 	D	GPA/IC/2 Catalogue record	Interim Committee on Government Procurement - Decisions Regarding the Operation of the Interim Committee on Government Procurement Preview (HTML)	04/08/1994	2 p. 24KB	2 p. 26KB	2 p. 27KB
					E <input checked="" type="checkbox"/>	E <input type="checkbox"/>	S <input type="checkbox"/>

Pages: [previous](#) [next](#)

Query= ((@meta_Symbol GPA/* and @meta_Types decision and not draft))

Sort= DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num

Displaying: 1 - 51

Number of hits per page

Search results							
Submitted: 09/01/2006 9:56:44 PM							
Rec#	Doc#	Symbol	Title - HTML format	Date	Pages	Access	File
1 8 KB	05-6230	GPA/86	Committee on Government Procurement - Decision Pursuant to Article XXIV:6(a) of the Agreement on Government Procurement - Decision of 21 December 2005	22/12/2005	4	U	T/PLURI/GPA/86.doc
2 4 KB	05-3317	GPA/79/Add.1	Committee on Government Procurement - Modalities for the Negotiations on Extension of Coverage and Elimination of Discriminatory Measures and Practices - Decision of 21 July 2005 - Addendum	22/07/2005	1	U	T/PLURI/GPA/79A1.doc
3 4 KB	04-5558	GPA/83	Committee on Government Procurement - Decision Pursuant to Article XXIV:6(a) of the Agreement on Government Procurement - Decision of 16 December 2004	17/12/2004	1	U	T/PLURI/GPA/83.doc
4 7 KB	04-3073	GPA/79	Committee on Government Procurement - Modalities for the Negotiations on Extension of Coverage and Elimination of Discriminatory Measures and Practices - Decision of 16 July 2004	19/07/2004	2	U	T/PLURI/GPA/79.doc
5 5 KB	04-1978	GPA/78	Committee on Government Procurement - Decision Pursuant to Article XXIV:6(a) of the Agreement on Government Procurement - Decision of 23 April 2004	04/05/2004	2	U	T/PLURI/GPA/78.doc
6 7 KB	02-5798	GPA/72	Procedures for the Circulation and Derestriction of Documents of the Committee on Government Procurement - Decision of 8 October 2002	23/10/2002	2	U	T/PLURI/GPA/72.doc
7 19 KB	00-4115	GPA/43	Committee on Government Procurement - Accession of Iceland - Decision of the Committee of 29 September 2000	09/10/2000	14	U	T/PLURI/GPA/43.doc
8 11 KB	97-1141	GPA/1/Add.2	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Circulation and Derestriction of Documents of the Committee on Governm[...]- Decision of 24 February 1997	19/03/1997	4	U	T/PLURI/GPA/1A2.WPF
9 18 KB	96-5155	GPA/9	Committee on Government Procurement - Accession of Hong Kong - Decision	09/12/1996	13	U	T/PLURI/GPA/9.WPF
10 15 KB	96-3791	GPA/6	Committee on Government Procurement - Accession of Singapore - Decision of the Committee of 20 September 1996	09/10/1996	10	U	T/PLURI/GPA/6.WPF
11 9 KB	96-2446	GPA/1/Add.1	Committee on Government Procurement - Decisions on Procedural Matters under the Agreement on Government Procurement (1994) - Addendum - Procedures for the Notification of National Implementing	27/06/1996	3	U	T/PLURI/GPA/1A1.WPF

			Legislation -/.../f the Committee of 4 June 1996				
12 21 KB	96-0796	GPA/3	Committee on Government Procurement - Accession of Liechtenstein - Decision	06/03/1996	12	U	T/PLURI/GPA/3.WPF
13 11 KB	96-0792	GPA/1	Committee on Government Procurement - Decisions on Procedural matters under the Agreement on Government Procurement (1994)	05/03/1996	6	U	T/PLURI/GPA/1.WPF
14 7 KB	96-0794	GPA/2	Committee on Government Procurement - Accession of the Kingdom of the Netherlands with respect to Aruba - Decision	05/03/1996	5	U	T/PLURI/GPA/2.WPF
15 17 KB	96-0143	GPA/IC/9	REPORT OF THE INTERIM COMMITTEE ON GOVERNMENT PROCUREMENT TO THE COMMITTEE ON GOVERNMENT PROCUREMENT TO BE ESTABLISHED UNDER THE NEW AGREEMENT ON GOVERNMENT PROCUREMENT	16/01/1996	5	D	T/PLURI/GPAIC/9.WPF
16 6 KB	94-2207	GPA/IC/3	Interim Committee on Government Procurement - Modifications of the Annexes to Appendix I to the Agreement on Government Procurement before its Entry into Force on 1 January 1996 - Decision of 17 January 1994	28/10/1994	2	D	T/PLURI/GPAIC/3.WPF
17 9 KB	94-1569	GPA/IC/2	Interim Committee on Government Procurement - Decisions Regarding the Operation of the Interim Committee on Government Procurement	04/08/1994	4	D	T/PLURI/GPAIC/2.WPF
((@meta_Symbol GPA/* and @meta_Types decision and not draft)) DOC_DATE [d], meta_Ordered_SYMBOL, meta_split_part[A], meta_serial_num							
Result of the search: 51 (for 17 distinct downloaded document(s))							
In 'File' column, the first letter indicates the language (T = English, U = French, V = Spanish)							

Committee on Government Procurement

**DECISION PURSUANT TO ARTICLE XXIV:6(a) OF THE
AGREEMENT ON GOVERNMENT PROCUREMENT**

Decision of 21 December 2005

The Committee on Government Procurement,

Having regard to the provisions of paragraph 6(a) of Article XXIV of the Agreement on Government Procurement;

Noting that, pursuant to the Committee's Decision of 16 December 2004 as set forth in document GPA/83, Israel committed in its Note to Appendix I to reduce by 1 January 2006 its offsets to 20 per cent of the value of a contract;

Having considered Israel's submission in document GPA/W/294, dated 18 July 2005, and having regard to the statements made by Israel emphasizing the importance of offsets to its economy as a development tool;

Having considered Israel's proposal in document GPA/MOD/ISR/5, dated 12 December 2005, to further modify its Note to Appendix I, based on Article XXIV:6(a);

Noting that Israel has offered compensatory adjustments in the above-referenced proposal, pursuant to Article XXIV:6(a), and that the Parties have accepted those adjustments;

Noting the long-standing views of several Parties that offsets are only transitional measures and that Israel must eliminate its offsets; and

Noting the intention of Israel to engage in consultations with the Parties, in the framework of the negotiations on the revision of the Agreement on Government Procurement under Article XXIV:7, with a view to agreeing on a revised Note, including a schedule to reduce its use of offsets,

Hereby decides as follows:

Article I

Paragraph 1(c) of Israel's Note to Appendix I shall be modified to read as follows:

"Offsets in any form may be required up to 35 per cent of the contract going down to 30 per cent after five years, 28 per cent after ten years and 20 per cent after 13 years, beginning from the date Israel implements the Agreement."

Article II

Paragraph 2(a) of Israel's Note to Appendix I shall be modified to read as follows:

"At the end of each period mentioned in paragraph 1(c), Israel will submit a report concerning the implementation of this Note."

Article III

Israel's Annex 4 shall be replaced by the text attached hereto.

Article IV

Israel's Annexes 1, 2, 3 and 5, referring to the thresholds for construction services, shall be modified to read as follows:

"Threshold: 8,500,000 SDR; during the period beginning from 1 January 2006 until 31 December 2008 the threshold shall be set at 5,000,000 SDR."

Article V

Israel's Note to Appendix I, as modified by this Decision, shall remain in force until the entry into force in Israel of the revision of the Agreement on Government Procurement presently being negotiated under Article XXIV:7 of the Government Procurement Agreement.

ATTACHMENT¹

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>
6112, 6122, 633, 886	Maintenance and repair services
641	Hotel and similar accommodation services
642-3	Food and beverage serving services
712	Land transport services
73	Passenger transportation services
7471	Travel agency and tour operator services
752	Telecommunications services
821	Real estate services involving own or leased property
83106 to 83109	Leasing or rental services concerning machinery and equipment without operator only
83203 to 83209	Leasing or rental services concerning personal and household goods only
84	Computer and related services
861	Legal Services (advisory services on foreign and international law only)
862	Accounting, auditing and bookkeeping services
863	Taxation Services (excluding legal services)
864	Market research and public opinion
865-6	Management consulting

¹ In English only.

APPENDIX I	ISRAEL	ANNEX 4	Page 2/2
867	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		
871	Advertising services		
874, 82201-82206	Building-cleaning services and property management services		
876	Packaging services		
8814	Services incidental to forestry and logging, including forest management		
883	Services incidental to mining, including drilling and field services		
88442	Publishing and printing services on a fee or contract basis		
887	Services incidental to energy distribution		
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 schedule of the GATS.

WORLD TRADE ORGANIZATION

GPA/79/Add.1
22 July 2005

(05-3317)

Committee on Government Procurement

MODALITIES FOR THE NEGOTIATIONS ON EXTENSION OF COVERAGE AND ELIMINATION OF DISCRIMINATORY MEASURES AND PRACTICES

Decision of 21 July 2005

Addendum

The Committee on Government Procurement,

Noting that the preparation of initial offers as called for by the Committee's Decision on Modalities for the Negotiations on Extension of Coverage and Elimination of Discriminatory Measures and Practices (GPA/79) requires extensive research and internal consultation and, therefore, is taking longer than initially foreseen;

Reaffirming the importance it attaches to the successful completion of these negotiations;

Decides that:

- (i) each Party shall table its initial offer prior to the October meeting of the Committee (week of 10 October 2005) but not later than the Hong Kong Ministerial Conference (13-18 December 2005); and
 - (ii) the negotiations on extension of coverage and elimination of discriminatory measures as well as other aspects of the Article XXIV:7 negotiations aim to be concluded by the end of 2006.
-

Committee on Government Procurement

**DECISION PURSUANT TO ARTICLE XXIV:6(a) OF
THE AGREEMENT ON GOVERNMENT PROCUREMENT**

Decision of 16 December 2004

The Committee on Government Procurement,

Having regard to the provisions of paragraph 6(a) of Article XXIV of the Agreement on Government Procurement;

Noting that Israel committed in its Note to Appendix 1 to reduce by 1 January 2005 its offsets to 20 per cent of the value of a contract and to submit a report concerning its implementation of that commitment;

Having considered Israel's proposal in document GPA/MOD/ISR/1, dated 19 November 2004, on the basis of Article XXIV:6(a), to modify its Note to Appendix I, with a view to extending by five years the period provided to Israel to reduce its offset to 20 per cent;

Noting that, on an exceptional basis, other Parties are waiving any rights to compensatory adjustments that they may have, pursuant to Article XXIV:6(a), as a result of the modifications set out below,

Hereby decides on an exceptional basis as follows:

Article I

Paragraph 1(c) of Israel's Note to Appendix I shall be modified to read as follows:

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 ten years, beginning from the date Israel implements the Agreement.

Article II

Paragraph 2(a) of Israel's Note to Appendix I shall be modified to read as follows:

At the end of each period of five years Israel will submit a report concerning the implementation of this Note.

Committee on Government Procurement

**MODALITIES FOR THE NEGOTIATIONS ON EXTENSION OF COVERAGE AND
ELIMINATION OF DISCRIMINATORY MEASURES AND PRACTICES**

Decision of 16 July 2004

The Committee agrees on the following modalities for the negotiations on the extension of coverage and elimination of discriminatory measures and practices:

Objectives

In accordance with Article XXIV:7(b) and (c), the negotiations on these matters shall aim at:

- (i) the greatest possible extension of coverage among all Parties on the basis of mutual reciprocity, having regard to the provisions relating to developing countries; and
- (ii) the elimination of discriminatory measures and practices which distort open procurement.

The Parties recognize the interdependence between these two objectives, as well as the need to maximize clarity with regard to coverage and any remaining discriminatory measures and practices.

Matters to be negotiated in the Committee as a whole

The Committee as a whole will address the provisions in the draft revised text of the Agreement referred to as "market access issues", as well as issues relating to the presentation and structure of the appendices to the Agreement, including:

- whether there should be further harmonization of thresholds;
- whether there should be a uniform level of coverage of the entities covered by the Agreement;
- whether Annex 1 should follow a positive or negative list approach;
- whether there should be greater harmonization of the way entities are described, in particular whether Annexes 2 and 3 should be structured on the basis of categories of entities, for example as defined in the legislation of individual Parties or in terms of lists of individual entities;
- whether, in regard to services coverage in Annexes 4 and 5, further commonality of presentation is desirable and feasible, taking into account coverage and presentation under the GATS;

- whether the General Notes in the Annexes can be simplified and made more easily understandable;
- other issues that may be raised by delegations.

The Committee shall initiate work on the above issues in autumn 2004. Participants are invited to submit initial proposals relating to these matters by 31 August 2004.

Matters to be largely negotiated bilaterally

Negotiations on the extension of coverage of each Party's Appendix I as well as on the elimination of discriminatory measures and practices in such Appendices will be largely pursued bilaterally but subject to monitoring by the Committee as a whole.

These negotiations shall be pursued as follows:

- (i) by 30 November 2004, each Party shall table in writing its initial requests to any other Party and each Party shall aim to table its initial offer by 1 March 2005 but not later than 1 May 2005;
- (ii) provision would then be made for rounds of bilateral negotiations, leading to the presentation of revised and improved offers by the end of October 2005. These rounds of bilateral negotiations will normally be arranged to take place back-to-back with meetings of the Committee.

The basis for these negotiations shall be the existing coverage of Parties as reflected in their respective Appendix I, subject to any rectifications and modifications notified pursuant to Article XXIV:6 of the GPA. Parties concerned will make every effort to resolve pending notifications.

Parties agree on the need to ensure collective monitoring of the above bilateral negotiating process. To this end:

- (i) the Secretariat shall circulate as restricted documents to all other Parties initial official requests and offers as well as subsequent official revisions; and
- (ii) regular stocktaking and review of the bilateral process will take place in the Committee.

Any observer government which has submitted an offer with a view to participating in the revised Agreement may participate in this aspect of the negotiations and receive copies of requests and offers circulated by the Secretariat.

Conclusion of the negotiations

Parties agree that the negotiations on extension of coverage and elimination of discriminatory measures as well as other aspects of the Article XXIV:7 negotiations aim to be concluded by the beginning of 2006.

Committee on Government Procurement

**DECISION PURSUANT TO ARTICLE XXIV:6(a) OF THE AGREEMENT
ON GOVERNMENT PROCUREMENT**

Decision of 23 April 2004

The Committee on Government Procurement,

Noting that, with effect from 1 May 2004, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia will join the European Communities;

Recognizing that from that date these ten countries will, as member States of the European Communities, form part of the European Communities for the purposes of the Agreement and be bound by the Agreement;

Considering that the European Communities has notified, pursuant to Article XXIV:6(a) of the Agreement, modifications to the Appendices, consequent upon these countries joining the European Communities, in order to add lists of entities for each of these ten countries;

Recognizing that these modifications and the enlargement of the European Communities will extend the coverage of the Agreement to ten new countries and result in an expansion of reciprocal procurement opportunities under the Agreement;

Noting that the European Communities indicated that some minor corrections to these modifications are necessary;

Noting the statement of the European Communities further clarifying the content of the modifications;

Having regard to Article XXIV:6(a) and agreeing that the conditions specified therein are satisfied;

Hereby decides as follows:

Article I

The modifications proposed by the European Communities in document GPA/MOD/EEC/1 are approved with the following additions, corrections and clarifications:

1. The addition of the following two entities to Annex 1 for Poland:
 - (a) Polskie Centrum Badań i Certyfikacji (Polish Centre for Testing and Certification); and
 - (b) Agencja Mienia Wojskowego (Agency for Military Property).

The following footnote will be added to Agencja Mienia Wojskowego (Agency for Military Property): "Non-warlike materials contained in Part (3) of this Annex".

2. The deletion of "(non-exhaustive)" from Annex 1 for both the Czech Republic and Slovakia.
3. The correction of the translation of Entity No. 29 (Seimo kontrolierių įstaiga) in Annex 1 for Lithuania, by deleting "State Audit Office" and inserting "Ombudsman Office of the Seimas".

Article 2

This decision will become effective on 1 May 2004.

**PROCEDURES FOR THE CIRCULATION AND DERESTRICTION
OF DOCUMENTS OF THE COMMITTEE ON GOVERNMENT PROCUREMENT**

Decision of 8 October 2002

The Committee on Government Procurement,

Having regard to the Decision on Procedures for the Circulation and Derestriiction of WTO Documents of 14 May 2002 (WT/L/452) and Article XXI of the Agreement on Government Procurement and Article II:3 of the Marrakesh Agreement Establishing the World Trade Organization,

Considering that there is a need to improve the current Procedures for the Circulation and Derestriiction of documents of the Committee on Government Procurement and align them with those of the WTO in WT/L/452,

Emphasizing the importance of greater transparency in the functioning of the Committee on Government Procurement,

Decides as follows:

1. All official documents of the Committee on Government Procurement and of any subsidiary body established by it¹ shall be unrestricted.
2. Notwithstanding the provisions of paragraph 1,
 - (a) any Party may submit a document as restricted, which shall be automatically derestricted after its first consideration by the relevant body or 60 days after the date of circulation, whichever is earlier, unless requested otherwise by that Party.² In the latter case, the document may remain restricted for further periods of 30 days, subject to renewed requests by that Party within each 30-day period. The Secretariat shall remind Parties of such deadlines, and derestrict the document upon receipt of a written instruction. Any document may be derestricted at any time during the restriction period at the request of the Parties concerned.
 - (b) The Committee and any subsidiary body established by it when requesting a document to be prepared by the Secretariat shall decide whether it shall be issued as restricted or unrestricted. Such documents which are issued as restricted shall automatically be derestricted 60 days after the date of circulation, unless requested otherwise by a Party.

¹ For the purposes of this Decision, an official document shall be any document submitted by a Party or prepared by the Secretariat to be issued in any one of the following WTO document series: GPA-series.

² However, any document that contains only information that is publicly available or information that is required to be published under the provisions of Article XIX:1 of the Agreement on Government Procurement shall be unrestricted.

In the latter case, the document shall remain restricted for one additional period of 30 days after which it shall be derestricted;

- (c) minutes of meetings (including records, reports and notes) shall be restricted and shall be automatically derestricted 45 days after the date of circulation³;
- (d) documents relating to rectifications or modifications of Appendices I through IV pursuant to Article XXIV:6 of the Agreement on Government Procurement shall be restricted and automatically derestricted upon certification of such changes in the Appendices;
- (e) documents relating to any accession shall be restricted and shall be automatically derestricted upon the Committee decision on the accession of the WTO Member concerned.

3. Translation of official GPA documents in all three official WTO languages (English, French and Spanish) shall be completed expeditiously. Once translated in all three official WTO languages, all official GPA documents that are not restricted shall be made available via the WTO web-site to facilitate their dissemination to the public at large.⁴

4. The Decision of the Committee on Government Procurement of 19 March 1997 on the Circulation and Derestriction of the Documents of the Committee on Government Procurement, as contained in GPA/1/Add.2, shall be abrogated as of the date of adoption of the present decision, but will remain in effect for documents circulated prior to that date.

5. In the light of the experience gained from the operation of these procedures and changes in any other relevant procedures under the WTO, the Committee on Government Procurement will, at an appropriate time, review and if necessary modify the procedures.

³ It is understood that, normally, minutes (including records, reports and notes) of meetings shall be circulated within three weeks after a meeting of the Committee and not later than the notice convening the following meeting of the Committee.

⁴ Notwithstanding paragraph 3, any document that contains information that is publicly available or information required to be published under Article XIX:1 of the Agreement on Government Procurement shall continue to be made available via the WTO web-site immediately in the original WTO language in which it is written.

Committee on Government Procurement

ACCESSION OF ICELAND

DECISION OF THE COMMITTEE OF 29 SEPTEMBER 2000

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement by Iceland, contained in document GPA/W/73 of 22 June 1998, and the consultations held with the Parties to the Agreement on Government Procurement in pursuance thereof;

Decides as follows:

1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Iceland may accede to this Agreement on the terms attached.
2. The Agreement on Government Procurement will enter into force for Iceland on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.
3. This Decision shall expire six months after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and Iceland.

* Appendix I is authentic in the English language only.

ATTACHMENT

TERMS OF ACCESSION OF ICELAND

APPENDIX I

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 central government entities including:

Central purchasing entities not having an industrial or commercial character governed by Act no. 63/1970 on the arrangement of public works contracts, and Act no. 52/1987, on government procurement, as amended.

The entities in charge of government procurement are the following bodies:

Ríkiskaup (State Trading Center)

Framkvæmdasýslan (Government Construction Contracts)

Vegagerð ríkisins (Public Road Administration)

Siglingastofnun (Icelandic Maritime Administration)

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 local public authorities, including all municipalities.
2. Public bodies at the local level not having an industrial or commercial character.

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 Sectors:

1. *The electricity sector:*

Landvirkjun (The National Power Company), *lög nr. 42/1983.*

Rafmagnsveitur ríkisins (The State Electric Power Works), *orkulög nr. 58/1967*

Orkuveita Reykjavíkur (Reykjavík Energy).

Orkubú Vestfjarða (Vestfjord Power Company), *lög nr. 66/1976.*

Other entities producing, transporting or distributing electricity pursuant to *orkulög nr. 58/1967.*

2. *Urban transport:*

Strætisvagnar Reykjavíkur (The Reykjavík Municipal Bus Service).

Almenningsvagnar bs.

Other Municipal bus services.

3. *Airports:*

Flugmálastjórn (Directorate of Civil Aviation)

4. *Ports:*

Siglingastofnun, (Icelandic Maritime Administration).

Other entities operating pursuant to *Hafnalög nr. 23/1994.*

5. *Water supply:***

Public entities producing or distributing drinking water pursuant to *lög nr 81/1991, um vatnsveitur sveitarfélaga.*

Notes to Annex 3

* 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 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 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

<i>Subject</i>	<i>CPC Reference N</i>
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 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. Iceland will not extend the benefits of this Agreement:
 - as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada;
 - as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
 - as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (2) (urban transport), to the suppliers and service providers of Canada, 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;
 - (5) (water), to the suppliers and service providers of Canada and the USA;

until such time as Iceland has accepted that the Parties concerned give comparable and effective access for Icelandic 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:
 - Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Iceland accepts that they have completed coverage of sub-central entities;
 - Japan and Korea 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 Iceland, until such time as Iceland 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 Icelandic entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as Iceland has accepted that the Parties concerned provide access for Icelandic suppliers and service providers to their own markets, Iceland will not extend the benefits of this Agreement to suppliers and service providers of:
 - 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: "Lög um opinber innkaup (52/1997) and Regulation (302/1996) 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.

APPENDIX II

Publications utilised 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).

Icelandic newspapers:

Morgunbladid

Dagbladid

Dagur

Other:

Official Journal of the European Communities.

APPENDIX III

Publications utilised 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).

Official Journal of the European Communities:
(Currently no such list exists)

APPENDIX IV

Publications utilised by Parties for the publication of laws, regulations, judicial decisions, administrative rulings of general application and any procedure regarding government procurement governed by this Agreement (paragraph 1 of Article XIX).

Laws, regulations and rules: Stjórnartíðindi (The Government Gazette)

Judicial decisions and administrative rulings: Hæstaréttardómar (Supreme Court Report)

(District courts do not issue a Court Report, but any interested party can obtain a transcript of a particular case. Administrative rulings are not reported but can be obtained from the relevant authority.)

WORLD TRADE
ORGANIZATION

GPA/1/Add.2
19 March 1997

(97-1141)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)

Addendum

CIRCULATION AND DERESTRICTION OF DOCUMENTS OF THE
COMMITTEE ON GOVERNMENT PROCUREMENT¹

Decision of 24 February 1997^{2,3}

The Committee on Government Procurement *decides* to adopt the following procedures with respect to the circulation⁴ and derestriction of documents:

- 1) Formal documents shall be circulated to members of the Committee, to observers and to other Members of the WTO. In certain cases, the circulation of sensitive documents shall be determined on an *ad hoc* basis. The formal documents shall also be made available to Members of the WTO through the WTO Document Dissemination Facility via the Internet.
- 2) Documents circulated after the entry into force of the Agreement on Government Procurement in any GPA/- document series shall be circulated as unrestricted with the exception of documents specified in the attached Appendix, which shall be circulated as restricted and subject to derestriction, or consideration thereof, as provided. Notwithstanding the exceptions specified in the Appendix, any document that contains only information that is publicly available or information that is required to be published under the Agreement on Government Procurement shall be circulated on an unrestricted basis.

¹The Decision does not cover documents outside of a formal document series, such as a submission to a dispute settlement panel, or an interim report of a dispute settlement panel submitted to the parties thereto.

²The Decision replaces the Decisions on interim procedures, dated 27 February 1996, on the circulation and derestriction of documents contained in GPA/1, Annexes 4 and 5 respectively.

³In adopting these procedures, the Committee took note that Parties attached particular importance to the restricted nature of documents so designated, and that individual governments should proceed accordingly in their handling of such documents.

⁴The terms •circulation• and •circulated• when used in this Decision shall be understood to refer to the distribution by the Secretariat of documents to all Parties to the Agreement and to other WTO Members.

- 3) Notwithstanding the exceptions to paragraph 2 set forth in the Appendix,
- (a) any Party may, at the time it submits any document for circulation, indicate to the Secretariat that the document be issued as unrestricted, and
- (b) any restricted document circulated after the date of entry into force of the Agreement may be considered for derestriction at any time by the Committee or may be considered for derestriction at the request of any Party.
- 4) Requests for consideration for derestriction shall be made in writing and shall be directed to the Chairman of the Committee. Such requests shall be circulated to all Parties and placed on the agenda of a forthcoming meeting of the Committee for consideration. However, in order to preserve the efficiency of the work of the Committee, the Party concerned may indicate to the Secretariat that it circulate to Parties a notice advising them of the documents proposed for derestriction and the date proposed for derestriction, which shall normally be sixty days after the date the notice is circulated. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Party notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.
- 5) The Secretariat shall prepare and circulate a list of documents eligible for consideration for derestriction, indicating the proposed date of derestriction, which shall normally be sixty days after the circulation of the list. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Party notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.
- 6) If a document⁵ considered for derestriction is not derestricted because of an objection by any Party, and remains restricted at the end of the first year following the year in which an objection was raised, the document shall be considered for derestriction at that time.
- 7) The Secretariat will circulate periodically (e.g. every six months) a list of newly derestricted documents, as well as a list of all documents remaining restricted.
- 8) In the light of the experience gained from the operation of these procedures and changes in any other relevant procedures under the WTO, the Committee will review, and if necessary modify, the procedures two years after their adoption.

⁵These procedures shall apply *mutatis mutandis* to the consideration for derestriction of a portion of a document that remains restricted as a result of an objection made pursuant to paragraph 4.

APPENDIX

(a) Working documents in all GPA/- document series (i.e. draft documents such as agendas, decisions, proposals, applications for accession, Secretariat background notes as well as other working papers issued as •GPA/W/-• documents), including documents in the GPA/SPEC/- series.

Such documents shall be derestricted upon the adoption of the report or of the decision pertaining to their subject matter, or considered for derestriction six months after the date of their circulation⁶, whichever is earlier. All background notes by the Secretariat, however, shall be considered for derestriction six months after the date of their circulation.

(b) Documents relating to rectifications or modifications of Appendices to the Agreement pursuant to Article XXIV: 6 of the Agreement.

Such documents shall be derestricted upon completion of the Article XXIV:6 process through the certification of the changes.

(c) Minutes of meetings of the Committee and its subsidiary bodies.

Such documents shall be considered for derestriction six months after the date of their circulation.

(d) Documents relating to working parties or other subsidiary bodies established by the Committee including working parties on accessions.

Such documents shall be derestricted upon the adoption of the report of the working party. Prior to the adoption of the report, any such documents shall be considered for derestriction at the end of the first year following the year in which they were circulated.

(e) Documents submitted to the Secretariat by a Party for circulation if, at the time the Party submits the document, the Party indicates to the Secretariat that the document should be issued as restricted.

Such documents shall be considered for derestriction at the end of each six-month period.⁷

⁶The •date of circulation• means the date printed on the front page of a document indicating when it has been made available to Parties• delegations.

⁷Documents circulated during the period January through June would be considered for derestriction directly after the end of that period. Documents circulated during the period July through December would be considered for derestriction directly after the end of that period.

(f) Reports of panels which are circulated in accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes.⁸

Such reports shall be circulated to all Parties to the Agreement on Government Procurement and other WTO Members as restricted documents and derestricted no later than the tenth day thereafter if, prior to the date of circulation, a party to the dispute that forms the basis of a report submits to the Chairman of the Dispute Settlement Body a written request for delayed derestriction. A report circulated as a restricted document shall indicate the date upon which it will be derestricted.⁹

⁸This provision will be subject to review at the time of review of the Dispute Settlement Understanding, and will be discontinued if there is no consensus on the matter.

⁹The following standard cover note will be placed on panel reports: •The report of the Panel on [name of dispute] is being circulated to all Parties to the Agreement on Government Procurement and other WTO Members, pursuant to the DSU. The report is being circulated as an unrestricted document from [date] pursuant to the procedures for the Circulation and Derestriction of Documents of the Committee on Government Procurement [document number]. Parties to the Agreement on Government Procurement are reminded that in accordance with the DSU only parties to the dispute may appeal a panel report, an appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel, and that there shall be no *ex parte* communications with the panel or Appellate Body concerning matters under consideration by the panel or Appellate Body. •

WORLD TRADE
ORGANIZATION

GPA/9
9 December 1996

(96-5155)

Committee on Government Procurement

ACCESSION OF HONG KONG

Decision

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by Hong Kong, contained in document GPA/W/28 of 6 November 1996, and the consultations held with the Parties to the Agreement on Government Procurement in pursuance thereof;

Decides as follows:

1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Hong Kong may accede to this Agreement on the terms attached. This shall be open to Hong Kong for a period of six months after the date of the adoption of this Decision by the Committee on Government Procurement unless the period is extended by that Committee by mutual consent between the Committee and Hong Kong.
2. The Agreement on Government Procurement will enter into force for Hong Kong on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General. For those Parties to the Agreement whose national legislation implementing the Agreement in respect of Hong Kong has not taken effect by that date, the Agreement will apply as between them and Hong Kong as soon as such legislation has taken effect.
3. Hong Kong may delay the application of paragraphs 2-8 of Article XX of the Agreement for a period of no more than one year after the entry into force of the Agreement for Hong Kong.

TERMS OF ACCESSION OF HONG KONG TO THE AGREEMENT
ON GOVERNMENT PROCUREMENT (1994)

APPENDIX I

ANNEX 1

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

Supplies

Threshold: 130,000 SDR for goods and services other than construction services
5,000,000 SDR for construction services

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. Civil Aid Services
8. Civil Aviation Department
9. Civil Engineering Department
10. Civil Service Training and Development Institute
11. Companies Registry
12. Correctional Services Department
13. Customs and Excise Department
14. Department of Health
15. Drainage Services Department
16. Education Department
17. Electrical and Mechanical Services Department
18. Environmental Protection Department
19. Fire Services Department
20. Government Flying Service
21. Government Laboratory
22. Government Land Transport Agency
23. Government Property Agency
24. Government Secretariat
25. Government Supplies Department
26. Highways Department
27. Home Affairs 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
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. Royal Hong Kong Police Force (including Royal Hong Kong Auxiliary Police Force)
54. Royal Observatory
55. Social Welfare Department
56. Secretariat, Independent Police Complaints Council
57. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
58. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
59. Student Financial Assistance Agency
60. Technical Education and Industrial Training Department
61. Television and Entertainment Licensing Authority
62. Territory Development Department
63. Trade Department
64. Transport Department
65. Treasury
66. Secretariat, University Grants Committee
67. Water Supplies Department
68. Management Services Agency
69. Official Languages Agency
70. Registration and Electoral Office

ANNEX 2

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

Threshold: 200,000 SDR for goods and services other than construction 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. Airport Authority
4. Mass Transit Railway Corporation
5. Kowloon-Canton Railway Corporation

ANNEX 4

Services

The following services, classified according to the United Nations Central Product Classification (CPC) Code on Goods and Services, will be covered:

CPC

1. *Computer and Related Services*

-Data base and processing services	843•844
-Maintenance and repair service of office machinery and equipment including computers	845
-Other Computer Services	849

2. *Rental/Leasing Services Without Operators*

-Relating to ships	83103
-Relating to aircraft	83104
-Relating to other transport equipment	83101•83102•83105
-Relating to other machinery and equipment	83106•83109

3. *Other Business Services*

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) 633•8861-8866

Market Research & Public Opinion Polling Services 864

Security Services 87304

Building-Cleaning Services 874

Advertising Services 871

4. *Courier Services*

5. *Telecommunications Services* (Provisions of certain types of service may require licensing under the Telecommunication Ordinance)

Value-added telecommunications services 7523, 843

Basic telecommunications services 7521, 7529

Telecommunications-related services 754

6. *Environmental Services*

-Sewage services	9401
-Refuse disposal services	9402

7. *Financial Services*

ex 81

-All Insurance and Insurance-Related Services(exceptions are set out in paragraph 5 of General Conditions)

-Banking and other financial services

8. *Transport Services*

-Air transportation services 731, 732, 734
(excluding transportation of mail)

-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 of the CPC

Threshold: 5,000,000 SDR

GENERAL CONDITIONS APPLICABLE TO ENTITIES AND SERVICES
SPECIFIED IN ANNEXES 1 TO 5

1. Notwithstanding anything in the Annexes 1-5, 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
 - Purchase of office or residential accommodation by the Government Property Agency.
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 radio communications 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. Hong Kong Government shall not be obliged 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 the Financial Services under Annex 4

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 on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the Annex on Financial Services in the General Agreement on Trade in Services, 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.

APPENDIX II

HONG KONG

Annex 1

Hong Kong Government Gazette
Daily Press

Annex 2

Hong Kong Government Gazette
Daily Press

Annex 3

Hospital Authority	-	Hong Kong Government Gazette
	-	Daily Press
Housing Authority	-	Hong Kong Government Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	to be notified
Mass Transit Railway Corporation	-	Daily Press
Airport Authority	-	Daily Press

APPENDIX III

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	-	Not applicable
Airport Authority	-	Not applicable

APPENDIX IV

HONG KONG

Annex 1

Hong Kong Government Gazette

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	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

WORLD TRADE
ORGANIZATION

GPA/6
9 October 1996

(96-3791)

Committee on Government Procurement

ACCESSION OF SINGAPORE

Decision of the Committee of 20 September 1996

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by Singapore, contained in document GPA/IC/W/33 of 15 November 1995, and the consultations held with the Parties to the Agreement on Government Procurement in pursuance thereof;

Decides as follows:

1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Singapore may accede to this Agreement on the terms attached.
2. The Agreement on Government Procurement will enter into force for Singapore on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.
3. This Decision shall expire one year after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and Singapore.

ATTACHMENT

Terms of Accession of Singapore

APPENDIX I

ANNEXES 1-5 SET OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

<i>Goods</i>	<i>Threshold:</i>	SDR 130,000
<i>Services</i> (specified in Annex 4)	<i>Threshold:</i>	SDR 130,000
<i>Construction</i> (specified in Annex 5)	<i>Threshold:</i>	SDR 5,000,000

List of Entities:

Auditor-General's Office
Attorney-General's Office
Cabinet Office
Istana
Judicature
Ministry of Communications
Ministry of Community Development
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Health
Ministry of Home Affairs
Ministry of Information and the Arts
Ministry of Labour
Ministry of Law
Ministry of National Development¹
Ministry of Trade and Industry

¹Includes Public Works Department

Parliament
Presidential Councils
Prime Minister's Office
Public Service Commission
Ministry of Defence

This Agreement will generally apply to purchases by the Singapore Ministry of Defence of the following FSC categories (others being excluded) subject to the Government of Singapore's determinations under the provision of Article XXIII, paragraph 1.

<i>FSC</i>	<i>Description</i>
22	Railway Equipment
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
24	Tractors
25	Vehicular Equipment Components
26	Tires and Tubes
29	Engine Accessories
30	Mechanical Power Transmission Equipment
31	Bearings
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
42	Fire Fighting, Rescue and Safety Equipment
43	Pumps and Compressors
44	Furnace, Steam Plant and Drying Equipment
45	Plumbing, Heating and Sanitation Equipment
46	Water Purification and Sewage Treatment Equipment
47	Pipe, Tubing, Hose and Fittings
48	Valves
51	Handtools
52	Measuring Tools
53	Hardware and Abrasives
54	Prefabricated Structures and Scaffolding
55	Lumber, Millwork, Plywood and Veneer
56	Construction and Building Materials
61	Electric Wire, and Power and Distribution Equipment
62	Lighting, Fixtures and Lamps
63	Alarm, Signal and Security Detection Systems
65	Medical, Dental and Veterinary Equipment and Supplies
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
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines, Text Processing Systems and Visible Record 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
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
84	Clothing, Individual Equipment, and Insignia
85	Toiletries
87	Agricultural Supplies
88	Live Animals
89	Subsistence
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
95	Metal Bars, Sheets and Shapes
96	Ores, Minerals, and their Primary Products
99	Miscellaneous

Notes to Annex 1:

1. The Agreement shall not apply to any procurement in respect of:
 - (a) construction contracts for chanceries abroad and headquarters buildings made by the Ministry of Foreign Affairs; and
 - (b) contracts made by the Internal Security Department, Criminal Investigation Department, Security Branch and Central Narcotics Bureau of the Ministry of Home Affairs as well as procurement that have security considerations made by the Ministry.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 2

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

Non-applicable for Singapore (Singapore does not have any Sub-central Governments).

ANNEX 3

*All other Entities which Procure in Accordance
with the Provisions of this Agreement*

Goods	<i>Threshold:</i> SDR 400,000
Services (specified in Annex 4)	<i>Threshold:</i> SDR 400,000
Construction (specified in Annex 5)	<i>Threshold:</i> SDR 5,000,000

List of Entities:

Board of Architects
Civil Aviation Authority of Singapore
Construction Industry Development Board
Economic Development Board
Housing and Development Board
Inland Revenue Authority of Singapore
Land Transport Authority of Singapore
Jurong Town Corporation
Maritime and Port Authority of Singapore
Monetary Authority of Singapore
National Computer Board
National Science & Technology Board
Nanyang Technological University
National Parks Board
National University of Singapore
Preservation of Monuments Board
Professional Engineers Board
Public Transport Council
Sentosa Development Corporation
Singapore Broadcasting Authority
Singapore Productivity and Standards Board
Singapore Tourist Promotion Board
Telecommunication Authority of Singapore
Trade Development Board
Urban Redevelopment Authority

Note to Annex 3:

1. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 4

Services

The following services as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 130,000 for entities as set out in Annex 1
SDR 400,000 for entities as set out in Annex 3

<i>CPC</i>	<i>Description</i>
862	Accounting, Auditing and Book-keeping Services
8671	Architectural Services
865	Management Consulting Services
874	Building-Cleaning Services
641-643	Hotels and Restaurants (incl. catering)
74710	Travel Agencies and Tour Operators
7472	Tourist Guide Services
843	Data Processing Services
844	Database Services
932	Veterinary Services
84100	Consultancy Services Related to the Installation of Computer
Hardware	
84210	Systems and Software Consulting Services
87905	Translation and Interpretation Services
7523	Electronic Mail
7523	Voice Mail
7523	On-Line Information and Database Retrieval
7523	Electronic Data Interchange
96112	Motion Picture or Video Tape Production Services
96113	Motion Picture or Video Tape Distribution Services
96121	Motion Picture Projection Services
96122	Video Tape Projection Services
96311	Library Services
8672	Engineering Services
7512	Courier Services
-	Biotechnology Services
-	Exhibition Services
-	Commercial Market Research
-	Interior Design Services, Excluding Architecture
-	Professional, Advisory and Consulting Services Relating to
Agriculture, Forestry, Fishing	and Mining, Including Oilfield Services

Notes to Annex 4:

1. The offer regarding services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.

2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

ANNEX 5

Construction Services

The following construction services in the sense of Division 51 of the Central Product Classification as contained in document MTN.GNS/W/120 are offered (others being excluded):

Threshold: SDR 5,000,000 for entities as set out in Annex 1
SDR 5,000,000 for entities as set out in Annex 3

List of construction services offered:

<i>CPC</i>	<i>Description</i>
512	General construction work for buildings
513	General construction work for civil engineering
514, 516	Installation and assembly work
517	Building completion and finishing work
511, 515, 518	Others

Notes to Annex 5:

1. The offer regarding construction services is subject to the limitations and conditions specified in the Government of Singapore's offer under the GATS negotiations.
2. The Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

GENERAL NOTE:

1. Taking into account the concerns expressed by GPA Members, Singapore will review its current compulsory registration system with the view to removing any unintended effects of discrimination and of limited tendering in its open tender system that the existing registration system may have on GPA Members within a period of three years after its accession.

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 I OF ARTICLE XVIII

SINGAPORE

The Republic of Singapore Government Gazette

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

SINGAPORE

The Republic of Singapore Government Gazette

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

SINGAPORE

The Republic of Singapore Government Gazette

RESTRICTED

GPA/1/Add.1
27 June 1996

WORLD TRADE ORGANIZATION

(96-2446)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

Addendum

PROCEDURES FOR THE NOTIFICATION OF NATIONAL IMPLEMENTING LEGISLATION

Decision of the Committee of 4 June 1996

1. Parties shall submit the complete texts of their basic legislation (laws and regulations) on government procurement in the original language to the Secretariat where these texts will be open for inspection by Parties. These would include the basic legal instruments pursuant to which effect is given to the provisions of the Agreement. Each Party shall provide a summary of that legislation in a WTO language.
2. In addition, each Party shall describe in a WTO language what other legislation giving effect to the Agreement on Government Procurement exists. This need not take the form of a listing of individual texts but should include sufficient information on the nature of legislation relevant to each category of entities to facilitate another Party requesting a text of interest to it.
3. Each Party shall supply, in response to a request from another Party, a copy of any law, regulation, final judicial decision, administrative ruling or other measure relevant to the Agreement. Each Party shall notify the Committee of the coordinates of a contact point established for that purpose. Through its contact point, a Party from which a text has been requested, shall use its best endeavours to assist the requesting Party with any translation into a WTO language necessary.
4. Each Party shall provide responses to the attached checklist of issues.
5. The notifications shall be made as soon as possible, but in no case later than 31 December 1996.

ATTACHMENT
CHECKLIST OF ISSUES

I. GENERAL ELEMENTS

- 1) Has the Agreement been transposed into national law and/or does it apply directly?
- 2) In the case that entities below the federal or central state level are covered: are these categories of entities autonomous from federal or central state level government in the implementation of the Agreement?
- 3) In the case that Annex 3 entities are covered: are these categories of entities autonomous in the implementation of the Agreement or do they apply the legislation provided by the federal/central or sub-central level?
- 4) Which main differences (if any) exist between the implementing laws at the federal or central level, the sub-central level and for Annex 3 entities?
- 5) To what extent is information technology used in the process of government procurement?

II. SPECIFIC ELEMENTS

- 6) Identify the specific provisions in your legislation which reflect the national treatment and non-discrimination commitments of Article III of the Agreement.
- 7) Article IX:2 of the Agreement foresees that the invitation to participate may take the form of a notice of proposed procurement. If your implementing legislation provides for this opportunity, give details.
- 8) Article IX:3 of the Agreement foresees that entities at the sub-central level as well as Annex 3 entities may use a notice of planned procurement or a notice regarding a qualification system as an invitation to participate. If your implementing legislation provides for this opportunity, give details.
- 9) In the case of selective tendering procedures: to what extent are entities allowed to use permanent lists of suppliers or is there a requirement for lists of suppliers to be selected on a contract-by-contract basis?
- 10) Article XIV of the Agreement allows for negotiation under certain conditions. Are entities allowed to proceed to negotiations? If so, which categories and what are the conditions imposed?
- 11) Article XI contains the time-limits for tendering and delivery. Time-limits shall normally be not less than X days. Does the domestic legislation reflect the various minimum time-limits as set out in the Agreement? If not, give information on any longer time limits which have been established.
- 12) To what extent does the implementing legislation allow entities, in pursuance of Article XII:1, to permit tenders to be submitted in several languages (one of which has to be a language of the WTO)? To what extent do entities use this flexibility?

III. CHALLENGE PROCEDURES - ARTICLE XX

13) Paragraph 3 of Article XX requires each Party to provide its challenge procedures in writing and make them generally available. Please provide this information.

14) To the extent that this information does not fully respond to the following points, please provide the supplementary information necessary to do so.

(i) The time-limit to launch a complaint contained in the Agreement is not less than 10 days. What are the limits in domestic legislation?

(ii) What body is responsible for the challenge procedures? Is this a court or an impartial and independent review body? If the latter:

- How are its members selected?
- Are its decisions subject to judicial review?
- If not, how are the requirements of paragraph 6 of Article XX taken into account?

(iii) What is the applicable law by reference to which the challenge body will examine complaints?

(iv) Which rapid interim measures are provided to correct breaches of the Agreement and to preserve commercial opportunities?

- Do these measures include the possibility to suspend the procurement process? On what conditions?

(v) How do challenge procedures provide for correction of the Agreement? What types of compensation for loss or damages suffered can the challenge body order?

(vi) Give any available information on the time periods for the stages of the challenge process, including to obtain interim measures and a final decision.

(vii) What are the usual costs to conduct a challenge procedure? Are there possibilities foreseen to do so free of charge?

RESTRICTED

GPA/3

6 March 1996

WORLD TRADE
ORGANIZATION

(96-0796)

Committee on Government Procurement

ACCESSION OF LIECHTENSTEIN

Decision

At its meeting on 27 February 1996, the Committee took the following Decision on the Accession of Liechtenstein.

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by Liechtenstein, contained in document GPA/IC/W/13 of 11 January 1995, and the consultations held with the members of the Interim Committee on Government Procurement in pursuance thereof;

Decides as follows:

1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of Liechtenstein may accede to this Agreement on the terms attached.
2. The Agreement on Government Procurement will enter into force for Liechtenstein on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.
3. This Decision shall expire one year after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and Liechtenstein.

ATTACHMENT

LIECHTENSTEIN

Terms of Accession

APPENDIX I

ANNEXES 1-5 SET OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

Supplies

SDR 130,000

Threshold:

Services (specified in Annex 4)
130,000

Threshold: SDR

Construction services (specified in Annex 5)
SDR 5,000,000

Threshold:

List of Entities:

Government of the Principality of Liechtenstein

Note to Annex 1

The Agreement shall not apply to contracts awarded by contracting authorities in the field of drinking water, energy, transport or telecommunications.

ANNEX 2

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

Supplies

SDR 200,000

Threshold:

Services (specified in Annex 4)
200,000

Threshold: SDR

Construction services (specified in Annex 5)
SDR 5,000,000

Threshold:

List of Entities:

1. Public Authorities at local level
2. Bodies governed by public law and not having an industrial or commercial character at the local level.

Note to Annex 2

The Agreement shall not apply to contracts awarded by contracting authorities in connection with activities in the field of drinking water, energy, transport or telecommunications.

ANNEX 3

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

Supplies

SDR 400,000

Threshold:

Services

SDR 400,000

Threshold:

Works (specified in Annex 5)

SDR 5,000,000

Threshold:

List of Entities:

The contracting entities which are public authorities¹ or public undertakings² and which have as at least one of their activities any of those referred to below:

- 1.the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of

¹Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

- is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- 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.

²Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- hold the majority of the undertaking's subscribed capital; or
- control the majority of the votes attaching to shares issued by the undertaking; or
- can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

drinking water or the supply of drinking water to such networks (as specified under title I);

- 2.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 (as specified under title II);
- 3.the operation of fixed networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);
- 4.the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);
- 5.the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title V).

I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

-Gruppenwasserversorgung Liechtensteiner Oberland

-Gruppenwasserversorgung Liechtensteiner Unterland

II. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to the •Gesetz vom 16. Juni 1947 betreffend die •Liechtensteinischen Kraftwerke• (LKWG)•.

-Liechtensteinische Kraftwerke

III. Contracting entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

Liechtensteinische Post-, Telefon- und Telegrafbetriebe (PTT)

according to •Vertrag vom 9. Januar 1978 zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über die Besorgung der Post- und Fernmeldedienste im Fürstentum Liechtenstein durch die Schweizerischen Post-, Telefon- und Telegrafbetriebe (PTT).

IV. Contracting entities in the field of airport facilities

None

Notes to Annex 3

This Agreement shall not apply:

- 1.to contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in this Annex.
- 2.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.
- 3.to contracts for the purchase of water.
- 4.to contracts of contracting entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Annex under I and II and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years.
- 5.to contracts for the supply of energy or of fuels for the production of energy.
- 6.to contracts awarded by contracting entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.

ANNEX 4

Services

The following services from the services sectoral classification list contained in document MTN.GNS/W/120 are included:

Subject

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 ³
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services ⁴	
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 ⁵

³Except voice telephony, telex, radiotelephony, paging and satellite services

⁴Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services

⁵Except arbitration and conciliation services

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

Notes to Annex 4

The Agreement shall not apply to:

- 1.service contracts awarded to an entity which is itself a procuring entity listed in Annex 1 or 2 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.
- 2.service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Annex 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive 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, the total turnover deriving from the provision of services by those undertakings shall be taken into account.
- 3.contracts for the acquisition or rental, by whatever means, of land, existing buildings, or other immovable property or concerning rights thereon.
- 4.to contracts of employment.
- 5.for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

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:

General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514 • 516
Building completion and finishing work	517
Other	511 • 515 • 518

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF
ARTICLE III

1. The Principality of Liechtenstein 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 United States of America,

-as regards the award of contracts by entities listed in Annex 3 in the following sectors:

-water: to the suppliers and service providers of Canada and the United States of America;

-electricity: to the suppliers and service providers of Canada, Japan and the United States of America;

-urban transport: to the suppliers and service providers of Canada, Israel, Japan, Korea and the United States of America

until such time as the Principality of Liechtenstein has accepted that the Parties concerned give comparable and effective access for undertakings of the Principality of Liechtenstein 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 bodies governed by public law and not having an industrial or commercial character listed in Annex 2, paragraph 2, until such time as the Principality of Liechtenstein accepts that they have completed coverage of sub-central entities;

-Canada, Japan, Korea and the United States of America 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 the law of Liechtenstein until such time as the Principality of Liechtenstein 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 entities of the Principality of Liechtenstein, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide access for suppliers and service providers to their own markets, the Principality of Liechtenstein 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 United States of America 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 United States of America 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 signatory States;
- 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. 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 the Principality of Liechtenstein in conformity with its commitments under the GATS.

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**

Daily Press: •Liechtensteiner Volksblatt•, •Liechtensteiner Vaterland•

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**

Official Journal of the European Communities (after the entry into force of the
EEA Agreement for Liechtenstein)

(Currently no such lists exist)

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**

Landesgesetzblatt

Liechtensteinische Entscheidsammlung

(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 local publications or directly from the listed
entities.)

RESTRICTED

GPA/1
5 March 1996

WORLD TRADE ORGANIZATION

(96-0792)

Committee on Government Procurement

DECISIONS ON PROCEDURAL MATTERS UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

At its meeting on 27 February 1996, the Committee on Government Procurement took the following Decisions on procedural matters:

- Participation of Observers in the Committee on Government Procurement (1994) (Annex 1);
 - Accession to the Agreement on Government Procurement (1994) (Annex 2);
 - Modalities for Notifying Threshold Figures in National Currencies (Annex 3);
- Interim Procedure on the Circulation of Documents of the Committee on Government Procurement (1994), Pending a Definite Procedure (Annex 4); and
- Interim Procedure on the Derestriction of Documents of the Committee on Government Procurement (1994), Pending a Definitive Procedure (Annex 5).

ANNEX 1

PARTICIPATION OF OBSERVERS IN THE COMMITTEE
ON GOVERNMENT PROCUREMENT (1994)

Decision

1. Members of the World Trade Organization which are not Parties to the Agreement may follow the proceedings of the Committee on Government Procurement in an observer capacity.
2. Governments which are not Members of the World Trade Organization, but are in the process of, or have expressed the intent of, accepting or acceding to the WTO Agreement and which are also interested in initiating negotiations for accession to the Agreement on Government Procurement (1994) and have an interest in following the proceedings of the Committee on Government Procurement in an observer capacity, should communicate a request to the Director-General of the World Trade Organization indicating their desire to have observer status in the Committee on Government Procurement. The Committee shall decide on each request.
3. The Committee shall decide on the conditions of observership, including with respect to the provision of information by observers. Observers may participate in the discussions but decisions shall be taken only by Parties.
4. The Committee on Government Procurement may deliberate on confidential matters in special restricted sessions.
5. The Committee may invite, as appropriate, international organizations to participate in sessions of the Committee on Government Procurement in an observer capacity. In addition, requests from international organizations to participate in sessions of the Committee on Government Procurement, in an observer capacity, shall be considered on a case-by-case basis by the Committee. In such considerations, the criteria and conditions for observer status for intergovernmental organizations in the WTO shall be taken into account.
6. This Decision is without prejudice to the provisions of paragraph 2 of Article XVII of the Agreement.

ANNEX 2

ACCESSION TO THE AGREEMENT ON GOVERNMENT PROCUREMENT
(1994)

Decision

1. In accordance with paragraph 2 of Article XXIV of the Agreement on Government Procurement (1994), any government which is a Member of the WTO may accede to this Agreement on terms to be agreed between that government and the Parties.
2. To this effect, a government interested in accession shall communicate its interest to the Director-General of the WTO and, through him, to the Committee on Government Procurement and shall submit relevant information including an offer by way of appropriate Appendices containing lists of entities and services which would be covered by the Agreement, as well as lists of relevant publications, having regard to the provisions of the Agreement, in particular Article I and, where appropriate, Article V.
3. The government interested in accession shall hold consultations with the Parties to the Agreement on the terms for its accession to the Agreement.
4. With a view to facilitating accession, the Committee on Government Procurement shall establish a working party if the applicant government, or any Party to the Agreement, so requests. The working party should examine: (i) the coverage offer made by the applicant government; and (ii) relevant information pertaining to export opportunities in the markets of the Parties, taking into account the existing and potential export capabilities of the applicant government and export opportunities for the Parties in the market of the applicant government.
5. Upon a decision by the Committee on Government Procurement agreeing to the terms of accession including the lists of entities and services as well as of relevant publications of the applicant government, the applicant government shall deposit with the Director-General of the WTO an instrument of accession which states the terms so agreed. The applicant government's lists of entities, services and publications in their authentic WTO language(s) shall be appended to the Agreement.

ANNEX 3

MODALITIES FOR NOTIFYING THRESHOLD FIGURES IN NATIONAL CURRENCIES

Decision

General

Each Party will calculate and convert for itself the value of the thresholds contained in its Appendix I into its own national currency, it being understood that these calculations will be based on the conversion rates published by the IMF in its monthly •International Financial Statistics• (for the EC, the Member States• currency equivalents of the ECU for determining the value of public contracts are calculated and published by the EC Commission). Parties will notify without delay to the Committee the method and result of their calculation, for possible examination and challenge in the Committee.

Basis for calculation¹

The conversion rates will be the average of the daily values of the respective national currency in terms of the SDR over the two-year period preceding 1 October or 1 November of the year prior to the thresholds in national currency becoming effective which will be from 1 January. For Israel and Japan the conversion rate will be established in the same way as above but the relevant date for the calculation will be 1 January (rather than 1 October or 1 November) and the newly-established conversion rate will take effect on 1 April.

Period of validity of national thresholds

Thresholds expressed in national currencies will be fixed for two years, i.e. calendar years for all Parties except Israel and Japan, where the fiscal year (1 April-31 March) will be used.

Safeguard mechanism

If a major change in a national currency vis-à-vis the SDR during a year were to create a significant problem with regard to the application of the Agreement, the matter will be considered in the Committee.

¹It is understood that the EC calculates its thresholds based on a unilateral reduction of 13 per cent in the thresholds applicable to the EC (pursuant to the relevant decision by the Committee under the Tokyo Code of 20 May 1987, in furtherance of the panel decision on Value-Added Tax and Threshold (GPR/21, GPA/IC/W/2, pages 3 and 4).

ANNEX 4

INTERIM PROCEDURE ON THE CIRCULATION OF DOCUMENTS OF THE
COMMITTEE ON GOVERNMENT PROCUREMENT (1994), PENDING A
DEFINITIVE PROCEDURE

Decision

Formal documents shall be circulated to members of the Committee and to observers and shall be available, on request, to Members of the WTO. In certain cases, the circulation of sensitive documents shall be determined on an *ad hoc* basis.

ANNEX 5

INTERIM PROCEDURE ON THE DERESTRICTION OF DOCUMENTS OF
THE COMMITTEE ON GOVERNMENT PROCUREMENT (1994), PENDING A
DEFINITIVE PROCEDURE

Decision

The Committee decides that documents pertaining to its work and that of its subsidiary bodies shall be derestricted in accordance with the following procedure:

- (a) the Secretariat will prepare a list of such documents proposed for derestriction, which will include decisions, Secretariat background notes, and working papers that do not include details of individual country positions or proposals;
- (b) this list will be circulated to all participants;
- (c) documents on the list will be derestricted 60 days after their circulation unless a participant has requested that a document remain restricted;
- (d) the Secretariat will issue a list after the date fixed for derestriction, specifying the documents derestricted.

RESTRICTED

GPA/2

5 March 1996

WORLD TRADE
ORGANIZATION

(96-0794)

Committee on Government Procurement

ACCESSION OF THE KINGDOM OF THE NETHERLANDS WITH
RESPECT TO ARUBA

Decision

At its meeting on 27 February 1996, the Committee took the following Decision on the Accession of the Kingdom of the Netherlands with respect to Aruba.

The Committee,

Having regard to the application for accession to the Agreement on Government Procurement (1994) by the Kingdom of the Netherlands with respect to Aruba, contained in document GPA/IC/W/14 of 8 February 1995, and the consultations held with the members of the Interim Committee on Government Procurement in pursuance thereof;

Decides as follows:

1. In accordance with the provisions of Article XXIV:2 of the Agreement on Government Procurement (1994), the Government of the Kingdom of the Netherlands with respect to Aruba may accede to this Agreement on the terms attached.
2. The Agreement on Government Procurement will enter into force for the Kingdom of the Netherlands with respect to Aruba on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the attached terms has been received by the Director-General.
3. This Decision shall expire six months after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and the Kingdom of the Netherlands with respect to Aruba.

ATTACHMENT

THE KINGDOM OF THE NETHERLANDS WITH RESPECT TO ARUBA

Terms of Accession

APPENDIX I

ANNEXES 1-5 SETTING OUT THE SCOPE OF THE AGREEMENT

ANNEX 1

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

<i>Supplies</i> SDR 130,000	<i>Threshold:</i>
<i>Services</i> 130,000	<i>Threshold:</i> SDR
<i>Works</i> 5,000,000	<i>Threshold:</i> SDR

List of Entities:

Ministry of General Affairs;
Ministry of Public Works and Health;
Ministry of Transport and Communication;
Ministry of Welfare;
Ministry of Justice and Sport;
Ministry of Finance;
Ministry of Economic Affairs.

ANNEX 2

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

Non-applicable for Aruba (Aruba does not have any Sub-central Governments).

ANNEX 3

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

<i>Supplies</i> SDR 400,000	<i>Threshold:</i>
<i>Services</i> 400,000	<i>Threshold:</i> SDR
<i>Works</i> 5,000,000	<i>Threshold:</i> SDR

List of Entities:

Water en Energiebedrijf N.V. (Water and Energy Company);
Aruba Ports Authority N.V.;
Arubus N.V. (Public Transport Company);
Setar (Telecommunications Company);
Airport Authority N.V.;
Findacion Cas pa Comunidad Arubano (Public Housing).

ANNEX 4

Services

<i>List of Services</i>	<i>CPC ref.</i>
Legal services	861
Accountancy	862
Taxation services	863
Engineering services	8672
Computer services	841
Management consulting services	865
Franchising	8929
Insurance	812, 814
Banking and securities trade	811, 813
Hotel lodging services	6411
Entertainment services	9619
Recreation park and beach services	96491
Sporting services	9641

Shipping (freight and passenger transport)	72
Maritime auxiliary services: cargo handling	74
Freight transport: agency services/freight forwarding	74
Maritime auxiliary services: storage/warehousing	74
Road transport	71231, 71234, 71239

ANNEX 5

Construction Services

<i>List of Construction Services</i>	<i>CPC ref.</i>
Construction work for buildings	512

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**

The Aruba Gazette •Landscourant• as well as in local newspapers

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**

Non-applicable for Aruba: Aruba does not operate permanent lists of suppliers
and service providers.

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**

Aruban laws and legislations are published in the Aruban Gazette
•Landscourant•.

RESTRICTED

GPA/IC/9

16 January 1996

WORLD TRADE ORGANIZATION

(96-0143)

Interim Committee on Government Procurement

REPORT OF THE INTERIM COMMITTEE ON GOVERNMENT PROCUREMENT TO THE COMMITTEE ON GOVERNMENT PROCUREMENT TO BE ESTABLISHED UNDER THE NEW AGREEMENT ON GOVERNMENT PROCUREMENT

The Interim Committee on Government Procurement was established by a decision of the Informal Working Group on Government Procurement at its meeting on 10 March 1994. Its terms of reference are reproduced in Annex 1.

1) This report is intended to communicate the results of the work of the Interim Committee on Government Procurement to the Committee on Government Procurement, to be established under the Agreement on Government Procurement (1994).

A. COMPOSITION OF THE INTERIM COMMITTEE

Members

2) The membership of the Committee consisted of all governments which had signed the Agreement on Government Procurement on 15 April 1994. The following were members of the Committee: Canada, the fifteen Member States of the European Communities and the European Commission, Israel, Japan, Korea, Norway, Switzerland and the United States.

Observers

3) The Interim Committee adopted the following decision on observer status in the Interim Committee:

- Observer status may be granted to any government which notifies the Interim Committee of its interest to acquaint itself with the new Agreement on Government Procurement and its activities with a view to considering possible accession to the Agreement. The Interim Committee would take a decision on each request. Requests for observership from international organizations would be considered on a case-by-case basis. (GPA/IC/M/1, dated 10 August 1994, paragraph 4)

4) The following governments were given observer status: Chinese Taipei, the Kingdom of the Netherlands with respect to Aruba, Liechtenstein, Colombia, Argentina, Turkey, Panama, Singapore, Romania and Iceland.

Officers

Chairman: Mr. Harald Ernst (Switzerland)

Vice-Chairman: Mr. Peter Young (United Kingdom)

B. MEETINGS OF THE INTERIM COMMITTEE

5) The Interim Committee held six meetings: on 29 June and 15 November 1994 and on 4 April, 19-20 June, 25 October and 7 December 1995.

C. MODIFICATIONS TO THE APPENDICES TO THE AGREEMENT PRIOR TO ITS ENTRY INTO FORCE

6) The Interim Committee adopted a decision on the Administration of Rectifications of a Purely Formal Nature to Appendices I to IV Prior to the Entry into Force of the Agreement (Decision of 29 June 1994, contained in document GPA/IC/M/1, Annex 2). Pursuant to this decision, the United States notified the Interim Committee of a rectification to its Appendix II regarding State Publications, with effect as of 23 December 1994 (GPA/IC/W/10, dated 23 November 1994). In accordance with the terms of this notification, the United States submitted a list of State Publications. Norway notified the Interim Committee of a rectification to its Appendix I, Annex 1, with effect as of 15 December 1994 (GPA/IC/W/8, dated 15 November 1994).

7) The Interim Committee adopted a decision on the Administration of Modifications to the Appendices to the Agreement on Government Procurement (1994) Prior to its Entry into Force, Other Than Rectifications of a Purely Formal Nature or Those Resulting From Negotiations Aimed at Expanding Coverage (Decision of 15 November 1994, contained in document GPA/IC/M/2, Annex 2, dated 26 January 1995). No action has been taken by the Interim Committee pursuant to this Decision.

8) The Interim Committee also took action on the basis of the Decision of 17 January 1994 of the Informal Working Group on Negotiations, entitled •Modifications of the Annexes to Appendix I to the Agreement on Government Procurement Before Its Entry Into Force on 1 January 1996•. (GPA/IC/3, dated 28 October 1994, reproduces this decision.) In the light of the notification to the Interim Committee of the bilateral agreement which was reached between the European Communities and the United States in April of 1994 in a document entitled •Bilateral Agreement between the EC and the US: Modifications to Appendix I•, dated 15 June 1994 and the time available for its consideration, the Interim Committee accepted at its meeting of 7 December 1995 that the European Communities and the United States had met the procedural requirements necessary for the incorporation of modifications to the United States and the

European Communities• lists in Appendix I, resulting from this bilateral agreement.

D. ACCESSION NEGOTIATIONS PRIOR TO THE ENTRY INTO FORCE OF THE AGREEMENT

9) The Interim Committee adopted a Decision on Accession Negotiations Prior to the Entry into Force of the Agreement (GPA/IC/M/1, Annex 1).

10) The action taken by the Interim Committee pursuant to this decision is described below.

- Application for accession by Chinese Taipei

11) The Government of Chinese Taipei applied for accession to the Agreement on Government Procurement (1994) in a communication dated 24 June 1994. Its draft initial offer was circulated in document GPA/IC/SPEC/1, dated 17 March 1995. A report on these negotiations will be communicated to the Committee on Government Procurement under the new Agreement in document GPA/IC/5.

- Application for accession by Liechtenstein

12) At the Interim Committee's April meeting, Liechtenstein applied for accession to the Agreement on Government Procurement (1994) in a communication reproduced in document GPA/IC/W/13, dated 11 January 1995, which also contains its offer. A report on these negotiations will be communicated to the Committee on Government Procurement under the new Agreement in document GPA/IC/6.

- Application for accession by the Kingdom of the Netherlands with respect to Aruba

13) The Kingdom of the Netherlands with respect to Aruba applied for accession to the Agreement on Government Procurement in a communication reproduced in document GPA/IC/W/14, dated 8 February 1995, which also contains a draft offer. A report on these negotiations will be communicated to the Committee on Government Procurement under the new Agreement in document GPA/IC/7.

- Application for accession by Singapore

14) Singapore applied for accession to the new Agreement on Government Procurement in a communication reproduced in document GPA/IC/W/33, dated 15 November 1995. The Government of Singapore submitted an initial offer on 6 December 1995, which has been circulated in document GPA/IC/SPEC/2. The

Members of the Interim Committee recommend that the Committee under the new Agreement carry forward the accession process.

E. RECOMMENDATIONS FOR PROCEDURAL DECISIONS BY THE COMMITTEE TO BE ESTABLISHED UNDER THE AGREEMENT ON GOVERNMENT PROCUREMENT

15) The Interim Committee has adopted the following recommendations for procedural decisions under the new Agreement (GPA/IC/W/31, dated 30 October 1995):

- Participation of Observers in the Committee on Government Procurement
- Accession to the Agreement on Government Procurement
- Modalities for Notifying Threshold Figures in National Currencies

16) Discussions on procedures for notifying national implementing legislation were discussed at the December 1995 meeting of the Interim Committee and it is recommended that this discussion be pursued by the Committee. The Interim Committee has not recommended any decision on procedures for the derestriction and circulation of documents since it considered that account should be taken of the outcome of the general consideration of this matter in the WTO framework, which has not yet been completed.

F. ESTABLISHMENT OF A PRACTICAL GUIDE TO THE NEW AGREEMENT

17) In preparation for the implementation of the future responsibilities of the Committee on Government Procurement, the members of the Interim Committee exchanged views on the desirability and the structure and presentation of a practical guide to the new Agreement on Government Procurement. The record of this discussion is contained in the Minutes of the Interim Committee (GPA/IC/M/1, paragraphs 43-46; GPA/IC/M/2, paragraphs 39-51; GPA/IC/M/3, paragraphs 58-61; GPA/IC/M/4, paragraphs 35-36; GPA/IC/M/5, paragraphs 59-65; GPA/IC/M/6. Delegations were of the view that, for the moment, it was appropriate to postpone active consideration of the establishment of a practical guide in the true sense of the word in view of its linkages with various other outstanding issues, such as the procedures for notifying national implementing legislation and information technology. Distinct from the issue of the establishment of a true practical guide, delegations decided that there was merit in exploring possibilities of establishing a loose-leaf system to periodically update the Schedules in the Agreement. The Secretariat has been asked to prepare for the first meeting of the Committee a note outlining how such a loose-leaf system might work.

G. INFORMATION TECHNOLOGY

18) In preparation for the implementation of the future responsibilities of the Committee on Government Procurement in regard to the provisions in the Agreement on information technology, the Interim Committee gathered information about the use of information technology in government procurement in the various Signatories, both by way of discussions and papers as well as through a practical demonstration. This information can be found in documents GPA/IC/W/7 and Addenda 1 through 10, which contain the information received from delegations in reply to a questionnaire, (document GPA/IC/W/4/Rev.1 contains this questionnaire), as well as in the Minutes of the Interim Committee meetings (GPA/IC/M/1, paragraphs 38-41; GPA/IC/M/2, paragraphs 31-38; GPA/IC/M/3, paragraphs 40-57; GPA/IC/M/4, paragraphs 37-57; GPA/IC/M/5, paragraphs 66-80; GPA/IC/M/6. Moreover, at a practical demonstration organized by the Interim Committee, delegations circulated various documents containing information on their systems, using information technology. A number of policy issues have been raised concerning, on the one hand, issues both of access to procurement opportunities and electronic tendering and, on the other hand, questions both of cooperation between and coordination of national systems and of possible modifications to the Agreement itself. A first list of these issues was produced in document GPA/IC/W/18. At the December 1995 meeting of the Interim Committee, the United States circulated a proposal on electronic commerce (GPA/IC/W/36) suggesting that the Parties to the Agreement undertake a review of the Agreement in the light of recent technological advances in electronic commerce and identifying a number of areas in the Agreement as appropriate for closer examination.

H. STATISTICAL REPORTING

19) In preparation for the implementation of the future responsibilities of the Committee on Government Procurement in regard to the provisions in the Agreement on statistical reporting (Article XIX:5), the Interim Committee established a Working Group on Statistical Reporting with the following terms of reference:

- to propose to the Interim Committee guidelines for meeting the statistical reporting requirements of Article XIX:5, in particular in respect of the adoption of uniform classification systems and methods to be used for providing statistics on the country of origin of products and services.
- the Working Group was open to all interested members of the Interim Committee.

20) The Working Group communicated its report to the Interim Committee in document GPA/IC/8.

ANNEX 1

TERMS OF REFERENCE FOR THE INTERIM COMMITTEE
ON GOVERNMENT PROCUREMENT

Informal Working Group on Negotiations on Government Procurement

Decision of 10 March 1994

An Interim Committee shall be established, with effect from 15 April 1994, to undertake all necessary tasks to prepare for the entry into force of the Agreement on Government Procurement to be done on that date in Marrakesh. These tasks shall, in particular, include:

- (a) to carry out functions necessary to implement the Decision of the Informal Working Group on Negotiations on Government Procurement of 17 January 1994 on Modifications of the Annexes to Appendix I to the Agreement on Government Procurement Before its Entry into Force on 1 January 1996;
- (b) the adoption of, and performance of functions required by, procedures enabling negotiations to take place on accession to the Agreement prior to its entry into force, taking into account those adopted in similar circumstances at the end of the Tokyo Round (L/4912) as well as of the Decision on Accession to the Agreement on Government Procurement to be taken by Ministers in Marrakesh on 15 April 1994;
- (c) the adoption, and performance of functions required by, procedures to administer rectifications of a purely formal nature to Appendices I to IV prior to entry into force of the Agreement;
- (d) the preparation of the first meeting of the Committee on Government Procurement, including the preparation of decisions on procedural matters required under the Agreement for consideration at that meeting;
- (e) to fulfil any requirements stemming from the inclusion of the Agreement in Annex 4 of the WTO Agreement.

The Committee shall be serviced by the GATT Secretariat until the entry into force of the WTO Agreement, and thereafter shall be serviced by the WTO Secretariat.

The membership of the Committee shall consist of all governments which sign the Agreement on 15 April 1994 as well as of those Governments which have concluded accession negotiations with the members of the Committee.

The Committee shall cease to exist upon entry into force of the Agreement.

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

RESTRICTED
GPA/IC/3
28 October 1994

(94-2207)

Interim Committee on Government Procurement

MODIFICATIONS OF THE ANNEXES TO APPENDIX I TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT BEFORE
ITS ENTRY INTO FORCE ON 1 JANUARY 1996¹

Decision of 17 January 1994

To incorporate into the Agreement modifications of the Annexes to Appendix I that expand coverage of the Agreement and that have been agreed and that have resulted from negotiations undertaken between the date of signature of the Agreement and the date of its entry into force (1 January 1996²), the following procedure shall be followed:

- (i) A signatory intending to modify its Annexes to Appendix I in order to expand coverage under the Agreement will provide relevant details by way of a communication to the Secretariat.
- (ii) The Secretariat will circulate the communication to the other signatories of the Agreement. A period of sixty days shall be provided from the date of circulation of the communication by the Secretariat, to allow an opportunity for any consultations that may be required with other signatories.
- (iii) Unless the Secretariat is notified to the contrary before the end of the sixty-day period (it is understood that this period may be extended upon request by any signatory), it would be understood that the proposed modifications are acceptable to signatories and that the Annexes as amended could be treated as agreed Annexes of the signatory concerned. If problems were to exist between a signatory modifying its Annexes and another signatory, the signatories might consult multilaterally if consultations between parties concerned do not result in agreement within sixty days.

¹This Decision is being circulated as an Interim Committee document because it has not been previously circulated as an official document and it concerns the activities of the Interim Committee.

²Without prejudice to the provisions of Article XXIV:3(a).

(iv)A Declaration Related to the Agreement on Government Procurement (1994) along the lines of the attached shall be open for signature by any signatory modifying its Annexes.

./.

DECLARATION RELATED TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

The Government of,

Having participated in the negotiations on a new Agreement on Government Procurement (1994) (hereinafter referred to as the •Agreement•),

Following negotiations carried out before the entry into force of the Agreement on 1 January 1996 with other signatories which have resulted in the attached modifications of its Annexes to Appendix I,

Herewith declares:

1. Upon signature of this Declaration by, the modifications agreed will be deemed to have been incorporated into the •Agreement• and form an integral part of• Annexes.
2. Until the entry into force of the Agreement Establishing the World Trade Organisation, this Declaration shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT 1947, who shall promptly furnish to each Party a certified true copy of it. Upon entry into force of the Agreement Establishing the World Trade Organisation, this Declaration shall be deposited with the Director-General of that Agreement who shall promptly furnish to each Party a certified true copy of it.

Done at Geneva this day of

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

RESTRICTED
GPA/IC/2
4 August 1994

(94-1569)

Interim Committee on Government Procurement

DECISIONS REGARDING THE OPERATION OF THE INTERIM
COMMITTEE ON GOVERNMENT PROCUREMENT

The Informal Working Group on Negotiations on Government Procurement, at its meetings of 17 January 1994 and 10 March 1994, took some decisions which regard the operation of the Interim Committee on Government Procurement. These are:

- Modifications of the Annexes to Appendix I to the Agreement on Government Procurement before its Entry into Force on 1 January 1996 (Decision of 17 January 1994);
- Establishment of an Interim Committee for the Agreement on Government Procurement 1994 (Decision of 10 March 1994).

For the convenience of the members of the Interim Committee these decisions have been reproduced in Annex 1 and Annex 2 to this document respectively.

ANNEX 1

MODIFICATIONS OF THE ANNEXES TO APPENDIX I TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT BEFORE
ITS ENTRY INTO FORCE ON 1 JANUARY 1996

Decision

To incorporate into the Agreement modifications of the Annexes to Appendix I that expand coverage of the Agreement and that have been agreed and that have resulted from negotiations undertaken between the date of signature of the Agreement and the date of its entry into force (1 January 1996¹), the following procedure shall be followed:

- (i) A signatory intending to modify its Annexes to Appendix I in order to expand coverage under the Agreement will provide relevant details by way of a communication to the Secretariat.
- (ii) The Secretariat will circulate the communication to the other signatories of the Agreement. A period of sixty days shall be provided from the date of circulation of the communication by the Secretariat, to allow an opportunity for any consultations that may be required with other signatories.
- (iii) Unless the Secretariat is notified to the contrary before the end of the sixty-day period (it is understood that this period may be extended upon request by any signatory), it would be understood that the proposed modifications are acceptable to signatories and that the Annexes as amended could be treated as agreed Annexes of the signatory concerned. If problems were to exist between a signatory modifying its Annexes and another signatory, the signatories might consult multilaterally if consultations between parties concerned do not result in agreement within sixty days.
- (iv) A Declaration Related to the Agreement on Government Procurement (1994) along the lines of the attached shall be open for signature by any signatory modifying its Annexes.

¹ Without prejudice to the provisions of Article XXIV:3(a).

ANNEX 1 (continued)

DECLARATION RELATED TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT (1994)

The Government of,

Having participated in the negotiations on a new Agreement on Government Procurement (1994) (hereinafter referred to as the •Agreement•),

Following negotiations carried out before the entry into force of the Agreement on 1 January 1996 with other signatories which have resulted in the attached modifications of its Annexes to Appendix I,

Herewith declares:

1. Upon signature of this Declaration by, the modifications agreed will be deemed to have been incorporated into the •Agreement• and form an integral part of• Annexes.
2. Until the entry into force of the Agreement Establishing the World Trade Organisation, this Declaration shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT 1947, who shall promptly furnish to each Party a certified true copy of it. Upon entry into force of the Agreement Establishing the World Trade Organisation, this Declaration shall be deposited with the Director-General of that Agreement who shall promptly furnish to each Party a certified true copy of it.

Done at Geneva this day of

ANNEX 2

ESTABLISHMENT OF AN INTERIM COMMITTEE FOR THE
AGREEMENT ON GOVERNMENT PROCUREMENT 1994

Decision

An Interim Committee shall be established, with effect from 15 April 1994, to undertake all necessary tasks to prepare for the entry into force of the Agreement on Government Procurement to be done on that date in Marrakesh. These tasks shall, in particular, include:

- (a) to carry out functions necessary to implement the Decision of the Informal Working Group on Negotiations on Government Procurement of 17 January 1994 on Modifications of the Annexes to Appendix I to the Agreement on Government Procurement Before its Entry into Force on 1 January 1996;
- (b) the adoption of, and performance of functions required by, procedures enabling negotiations to take place on accession to the Agreement prior to its entry into force, taking into account those adopted in similar circumstances at the end of the Tokyo Round (L/4912) as well as of the Decision on Accession to the Agreement on Government Procurement to be taken by Ministers in Marrakesh on 15 April 1994;
- (c) the adoption, and performance of functions required by, procedures to administer rectifications of a purely formal nature to Appendices I to IV prior to entry into force of the Agreement;
- (d) the preparation of the first meeting of the Committee on Government Procurement, including the preparation of decisions on procedural matters required under the Agreement for consideration at that meeting;
- (e) to fulfil any requirements stemming from the inclusion of the Agreement in Annex 4 of the WTO Agreement.

The Committee shall be serviced by the GATT Secretariat until the entry into force of the WTO Agreement, and thereafter shall be serviced by the WTO Secretariat.

The membership of the Committee shall consist of all governments which sign the Agreement on 15 April 1994 as well as of those governments which have concluded accession negotiations with the members of the Committee.

The Committee shall cease to exist upon entry into force of the Agreement.

ON THIS PAGE: [GATT extract](#) [GATS extract](#)

[home](#) > [trade topics](#) > [govt procurement](#) > [GATT/GATS exemptions](#)



Government procurement: traditionally a gap in the trading system

Regulations relating to the procurement of goods and services by a government (*through its departments and agencies*) for its own use, are outside the scope of the main WTO rules for goods and services. Below are excerpts of the basic legal texts setting out these exemptions.

See also:
> [Transparency in government procurement](#)
> [Government procurement in services](#)
> [Plurilateral Government Procurement Agreement](#)

> [Back to the full listing of government procurement material](#)

Government procurement regulations have been kept out of key market-access rules undertaken by countries under both the [General Agreement on Tariffs and Trade \(GATT\)](#) and the [General Agreement on Trade in Services \(GATS\)](#).

Relevant provisions under GATT (goods)

Article III

National Treatment on Internal Taxation and Regulation

....

8. (a) *The provisions of this Article shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale.*

...

Article XVII

State Trading Enterprises

1. (a) Each contracting party undertakes that if it establishes or maintains a State enterprise, wherever located, or grants to any enterprise, formally or in effect, exclusive or special privileges,* such enterprise shall, in its purchases or sales involving either imports or exports, act in a manner consistent with the general principles of non-discriminatory treatment prescribed in this Agreement for governmental measures affecting imports or exports by private traders.

(b) The provisions of sub-paragraph (a) of this paragraph shall be understood to require that such enterprises shall, having due regard to the other provisions of this Agreement, make any such purchases or sales solely in accordance with commercial considerations,* including price, quality, availability, marketability, transportation and other

conditions of purchase or sale, and shall afford the enterprises of the other contracting parties adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases or sales.

(c) No contracting party shall prevent any enterprise (whether or not an enterprise described in sub-paragraph (a) of this paragraph) under its jurisdiction from acting in accordance with the principles of sub-paragraphs (a) and (b) of this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to imports of products for immediate or ultimate consumption in governmental use and not otherwise for resale or use in the production of goods for sale. With respect to such imports, each contracting party shall accord to the trade of the other contracting parties fair and equitable treatment.*

...

Relevant provisions under GATS (services)

GATS

Article XIII

Government Procurement

1. Articles II, XVI and XVII shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not a view to commercial resale or with a view to use in the supply of services for commercial sale.

2. There shall be multilateral negotiations on government procurement in services under this Agreement within two years from the date of entry into force of the WTO Agreement.

> [Back to the full listing of government procurement material](#)

contact us : World Trade Organization, rue de Lausanne 154, CH-1211 Geneva 21, Switzerland

Committee on Government Procurement

**DECISION PURSUANT TO ARTICLE XXIV:6(a) OF THE AGREEMENT
ON GOVERNMENT PROCUREMENT**

Decision of 23 April 2004

The Committee on Government Procurement,

Noting that, with effect from 1 May 2004, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia will join the European Communities;

Recognizing that from that date these ten countries will, as member States of the European Communities, form part of the European Communities for the purposes of the Agreement and be bound by the Agreement;

Considering that the European Communities has notified, pursuant to Article XXIV:6(a) of the Agreement, modifications to the Appendices, consequent upon these countries joining the European Communities, in order to add lists of entities for each of these ten countries;

Recognizing that these modifications and the enlargement of the European Communities will extend the coverage of the Agreement to ten new countries and result in an expansion of reciprocal procurement opportunities under the Agreement;

Noting that the European Communities indicated that some minor corrections to these modifications are necessary;

Noting the statement of the European Communities further clarifying the content of the modifications;

Having regard to Article XXIV:6(a) and agreeing that the conditions specified therein are satisfied;

Hereby decides as follows:

Article I

The modifications proposed by the European Communities in document GPA/MOD/EEC/1 are approved with the following additions, corrections and clarifications:

1. The addition of the following two entities to Annex 1 for Poland:
 - (a) Polskie Centrum Badań i Certyfikacji (Polish Centre for Testing and Certification); and
 - (b) Agencja Mienia Wojskowego (Agency for Military Property).

The following footnote will be added to Agencja Mienia Wojskowego (Agency for Military Property): "Non-warlike materials contained in Part (3) of this Annex".

2. The deletion of "(non-exhaustive)" from Annex 1 for both the Czech Republic and Slovakia.
3. The correction of the translation of Entity No. 29 (Seimo kontrolierių įstaiga) in Annex 1 for Lithuania, by deleting "State Audit Office" and inserting "Ombudsman Office of the Seimas".

Article 2

This decision will become effective on 1 May 2004.
