

## **ANNEX XX**

### **REFERRED TO IN CHAPTER 7 REGARDING COVERED ENTITIES**

- APPENDIX 1: ENTITIES AT CENTRAL GOVERNMENT LEVEL
- APPENDIX 2: ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL
- APPENDIX 3: OTHER COVERED ENTITIES
- APPENDIX 4: GOODS
- APPENDIX 5: SERVICES
- APPENDIX 6: CONSTRUCTION SERVICES
- APPENDIX 7: MEANS OF PUBLICATION
- APPENDIX 8: TIME LIMITS
- APPENDIX 9: VALUE OF THRESHOLDS AND VALUATION
- APPENDIX 10: NOTICES, TENDER DOCUMENTATION AND LIST OF SUPPLIERS
- APPENDIX 11: ADDITIONAL NOTES

APPENDIX 1 TO ANNEX XX

REGARDING ENTITIES AT CENTRAL GOVERNMENT LEVEL

PART A: CENTRAL AMERICAN STATES

**a. Costa Rica**

Chapter 7 of this Agreement applies to the entities of central level of government where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Threshold	SDR 130,000
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**SERVICES**

Specified in Appendix 5

Threshold	SDR 130,000
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**CONSTRUCTION SERVICES**

Specified in Appendix 6

Threshold	SDR 5,000,000
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**List of Entities**

1. *Contraloría General de la República*
2. *Defensoría de los Habitantes de la República*
3. *Presidencia de la República*
4. *Ministerio de la Presidencia*
5. *Ministerio de Gobernación y Policía y Seguridad Pública (Note 1)*
6. *Ministerio de Relaciones Exteriores y Culto*
7. *Ministerio de Hacienda (Note 2)*
8. *Ministerio de Agricultura y Ganadería*
9. *Ministerio de Economía, Industria y Comercio*
10. *Ministerio de Educación Pública (Note 3)*
11. *Ministerio de Salud*
12. *Ministerio de Trabajo y Seguridad Social*
13. *Ministerio de Cultura y Juventud*
14. *Ministerio de Vivienda y Asentamientos Humanos*
15. *Ministerio de Comercio Exterior*
16. *Ministerio de Planificación Nacional y Política Económica*
17. *Ministerio de Ciencia, Tecnología y Telecomunicaciones*
18. *Ministerio de Ambiente y Energía*
19. *Ministerio de Obras Públicas y Transportes*
20. *Instituto Costarricense del Deporte y la Recreación*
21. *Instituto Costarricense de Turismo*
22. *Instituto Nacional de las Mujeres*

## Notes to Appendix 1

1. *Ministerio de Gobernación y Policía y Seguridad Pública:* Chapter 7 of this Agreement does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the United Nations Central Product Classification 1.0 (CPC, version 1.0), for the *Fuerza Pública*.
2. *Ministerio de Hacienda:* Chapter 7 of this Agreement does not cover the issuance of tax stamps.
3. *Ministerio de Educación Pública:* Chapter 7 of this Agreement does not cover procurement made in furtherance of school feeding programmes.

### b. Panama

Chapter 7 of this Agreement applies to the entities of central level of government where the value of the procurement equals or exceeds:

#### GOODS

Specified in Appendix 4

Threshold	SDR 130,000
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#### SERVICES

Specified in Appendix 5

Threshold	SDR 130,000
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#### CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5,000,000
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### List of Entities

1. *Asamblea Nacional de Diputados*
2. *Contraloría General de la República*
3. *Ministerio de Comercio e Industrias*
4. *Ministerio de Desarrollo Agropecuario* (Note 1)
5. *Ministerio de Economía y Finanzas*
6. *Ministerio de Educación* (Note 2)
7. *Ministerio de Gobierno* (Note 3)
8. *Ministerio de Seguridad Pública* (Note 7)
9. *Ministerio de Desarrollo Social*
10. *Ministerio de Obras Públicas*
11. *Ministerio de la Presidencia* (Note 4)
12. *Ministerio de Relaciones Exteriores*

13. *Ministerio de Salud* (Note 5)
14. *Ministerio de Trabajo y Desarrollo Laboral*
15. *Ministerio de Vivienda y Ordenamiento Territorial*
16. *Ministerio Público* (Note 6)
17. *Órgano Judicial*

### Notes to Appendix 1

1. *Ministerio de Desarrollo Agropecuario*: Chapter 7 of this Agreement does not cover the procurement of agricultural products linked to agricultural development and support and food aid programmes.

2. *Ministerio de Educación*: Chapter 7 of this Agreement does not cover the procurement of goods classified under Divisions of the United Nations Central Product Classification (CPC) Ver. 2.0, listed below:

- 21 - Meat, fish, fruit, vegetables, oils and fats;
- 22 - Dairy products and egg products;
- 23 - Grain mill products, starches and starch products; other food products;
- 24 - Beverages;
- 26 - Yarn and thread; woven and tufted textile fabrics;
- 27 - Textile articles other than apparel;
- 28 - Knitted or crocheted fabrics; wearing apparel;
- 29 - Leather and leather products; footwear.

3. *Ministerio de Gobierno*: Chapter 7 of this Agreement does not cover the procurement of goods and services listed below by or on behalf of the *Dirección General del Sistema Penitenciario*:

(a) classified under Divisions of the CPC Ver. 2.0:

- 21 - Meat, fish, fruit, vegetables, oils and fats;
- 22 - Dairy products and egg products;
- 23 - Grain mill products, starches and starch products; other food products;
- 24 - Beverages;
- 26 - Yarn and thread; woven and tufted textile fabrics;
- 27 - Textile articles other than apparel;
- 28 - Knitted or crocheted fabrics; wearing apparel;
- 29 - Leather and leather products; footwear;
- 431 - Engines and turbines and parts thereof;
- 447 - Weapons and ammunition and parts thereof;
- 491 - Motor vehicles, trailers and semi-trailers; parts and accessories thereof;
- 496- Aircraft and spacecraft, and parts thereof.

(b) the procurement of food serving services (hot meals).

4. *Ministerio de la Presidencia*: Chapter 7 of this Agreement does not cover the procurement of goods and services listed below by or on behalf of the *Servicio de Protección Institucional*:

- (a) classified under Divisions of the CPC Ver. 2.0:
  - 21 - Meat, fish, fruit, vegetables, oils and fats;
  - 22 - Dairy products and egg products;
  - 23 - Grain mill products, starches and starch products; other food products;
  - 24 - Beverages;
  - 26 - Yarn and thread; woven and tufted textile fabrics;
  - 27 - Textile articles other than apparel;
  - 28 - Knitted or crocheted fabrics; wearing apparel;
  - 29 - Leather and leather products; footwear;
  - 431 - Engines and turbines and parts thereof;
  - 447 - Weapons and ammunition and parts thereof;
  - 491 - Motor vehicles, trailers and semi-trailers; parts and accessories thereof;
  - 496 - Aircraft and spacecraft, and parts thereof.
  
- (b) the procurement of food serving services (hot meals); and

Chapter 7 of this Agreement does not cover the procurement of goods and services by, or on behalf of the *Secretaría del Consejo de Seguridad Pública y Defensa Nacional* and *Programa de Ayuda Nacional*.

5. *Ministerio de Salud*: Chapter 7 of this Agreement does not cover the following:

- (a) procurement made in furtherance of public health protection programmes, including treatment of HIV/AIDS, Cancer, Tuberculosis, Malaria, Meningitis, Disease of Chagas, Leishmaniasis or other epidemics;
  
- (b) procurement of vaccines for the prevention of Tuberculosis, Polio, Diphtheria, Whooping Cough, Tetanus, Measles, Mumps, Rubella, Meningitis (Meningococcica), Pneumococcus, Human Rabies, Chickenpox, Influenza, Hepatitis A, Disease for H. Influenza, Hepatitis B, Disease for H. Influenza Type B, and Yellow Fever that are purchased pursuant to an agreement with a not-for-profit international organization such as WHO and UNICEF; or
  
- (c) procurement of pharmaceutical products under compulsory licensing pursuant to the General Council Decisions of 30 August 2003 on the implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health and of 6 December 2005 on the Amendment of the TRIPS Agreement of the World Trade Organization.

6. *Ministerio Público*: Chapter 7 of this Agreement does not cover the procurement of goods and services listed below by or on behalf of the *Instituto de Medicina Legal y Ciencias Forenses*:

(a) classified under Divisions of the CPC Ver. 2.0:

- 21 - Meat, fish, fruit, vegetables, oils and fats;
- 22 - Dairy products and egg products;
- 23 - Grain mill products, starches and starch products; other food products;
- 24 - Beverages;
- 447 - Weapons and ammunition and parts thereof;
- 491 - Motor vehicles, trailers and semi-trailers; parts and accessories thereof; and

(b) the procurement of food serving services (hot meals).

7. *Ministerio de Seguridad Pública*: Chapter 7 of this Agreement does not cover the procurement of goods and services listed below by or on behalf of the *Policía Nacional, Servicio Nacional Aeronaval, Servicio Nacional de Fronteras and Dirección Institucional en Asuntos de Seguridad Pública*:

(a) Classified under Divisions of the CPC Ver. 2.0:

- 21 - Meat, fish, fruit, vegetables, oils and fats;
- 22 - Dairy products and egg products;
- 23 - Grain mill products, starches and starch products; other food products;
- 24 - Beverages;
- 26 - Yarn and thread; woven and tufted textile fabrics;
- 27 - Textile articles other than apparel;
- 28 - Knitted or crocheted fabrics; wearing apparel;
- 29 - Leather and leather products; footwear;
- 431 - Engines and turbines and parts thereof;
- 447 - Weapons and ammunition and parts thereof;
- 491 - Motor vehicles, parts and accessories thereof;
- 496 - Aircraft and spacecraft, and parts thereof.

PART B: EFTA STATES

Chapter 7 of this Agreement applies to the entities of central level of government where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Threshold	SDR 130,000
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**SERVICES**

Specified in Appendix 5

Threshold	SDR 130,000
-----------	-------------

**CONSTRUCTION SERVICES**

Specified in Appendix 6

Threshold	SDR 5,000,000
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**a. Iceland**

**List of Entities:**

All central government (state/federal) entities, including Ministries and sub-entities.

The entities in charge of government procurement are the following bodies:

1. *Ríkiskaup* (State Trading Centre)
2. *Framkvæmdasýslan* (Government Construction Contracts)
3. *Vegagerð ríkisins* (Public Road Administration)
4. *Siglingastofnun Íslands* (Icelandic Maritime Administration)

**Notes to Appendix 1**

1. Central government entities cover also any subordinate entity of any central government entity provided that such entity does not have separate legal personality.
2. As far as procurement by entities in the field of defence and security is concerned, only non-sensitive and non-warlike materials contained in the list attached to Appendix 4 are covered.

**b. Liechtenstein**

**List of Entities:**

1. Government of the Principality of Liechtenstein

**Note to Appendix 1**

Central government entities cover also any subordinate entity of any central government entity provided it does not have a separate legal personality.

**c. Norway**

All central government entities.

An indicative list of central government entities is attached.

**Indicative List of Entities:**

***Statsministerens kontor***

*Regjeringsadvokaten*

**Office of the Prime Minister**

Office of the Attorney General

***Arbeidsdepartementet***

*Arbeids- og velferdsetaten (NAV)*

**Ministry of Labour**

The Norwegian Labour and Welfare Service

*Arbeidsretten*

The Labour Court

*Arbeidstilsynet*

The Norwegian Labour Inspection Authority

*Pensjonstrygden for sjømenn*

Pension Insurance for Seamen

*Petroleumstilsynet*

Petroleum Safety Authority

*Riksmeklingsmannen*

State mediator

*Statens arbeidsmiljøinstitutt*

The National Institute of Occupational Health

*Trygderetten*

The National Insurance Appeal Body

*Statens Pensjonskasse*

The Norwegian Public Service Pension Fund

***Barne-, likestillings og inkluderings-  
Departementet***

**Ministry of Children, Equality and Social Inclusion**

*Barneombudet*

The Ombudsman for Children in Norway

*Barne, ungdoms- og familiedirektoratet*

The Norwegian Directorate for Children, Youth and Family Affairs

*Forbrukerombudet*

The Consumer Ombudsman

*Forbrukerrådet*

The Norwegian Consumer Council

*Fylkesnemndene for barnevern og sosiale saker*

County Social Welfare Boards

*Integrerings- og mangfoldsdirektoratet*

Directorate of Integration and Diversity

*Kontaktutvalget mellom innvandrerbefolkningen og myndighetene (KIM)*

The Contact Committee for Immigrants and Authorities

*Likestillings- og diskrimineringsnemnda*

The Equality and Anti-Discrimination Tribunal

*Likestilling- og diskrimineringsombudet*

The Equality and Anti-Discrimination Ombud

*Statens Institutt for Forbruksforskning*

National Institute for Consumer Research

***Finansdepartementet***

*Finanstilsynet*

*Folketrygdfondet*

*Norges Bank*

*Senter for statlig økonomistyring*

*Skattedirektoratet*

*Staten sinnkrevingsentral*

*Statistisk sentralbyrå*

*Toll- og avgiftsdirektoratet*

***Fiskeri- og kystdepartementet***

*Fiskeridirektoratet*

*Havforskningsinstituttet*

*Kystverket*

*Nasjonalt institutt for ernærings- og sjømatforskning*

***Fornyings-, administrasjons- og Kirke- og kirkedepartementet***

*Bispedømmerådene*

*Datatilsynet*

*Departementenes servicesenter*

*Det praktisk-teologiske seminar*

*Direktoratet for forvaltning og IKT*

*Fylkesmannsembetene*

*Gáldu – Kompetansesenter for urfolks rettigheter*

*Internasjonalt reindriftssenter*

*Kirkerådet*

*Konkurransetilsynet*

*Nidarosdomens restaureringsarbeider*

**Ministry of Finance**

The Financial Supervisory Authority of Norway

*Folketrygdfondet*

Central Bank of Norway

The Norwegian Government Agency for Financial Management

Directorate of Taxes

The Norwegian National Collection Authority

Statistics Norway

Directorate of Customs and Excise

**Ministry of Fisheries and Coastal Affairs**

Directorate of Fisheries

Institute of Marine Research

The Norwegian Coastal Administration

The National Institute of Nutrition and Seafood Research

**Ministry of Government Administration Reform and Church Affairs**

The Diocesan Councils

The Data Inspectorate

Government Administration Services

Practical Theological Seminar

The Agency for Public Management and eGovernment

The County Governors

Gáldu – Resource Centre for the Right of Indigenous Peoples

International Centre for Reindeer Husbandry

National Council of the Church of Norway

Norwegian Competition Authority

The Restoration Workshop of Nidaros Cathedral

<i>Opplysningsvesenets Fond</i>	The Norwegian State Church Endowment
<i>Personvernemnda</i>	Data Protection Tribunal Norway
<i>Sametinget</i>	The <i>Sámediggi</i>
<i>Statsbygg</i>	The Directorate of Public Construction and Property
<b><i>Forsvarsdepartementet</i></b>	<b>Ministry of Defence</b>
<i>Forsvaret</i>	Norwegian Armed Forces
<i>Forsvarets Forskningsinstitutt</i>	Norwegian Defence Research Establishment
<i>Forsvarsbygg</i>	Norwegian Defence Estates Agency
<i>Nasjonal Sikkerhetsmyndighet</i>	Norwegian National Security Authority
<b><i>Helse- og omsorgsdepartementet</i></b>	<b>Ministry of Health and Care Services</b>
<i>Bioteknologinemnda</i>	The Norwegian Biotechnology Advisory Board
<i>Helsedirektoratet</i>	Norwegian Directorate of Health
<i>Klagenemnda for bidrag til behandling i utlandet</i>	The Norwegian Governmental Appeal Board Regarding Medical Treatment Abroad
<i>Nasjonalt folkehelseinstitutt</i>	Norwegian Institute of Public Health
<i>Nasjonalt kunnskapssenter for helsetjenesten</i>	Norwegian Knowledge Centre for Health Services
<i>Norsk pasientskadeerstatning</i>	The Norwegian System of Compensation to Patients
<i>Pasientskadenemnda</i>	The Patients' Injury Compensation Board
<i>Preimplantasjonsdiagnostikknemnda</i>	National Board for Preimplantation Genetic Diagnosis
<i>Statens autorisasjonskontor for helsepersonell</i>	The Norwegian Registration Authority for Health Personnel
<i>Statens helsepersonellnemnd</i>	Norwegian Appeal Board for Health Personnel
<i>Statens helsetilsyn</i>	Norwegian Board of Health Supervision
<i>Statens Institutt for rusmiddelforskning</i>	National Institute for Alcohol and Drug Research
<i>Statens Legemiddelverk</i>	Norwegian Medicines Agency
<i>Statens Strålevern</i>	Norwegian Radiation Protection Authority
<i>Vitenskapskomiteen for mattrygghet</i>	Norwegian Scientific Committee for Food Safety

***Justis- og politidepartementet***

*Den høyere påtalemyndighet*

*Den militære påtalemyndighet*

*Direktoratet for nødkommunikasjon*

*Direktoratet for samfunnssikkerhet og beredskap*

*Domstoladministrasjonen*

*Hovedredningsentralen*

*Kommisjonen for gjenopptakelse av straffesaker*

*Kontoret for voldsoffererstatning*

*Kriminalomsorgens sentrale forvaltning*

*Politidirektoratet*

*Politiets sikkerhetstjeneste*

*Sekretariatet for konfliktrådene*

*Siviltjenesten*

*Spesialenheten for politisaker*

*Statens sivilrettsforvaltning*

*Utlendingsdirektoratet*

*Utlendingsnemnda (UNE)*

***Kommunal og Regionaldepartementet***

*Distriktssenteret*

*Husbanken*

*Husleietvistutvalget i Oslo, Akershus, Bergen og Trondheim*

*Statens bygningstekniske etat*

***Kulturdepartementet***

*Arkivverket*

*Kunst i offentlige rom, KORO*

**Ministry of Justice and the Police**

The Higher Prosecuting Authority

The Military Prosecuting Authority

Directorate for Emergency  
Communication

The Directorate for Civil Protection and  
Emergency Planning

National Courts Administration

Joint Rescue Coordination Centre

The Norwegian Criminal Cases Review  
Commission

The Norwegian Criminal Injuries  
Compensation Authority

The Norwegian Correctional Services

The National Police Directorate

The Norwegian Police Security Service

National Mediation Service

The Administration of Conscientious  
Objection

Norwegian Bureau for the Investigation of  
Police Affairs

The Norwegian Civil Affairs Authority

The Directorate of Immigration

The Immigration Appeal Board

**Ministry of Local Government and  
Regional Development**

Centre of Competence on Rural  
Development

The Norwegian State Housing Bank

The Rent Disputes Tribunal in Oslo,  
Akershus, Bergen and Trondheim

National Office of Building Technology  
and Administration

**Ministry of Cultural Affairs**

The National Archival Services of Norway

Public Art Norway

<i>Lotteri- og stiftelsestilsynet</i>	The Norwegian Gaming and Foundation Authority
<i>Medietilsynet</i>	The Norwegian Media Authority
<i>Nasjonalbiblioteket</i>	The National Library of Norway
<i>Norsk Filminstitutt</i>	National Film Board
<i>Norsk Kulturråd</i>	Arts Council Norway
<i>Norsk lokalhistorisk institutt</i>	The Norwegian Institute of Local History
<i>Norsk lyd- og blindeskriftbibliotek</i>	Norwegian Sound and Braille Library
<i>Rikskonsertene</i>	The Norwegian Concert Institute
<i>Riksteatret</i>	The Norwegian Touring Theatre
<i>Språkrådet</i>	The Language Council of Norway
<b><i>Kunnskapsdepartementet</i></b>	<b>Ministry of Education and Research</b>
<i>Artsdatabanken</i>	The Norwegian Biodiversity Information Centre
<i>BIBSYS</i>	BIBSYS
<i>Foreldreutvalget for grunnopplæringen</i>	The National Parents' Committee for Primary and Secondary Education
<i>Meteorologisk institutt</i>	Norwegian Meteorological Institute
<i>Nasjonalt organ for kvalitet i utdanningen</i>	Norwegian Agency for Quality Assurance in Education
<i>Norges forskningsråd</i>	The Research Council of Norway
<i>Norgesuniversitetet</i>	Norway Opening University
<i>Norsk institutt for forskning om oppvekst, velferd og aldring (NOVA)</i>	Norwegian Social Research
<i>Norsk utenrikspolitisk institutt</i>	Norwegian Institute of International Affairs
<i>Samordna opptak</i>	The Norwegian Universities and Colleges Admission Service
<i>Senter for IKT i utdanningen</i>	The Norwegian Centre for ICT in Education
<i>Senter for internasjonalisering av høyere utdanning</i>	The Norwegian Centre for International Cooperation in Higher Education
<i>Statens fagskole for gartnere og blomsterdekoratører (Vea)</i>	
<i>Statens lånekasse for utdanning</i>	The Norwegian State Educational Loan Fund
<i>Statlige universiteter og høyskoler</i>	Universities and University Colleges

<i>Utdanningsdirektoratet</i>	Norwegian Directorate for Education and Training
<i>Vox, nasjonalt fagorgan for kompetansepolitikk</i>	Norwegian Institute for Adult Learning
<b><i>Landbruks- og matdepartementet</i></b>	<b>Ministry of Agriculture and Food</b>
<i>Bioforsk</i>	Norwegian Institute for Agriculture and Environmental Research
<i>Mattilsynet</i>	Norwegian Food Safety Authority
<i>Norsk institutt for skog og landskap</i>	Norwegian Forest and Landscape Institute
<i>Norsk institutt for landbruksøkonomisk forskning</i>	Norwegian Agricultural Economics Research Institute
<i>Reindriftsforvaltningen</i>	Norwegian Reindeer Husbandry Administration
<i>Statens landbruksforvaltning</i>	Norwegian Agricultural Authority
<i>Veterinærinstituttet</i>	National Veterinary Institute
<b><i>Miljøverndepartementet</i></b>	<b>Ministry of the Environment</b>
<i>Direktoratet for Naturforvaltning</i>	Directorate for Nature Management
<i>Klima- og forurensningsdirektoratet</i>	Climate and Pollution Agency
<i>Norsk kulturminnefond</i>	Norwegian Cultural Heritage Fund
<i>Norsk Polarinstitutt</i>	Norwegian Polar Research Institute
<i>Riksantikvaren</i>	Directorate for Cultural Heritage
<i>Statens Kartverk</i>	Norwegian Mapping Authority
<b><i>Nærings- og handelsdepartementet</i></b>	<b>Ministry of Trade and Industry</b>
<i>Direktoratet for mineralforvaltning med Bergmesteren for Svalbard</i>	Directorate of Mining with Commissioner of Mines at Svalbard
<i>Garanti-Instituttet for Eksportkreditt (GIEK)</i>	GIEK
<i>Justervesenet</i>	Norwegian Metrology Service
<i>Norges geologiske undersøkelse</i>	The Geological Survey of Norway
<i>Norsk akkreditering</i>	Norwegian Accreditation
<i>Norsk romsenter</i>	Norwegian Space Agency
<i>Sjøfartsdirektoratet</i>	The Norwegian Maritime Directorate
<i>Skipsregistrene</i>	The Norwegian International Ship Register

<i>Patentstyret</i>	Norwegian Industrial Property Office
<i>Brønnøysundregistrene</i>	The Brønnøysund Register Centre
<b><i>Olje- og energidepartementet</i></b>	<b>Ministry of Petroleum and Energy</b>
<i>Norges vassdrags- og energidirektorat</i>	Norwegian Water Resources and Energy Directorate
<i>Oljedirektoratet</i>	Norwegian Petroleum Directorate
<b><i>Samferdselsdepartementet</i></b>	<b>Ministry of Transport and Communication</b>
<i>Jernbaneverket</i>	The Norwegian National Railway Administration
<i>Luftfartstilsynet</i>	Civil Aviation Authority Norway
<i>Post- og teletilsynet</i>	Norwegian Post and Telecommunications Authority
<i>Statens havarikommisjon</i>	Accident Investigation Board Norway
<i>Statens jernbanetilsyn</i>	Norwegian Rail Authority
<i>Statens vegvesen</i>	Norwegian Public Roads Administration
<b><i>Utenriksdepartementet</i></b>	<b>Ministry of Foreign Affairs</b>
<i>Direktoratet for utviklingssamarbeid (NORAD)</i>	Norwegian Agency for Development Cooperation
<i>Fredskorpset</i>	FK Norway
<b><i>Stortinget</i></b>	<b>The Storting</b>
<i>Stortingets ombudsmann for forvaltningen – Sivilombudsmannen</i>	Stortingets Ombudsman for Public Administration
<i>Riksrevisjonen</i>	Office of the Auditor General
<b><i>Domstolene</i></b>	<b>Courts of Law</b>

### **Note to Appendix 1**

Central government entities cover also any subordinated entity of any central government entity, provided that such entity does not have separate legal personality.



**d. Switzerland**

**List of Entities**

**FRENCH**

**ENGLISH**

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

List of entities covering all federal  
departments of Switzerland:

1. ***Chancellerie fédérale (ChF):***

1. **Federal Chancellery (FCh):**

*Chancellerie fédérale (ChF)  
Préposé fédéral à la protection des  
données et à la transparence  
(PFPDT)*

Federal Chancellery (FCh)  
Federal Data Protection and  
Information Commissioner  
(FDPIC)

2. ***Département fédéral des affaires  
étrangères (DFAE):***

2. **Federal Department of Foreign  
Affairs (FDFA):**

- *Secrétariat général (SG-DFAE)*
- *Secrétariat d'Etat (SEE)*
- *Direction politique (DP)*
- *Direction du droit international  
public (DDIP)*
- *Direction du développement et  
de la coopération (DDC)*
- *Direction des ressources (DR)*
- *Direction consulaire (DC)*

- General Secretariat (GS-FDFA)
- State Secretariat (STS)
- Directorate of Political Affairs  
(DP)
- Directorate of Public  
International Law (DIL)
- Swiss Agency for Development  
Cooperation (SDC)
- Directorate of Corporate  
Resources (DCR)
- Consular Directorate (CD)

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| 3. | <b>Département fédéral de l'intérieur (DFI):</b> <ul style="list-style-type: none"><li>- <i>Secrétariat général (SG-DFI)</i></li><li>- <i>Bureau fédéral de l'égalité entre femmes et hommes (BFEG)</i></li><li>- <i>Office fédéral de la culture (OFC)</i></li><li>- <i>Archives fédérales suisses (AFS)</i></li><li>- <i>Office fédéral de météorologie et de climatologie (MétéoSuisse)</i></li><li>- <i>Office fédéral de la santé publique (OFSP)</i></li><li>- <i>Office fédéral de la statistique (OFS)</i></li><li>- <i>Office fédéral des assurances sociales (OFAS)</i></li><br/><li>- <i>Secrétariat d'Etat à l'éducation et à la recherche (SER)</i></li><li>- <i>Domaine des écoles polytechniques fédérales (domaine des EPF)</i></li><li>- <i>Ecole polytechnique fédérale de Zurich (EPFZ)</i></li><li>- <i>Ecole polytechnique fédérale de Lausanne (EPFL)</i></li><li>- <i>Institut Paul Scherrer(PSI)</i></li><li>- <i>Institut fédéral de recherches sur la forêt, la neige et le paysage (WSL)</i></li><li>- <i>Laboratoire fédéral d'essai des matériaux et de recherche (EMPA)</i></li><li>- <i>Institut fédéral pour l'aménagement, l'épuration et la protection des eaux (EAWAG)</i></li><li>- <i>Musée national suisse (MNS)</i></li><li>- <i>Pro Helvetia</i></li><li>- <i>Swissmedic, Institut suisse des produits thérapeutiques</i></li></ul> | 3. | <b>Federal Department of Home Affairs (FDHA):</b> <ul style="list-style-type: none"><li>- <i>General Secretariat (GS-FDHA)</i></li><li>- <i>Federal Office for Gender Equality (FOGE)</i></li><li>- <i>Federal Office of Culture (FOC)</i></li><li>- <i>Swiss Federal Archives (SFA)</i></li><li>- <i>Federal Office of Meteorology and Climatology (MeteoSwiss)</i></li><li>- <i>Federal Office of Public Health (FOPH)</i></li><li>- <i>Federal Statistical Office (FSO)</i></li><li>- <i>Federal Social Insurance Office (FSIO)</i></li><li>- <i>State Secretariat for Education and Research (SER)</i></li><br/><li>- <i>Domain of the Swiss Federal Institutes of Technology (ETH Domain)</i></li><li>- <i>Federal Institute of Technology Zurich (ETHZ)</i></li><li>- <i>Federal Institute of Technology Lausanne (EPFL)</i></li><br/><li>- <i>Paul Scherrer Institute(PSI)</i></li><li>- <i>WSL Institute for Snow and Avalanche Research)</i></li><li>- <i>Swiss Federal Laboratories for Materials Testing and Research (EMPA)</i></li><li>- <i>Swiss Federal Institute of Aquatic Science and Technology (EAWAG)</i></li><li>- <i>Swiss National Museum (SNM)</i></li><li>- <i>Pro Helvetia</i></li><li>- <i>Swissmedic, Swiss Agency for Therapeutic Products</i></li></ul> |
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| 4. | <b><i>Département fédéral de la justice et police (DFJP):</i></b>  | 4. | <b>Federal Department of Justice and Police (FDJP):</b>   |
|    | <ul style="list-style-type: none"><li>- <i>Secrétariat général (SG-DFJP)</i></li><li>- <i>Office fédéral de la justice (OFJ)</i></li><li>- <i>Office fédéral de la police (fedpol)</i></li><li>- <i>Office fédéral des migrations (ODM)</i></li><li>- <i>Office fédéral de métrologie (METAS)</i></li><li>- <i>Service Surveillance de la correspondance par poste et télécommunication (SCPT)</i></li><li>- <i>Commission nationale de prévention de la torture</i></li><li>- <i>Institut suisse de droit comparé (ISDC)</i></li><li>- <i>Institut Fédéral de la Propriété Intellectuelle (IPI)</i></li><li>- <i>Autorité fédérale de surveillance en matière de révision (ASR)</i></li></ul> |    | <ul style="list-style-type: none"><li>- General Secretariat (GS-FDJP)</li><li>- Federal Office of Justice (FOJ)</li><li>- Federal Office of Police (fedpol)</li><li>- Federal Office for Migration (FOM)</li><li>- Federal Office of Metrology (METAS)</li><li>- Post and Telecommunications Surveillance Service</li><li>- National Commission for the Prevention of Torture</li><li>- Swiss Institute of Comparative Law (SICL)</li><li>- Federal Institute of Intellectual Property (IIP)</li><li>- Federal Audit Oversight Authority (FAOA)</li></ul> |

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| 5. | <b><i>Département fédéral de la défense, de la protection de la population et des sports (DDPS)</i></b>  | 5. | <b>Federal Department of Defence, Civil Protection and Sport (DDPS)</b>  |
|    | <ul style="list-style-type: none"><li>- <i>Secrétariat général (SG-DDPS)</i></li><li>- <i>Service de renseignement de la Confédération (SRC)</i></li><li>- <i>Office de l'auditeur en chef (OAC)</i></li><li>- <i>Groupement Défense</i><ul style="list-style-type: none"><li>(a) <i>Etat-major de l'armée (EM A)</i></li><li>(b) <i>Etat-major de conduite de l'armée (EM cond A)</i></li><li>(c) <i>Formation supérieure des cadres de l'armée (FSCA)</i></li><li>(d) <i>Forces terrestres (FT)</i></li><li>(e) <i>Forces aériennes (FA)</i></li><li>(f) <i>Base logistique de l'armée (BLA)</i></li><li>(g) <i>Base d'aide au commandement (BAC)</i></li></ul></li><li>- <i>Groupement armasuisse (ar)</i><ul style="list-style-type: none"><li>(a) <i>Office fédéral pour l'acquisition d'armement</i></li><li>(b) <i>Office fédéral de topographie (swisstopo)</i></li></ul></li><li>- <i>Office fédéral de la protection de la population (OFPP)</i></li><li>- <i>Office fédéral du sport (OFSP)</i></li></ul> |    | <ul style="list-style-type: none"><li>- General Secretariat (GS-DDPS)</li><li>- Federal Intelligence Service (FIS)</li><li>- Office of the Armed Forces Attorney General (OAFAG)</li><li>- Defence Sector<ul style="list-style-type: none"><li>(a) Armed Forces Staff (AFS)</li><li>(b) Armed Forces Joint Staff (AFJS)</li><li>(c) Armed Forces College (AFC)</li><li>(d) Land Forces (LF)</li><li>(e) Air Force (SAF)</li><li>(f) Armed Forces Logistics Organisation (AFLO)</li><li>(g) Armed Forces Command Support Organisation (AFCSO)</li></ul></li><li>- Armasuisse Group (ar)<ul style="list-style-type: none"><li>(a) Federal Office for Defence Procurement</li><li>(b) Federal Office of Topography (swisstopo)</li></ul></li><li>- Federal Office for Civil Protection (FOCP)</li><li>- Federal Office of Sport (FOSPO)</li></ul> |

6. **Département fédéral des finances (DFF):**
- *Secrétariat général (SG-DFF)*
  - *Secrétariat d'Etat aux questions financières internationales (SFI)*
  - *Administration fédérale des finances (AFF)*
  - *Office fédéral du personnel (OFPER)*
  - *Administration fédérale des contributions (AFC)*
  - *Administration fédérale des douanes (AFD)*
  - *Office fédéral de l'informatique et de la télécommunication (OFIT)*
  - *Office fédéral des constructions et de la logistique (OFCL)*
  - *Unité de stratégie informatique de la Confédération (USIC)*
  - *Contrôle fédéral des finances (CDF)*
  - *Régie fédérale des alcools (RFA)*
  - *Autorité fédérale de surveillance des marchés financiers (FINMA)*
  - *Caisse fédérale de pensions PUBLICA*
6. **Federal Department of Finance (FDF):**
- General Secretariat (SG-DFF)
  - State Secretariat for International Financial Matters (SFI)
  - Federal Finance Administration (FFA)
  - Federal Office of Personnel (FOPER)
  - Federal Tax Administration (FTA)
  - Federal Customs Administration (FCA)
  - Federal Office of Information Technology, Systems and Telecommunication (FOITT)
  - Federal Office for Buildings and Logistics (FOBL)
  - Federal Strategy Unit for IT (FSUIT)
  - Swiss Federal Audit Office (SFAO)
  - Swiss Alcohol Board (SAB)
  - Swiss Financial Market Supervisory Authority (FINMA)
  - Federal Pension Fund PUBLICA

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| 7. | <b>Département fédéral de l'économie (DFE):</b> <ul style="list-style-type: none"><li>- <i>Secrétariat général (SG-DFE)</i></li><li>- <i>Surveillance des prix (SPR)</i></li><li>- <i>Secrétariat d'État à l'économie (SECO)</i></li><li>- <i>Office fédéral de la formation professionnelle et de la technologie (OFFT)</i></li><li>- <i>Office fédéral de l'agriculture (OFAG)</i></li><li>- <i>Office vétérinaire fédéral (OVF)</i></li><li>- <i>Office fédéral pour l'approvisionnement économique du pays (OFAE)</i></li><li>- <i>Office fédéral du logement (OFL)</i></li><li>- <i>Suisse tourisme (ST)</i></li><li>- <i>Société suisse de crédit hôtelier (SCH)</i></li><li>- <i>Assurance suisse contre les risques à l'exportation (ASRE)</i></li><li>- <i>Institut fédéral des hautes études en formation professionnelle (IFFP)</i></li></ul> | 7. | <b>Federal Department of Economic Affairs (FDEA):</b> <ul style="list-style-type: none"><li>- <i>General Secretariat (SG-DFE)</i></li><li>- <i>Price Supervision (PRS)</i></li><li>- <i>State Secretariat for Economic Affairs (SECO)</i></li><li>- <i>Federal Office for Professional Education and Technology (OPET)</i></li><li>- <i>Federal Office for Agriculture (FOAG)</i></li><li>- <i>Federal Veterinary Office (FVO)</i></li><li>- <i>Federal Office for National Economic Supply (FONES)</i></li><li>- <i>Federal Office for Housing (FHO)</i></li><li>- <i>Swiss Tourism (ST)</i></li><li>- <i>Swiss Association for Hotel Credit (SAH)</i></li><li>- <i>Swiss Export Risk Insurance (SERV)</i></li><li>- <i>Swiss Federal Institute for Vocational Education and Training (SFIVET)</i></li></ul> |
| 8. | <b>Département fédéral de l'environnement, des transports, de l'énergie et de la communication (DETEC):</b> <ul style="list-style-type: none"><li>- <i>Secrétariat général (SG-DETEC)</i></li><li>- <i>Office fédéral des transports (OFT)</i></li><li>- <i>Office fédéral de l'aviation civile (OFAC)</i></li><li>- <i>Office fédéral de l'énergie (OFEN)</i></li><li>- <i>Office fédéral des routes (OFROU)</i></li><li>- <i>Office fédéral de la communication (OFCOM)</i></li><li>- <i>Office fédéral de l'environnement (OFEV)</i></li><li>- <i>Office fédéral du développement territorial (ARE)</i></li><li>- <i>Inspection fédérale de la sécurité nucléaire (IFSN)</i></li></ul>  | 8. | <b>Federal Department of the Environment, Transport, Energy and Communications (DETEC):</b> <ul style="list-style-type: none"><li>- <i>General Secretariat (GS-DETEC)</i></li><li>- <i>Federal Office of Transport (FOT)</i></li><li>- <i>Federal Office of Civil Aviation (FOCA)</i></li><li>- <i>Swiss Federal Office of Energy (SFOE)</i></li><li>- <i>Federal Roads Office (FEDRO)</i></li><li>- <i>Federal Office of Communications (OFCOM)</i></li><li>- <i>Federal Office for the Environment (FOENV)</i></li><li>- <i>Federal Office for Spatial Development (ARE)</i></li><li>- <i>Swiss Federal Nuclear Safety Inspectorate (ENSI)</i></li></ul>  |

**Notes to Appendix 1**

Chapter 7 of this Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

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APPENDIX 2 TO ANNEX XX

REGARDING ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL



PART A: CENTRAL AMERICAN STATES

**a. Costa Rica**

Chapter 7 of this Agreement applies to the entities of the sub-central level of government where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Threshold	SDR 355,000
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**SERVICES**

Specified in Appendix 5

Threshold	SDR 355,000
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**CONSTRUCTION SERVICES**

Specified in Appendix 6

Threshold	SDR 5,000,000
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**List of Entities**

1. *Municipalidad de Abangares*
2. *Municipalidad de Acosta*
3. *Municipalidad de Aguirre*
4. *Municipalidad de Alajuela*
5. *Municipalidad de Alajuelita*
6. *Municipalidad de Alfaró Ruiz*
7. *Municipalidad de Alvarado*
8. *Municipalidad de Aserrí*
9. *Municipalidad de Atenas*
10. *Municipalidad de Bagaces*
11. *Municipalidad de Barba*
12. *Municipalidad de Belén*
13. *Municipalidad de Buenos Aires*
14. *Municipalidad de Cañas*
15. *Municipalidad de Carrillo*
16. *Municipalidad de Cartago*
17. *Municipalidad de Corredores*
18. *Municipalidad de Coto Brus*
19. *Municipalidad de Curridabat*
20. *Municipalidad de Desamparados*
21. *Municipalidad de Dota*
22. *Municipalidad de El Guarco*
23. *Municipalidad de Escazú*
24. *Municipalidad de Esparza*
25. *Municipalidad de Flores*

26. *Municipalidad de Garabito*
27. *Municipalidad de Goicoechea*
28. *Municipalidad de Golfito*
29. *Municipalidad de Grecia*
30. *Municipalidad de Guácimo*
31. *Municipalidad de Guatuso*
32. *Municipalidad de Heredia*
33. *Municipalidad de Hojancha*
34. *Municipalidad de Jiménez*
35. *Municipalidad de La Cruz*
36. *Municipalidad de La Unión*
37. *Municipalidad de León Cortés*
38. *Municipalidad de Liberia*
39. *Municipalidad de Limón*
40. *Municipalidad de Los Chiles*
41. *Municipalidad de Matina*
42. *Municipalidad de Montes de Oca*
43. *Municipalidad de Montes de Oro*
44. *Municipalidad de Mora*
45. *Municipalidad de Moravia*
46. *Municipalidad de Nandayure*
47. *Municipalidad de Naranjo*
48. *Municipalidad de Nicoya*
49. *Municipalidad de Oreamuno*
50. *Municipalidad de Orotina*
51. *Municipalidad de Osa*
52. *Municipalidad de Palmares*
53. *Municipalidad de Paraíso*
54. *Municipalidad de Parrita*
55. *Municipalidad de Pérez Zeledón*
56. *Municipalidad de Poás*
57. *Municipalidad de Pococí*
58. *Municipalidad de Puntarenas*
59. *Municipalidad de Puriscal*
60. *Municipalidad de San Carlos*
61. *Municipalidad de San Isidro*
62. *Municipalidad de San José*
63. *Municipalidad de San Mateo*
64. *Municipalidad de San Pablo*
65. *Municipalidad de San Rafael*
66. *Municipalidad de San Ramón*
67. *Municipalidad de Santa Ana*
68. *Municipalidad de Santa Bárbara*
69. *Municipalidad de Santa Cruz*
70. *Municipalidad de Santo Domingo*
71. *Municipalidad de Sarapiquí*
72. *Municipalidad de Siquirres*
73. *Municipalidad de Talamanca*
74. *Municipalidad de Tarrazú*
75. *Municipalidad de Tibás*

76. *Municipalidad de Tilarán*
77. *Municipalidad de Turrialba*
78. *Municipalidad de Turribares*
79. *Municipalidad de Upala*
80. *Municipalidad de Valverde Vega*
81. *Municipalidad de Vásquez de Coronado*

**b. Panama**

Chapter 7 of this Agreement applies to the entities of the sub-central level of government where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Threshold	SDR 355,000
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**SERVICES**

Specified in Appendix 5

Threshold	SDR 355,000
-----------	-------------

**CONSTRUCTION SERVICES**

Specified in Appendix 6

Threshold	SDR 5,000,000
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**List of Entities**

**Province**

*Bocas del Toro*

*Coclé*

**District**

*Bocas del Toro*  
*Chiriquí Grande*  
*Changuinola*

*Aguadulce*  
*Antón*  
*La Pintada*  
*Natá*  
*Olá*  
*Penonomé*

<i>Colón</i>	<i>Colón</i> <i>Chagres</i> <i>Donoso</i> <i>Portobelo</i> <i>Santa Isabel</i>
<i>Chiriquí</i>	<i>Alanje</i> <i>Barú</i> <i>Boquerón</i> <i>Boquete</i> <i>Bugaba</i> <i>David</i> <i>Dolega</i> <i>Gualaca</i> <i>Remedios</i> <i>Renacimiento</i> <i>San Lorenzo</i> <i>Tolé</i> <i>San Félix</i>
<i>Darién</i>	<i>Chepigana</i> <i>Pinogana</i>
<i>Herrera</i>	<i>Chitré</i> <i>Las Minas</i> <i>Los Pozos</i> <i>Ocú</i> <i>Parita</i> <i>Pesé</i> <i>Santa María</i>
<i>Los Santos</i>	<i>Guararé</i> <i>Las Tablas</i> <i>Los Santos</i> <i>Macaracas</i> <i>Pedasí</i> <i>Pocrí</i> <i>Tonosí</i>

*Panamá*

*Arraiján*  
*Balboa*  
*Capira*  
*Chame*  
*Chepo*  
*Chimán*  
*La Chorrera*  
*Panamá*  
*San Carlos*  
*San Miguelito*  
*Taboga*

*Veraguas*

*Atalaya*  
*Calobre*  
*Cañazas*  
*La Mesa*  
*Las Palmas*  
*Montijo*  
*Rio De Jesús*  
*San Francisco*  
*Santa Fe*  
  
*Santiago*  
*Soná*  
*Mariato*

*Comarca Emberá*

*Cémaco*  
*Sambú*

*Comarca Ngöbe Buglé*

*Ñürüm*  
*Kankintú*  
*Besiko*  
*Mirono*  
*Kusapin*  
*Müna*  
*Nole Duima*

PART B: EFTA STATES

Chapter 7 of this Agreement applies to the entities of the sub-central level of government where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Threshold	SDR 200,000
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**SERVICES**

Specified in Appendix 5

Threshold	SDR 200,000
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**CONSTRUCTION SERVICES**

Specified in Appendix 6

Threshold	SDR 5,000,000
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**a. Iceland**

1. All contracting authorities of the regional or local public authorities (including all municipalities).
2. All other entities whose procurement policies are substantially controlled by, dependent on, or influenced by central, regional or local government and which are engaged in non-commercial or non-industrial activities.

**b. Liechtenstein**

1. Public authorities at local level.
2. Bodies governed by public law and not having an industrial or commercial character at the local level.

A body is considered to be governed by public law where it:

- (a) is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- (b) has legal personality; and
- (c) 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.

**c. Norway**

1. All sub-central government entities operating at the regional (counties) or local (municipalities) level.
2. All bodies governed by public law.

A body is considered to be governed by public law when it:

- (a) is established for the specific purpose of meeting needs in the general interest, not having a commercial or industrial character;
- (b) has legal personality; and

- (c) 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.

3. All associations formed by one or several of the entities covered by the preceding paragraphs 1 and 2.

4. An indicative list of procuring entities which are bodies governed by public law is attached.

#### **Indicative List of Entities:**

Indicative list of procuring entities which are bodies governed by public law:

Enova SF	Enova SF
<i>Garantiinstituttet for eksportkreditt, GIEK</i>	The Norwegian Guarantee Institute
<i>Helse Sor-Øst RHF</i>	South-Eastern Norway Regional Health Authority
<i>Helse Vest RHF</i>	Western Norway Regional Health Authority
<i>Helse Midt-Norge RHF</i>	Central Norway Regional Health Authority
<i>Helse Nord RHF</i>	Northern Norway Regional Health Authority
<i>Innovasjon Norge</i>	Innovation Norway
<i>Norsk Rikskringkasting, NRK</i>	The Norwegian Broadcasting Corporation
<i>Universitetssenteret på Svalbard AS</i>	The University Centre in Svalbard
<i>Uninett AS</i>	Uninett, The Norwegian Research Network
Simula Research Laboratory AS	Simula Research Laboratory AS
<i>Norsk samfunnsvitenskapelig datatjeneste AS (NSD)</i>	Norwegian Social Science Data services AS (NSD)

Categories:

- *Statsbanker* (State Banks)
- Publicly owned and operated museums



**d. Switzerland**

**List of Entities<sup>1</sup>**

1. Cantonal public authorities.
2. Bodies governed by public law established at cantonal level without a commercial or industrial character.
3. Authorities and bodies governed by public law at the district and communal level.

List of Swiss cantons:

Kanton Zürich (ZH)  
Kanton Bern (BE); Canton de Berne  
Kanton Luzern (LU)  
Kanton Uri (UR)  
Kanton Schwyz (SZ)  
Kanton Obwalden (OW)  
Kanton Nidwalden (NW)  
Kanton Glarus (GL)  
Kanton Zug (ZG)  
Canton de Fribourg (FR); Kanton Freiburg  
Kanton Solothurn (SO)  
Kanton Basel-Stadt (BS)  
Kanton Basel-Landschaft (BL)  
Kanton Schaffhausen (SH)  
Kanton Appenzell Ausserrhoden (AR)  
Kanton Appenzell Innerrhoden (AI)  
Kanton St. Gallen (SG)  
Kanton Graubünden (GR); Cantone dei Grigioni  
Kanton Aargau (AR)  
Kanton Thurgau (TG)  
Cantone Ticino (TI)  
Canton de Vaud (VD)  
Canton du Valais (VS); Kanton Wallis  
Canton de Neuchâtel (NE)  
Canton de Genève (GE)  
Canton du Jura (JU)

**Notes to Appendix 2**

Chapter 7 of this Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

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<sup>1</sup> For contracts of the Cantons referring to defense products, acting for the federal defense department, see derogations.

APPENDIX 3 TO ANNEX XX

OTHER COVERED ENTITIES

PART A: CENTRAL AMERICAN STATES

**a. Costa Rica**

Chapter 7 of this Agreement applies to other covered entities where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Thresholds:

1. For entities of List A: SDR 200,000
2. For entities of List B: SDR 400,000

**SERVICES**

Specified in Appendix 5

Thresholds:

1. For entities of List A: SDR 200,000
2. For entities of List B: SDR 400,000

**CONSTRUCTION SERVICES**

Specified in Appendix 6

Threshold for lists A and B SDR 5,000,000

**List of Entities**

**List A:**

1. *Junta Administrativa de la Imprenta Nacional*
2. *Programa Integral de Mercadeo Agropecuario (PIMA)*
3. *Banco Hipotecario de la Vivienda – BANHVI*
4. *Consejo de Transporte Público*
5. *Instituto Costarricense del Deporte y la Recreación*
6. *Instituto Nacional de Fomento Cooperativo (INFOCOOP)*
7. *Banco Central de Costa Rica (Note 1)*
8. *Instituto Costarricense de Ferrocarriles (INCOFER)*
9. *Instituto Costarricense de Puertos del Pacífico (INCOP)*
10. *Autoridad Reguladora de los Servicios Públicos (ARESEP)*
11. *Servicio Nacional de Aguas Subterráneas, Riego y Avenamiento*

**List B**

1. *Caja Costarricense del Seguro Social (CCSS)*
2. *Dirección General de Aviación Civil*
3. *Instituto Costarricense de Electricidad (ICE) (Note 2)*

4. *Refinadora Costarricense de Petróleo (RECOPE)*

**Notes to Appendix 3**

1. *Banco Central de Costa Rica*: Chapter 7 of this Agreement does not apply to procurements for issuing of bills and coins.
2. *Instituto Costarricense de Electricidad (ICE)*: Time periods set out in Appendix 8, shall not apply to the ICE. The ICE shall provide suppliers sufficient time to prepare and submit responsive tenders. Notwithstanding Article 7.25, ICE shall provide no less than three business days for suppliers to prepare and submit written challenges.

**b. Panama**

Chapter 7 of this Agreement applies to other covered entities where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Thresholds:

- For entities of List A: SDR 200,000
- For entities of List B: SDR 400,000
- For entities of List C: SDR 400,000

**SERVICES**

Specified in Appendix 5

Thresholds:

- For entities of List A: SDR 200,000
- For entities of List B: SDR 400,000
- For entities of List C: SDR 400,000

**CONSTRUCTION SERVICES**

Specified in Appendix 6

Thresholds:

- For lists A and B: SDR 5,000,000
- For List C: SDR 8,000,000 for 12 years after entry into force of this Agreement, and SDR 7,000,000 hereafter.

## **List of Entities**

### **List A**

1. *Autoridad Aeronáutica Civil*
2. *Autoridad de Protección al Consumidor y Defensa de la Competencia*
3. *Autoridad de Turismo de Panamá*
4. *Autoridad del Tránsito y Transporte Terrestre (Note 1)*
5. *Autoridad de la Micro Pequeña y Mediana Empresa*
6. *Autoridad de los Recursos Acuáticos de Panamá*
7. *Autoridad Nacional de Aduanas*
8. *Autoridad Panameña de Seguridad de los Alimentos*
9. *Autoridad Marítima de Panamá*
10. *Autoridad Nacional de los Servicios Públicos*
11. *Dirección General de Contrataciones Públicas*
12. *Autoridad Nacional del Ambiente*
13. *Banco de Desarrollo Agropecuario*
14. *Bingos Nacionales*
15. *Superintendencia del Mercado de Valores*
16. *Defensoría del Pueblo*
17. *Instituto de Investigación Agropecuaria*
18. *Instituto de Mercadeo Agropecuario*
19. *Instituto de Seguro Agropecuario*
20. *Instituto Nacional de Cultura*
21. *Instituto Nacional de Desarrollo Humano*
22. *Instituto Panameño Autónomo Cooperativo*
23. *Instituto Panameño de Habilitación Especial*
24. *Instituto para la Formación y Aprovechamiento de Recursos Humanos*
25. *Pandeportes*
26. *Registro Público de Panamá*
27. *Sistema de Ahorro y Capitalización de Pensiones (SIACAP)*
28. *Superintendencia de Bancos*
29. *Universidad Autónoma de Chiriquí*
30. *Universidad Especializada de las Américas*
31. *Universidad Tecnológica de Panamá*
32. *Zona Libre de Colón*

### **List B**

1. *Instituto de Acueductos y Alcantarillados Nacionales*
2. *Empresa de Transmisión Eléctrica*

### **List C**

1. *Autoridad del Canal de Panamá*

### Notes to Appendix 3

#### List A

*Autoridad del Tránsito y Transporte Terrestre*: Chapter 7 of this Agreement does not cover the procurement of license plates or identification stickers for motor vehicles and bicycles.

#### List C

1. Unless otherwise specified in this List, Chapter 7 covers all agencies subordinate to this entity.

2. Chapter 7 shall not apply to procurement measures of the *Autoridad del Canal de Panamá* designed to promote micro, small and medium enterprises, in accordance with the following:

- (a) the *Autoridad del Canal de Panamá* may award Panamanian micro, small and medium enterprises a price preference that shall not exceed 10%;
- (b) further to Article 7.9, Panama shall notify EFTA States of the establishment of any price preference program established in accordance with subparagraph (a); and
- (c) any price preference shall be clearly described in the notice of intended procurement or notice inviting suppliers to participate in the procurement and relevant tender documentation.

3. Notwithstanding any other provision of Chapter 7, for each of the twelve fiscal years following the entry into force of this Agreement, the *Autoridad del Canal de Panamá* may, at its discretion, set aside from the obligations of the Title procurement contracts for goods, services, and construction services for Panamanian nationals, or suppliers owned and controlled by Panamanian nationals, provided that in each such fiscal year:

- (a) the total value of *the Autoridad del Canal de Panamá's* procurement exceeds US\$ two hundred million (USD\$ 200,000,000);
- (b) the total value of the procurement contracts that are set aside does not exceed 10% of the total value of the *Autoridad del Canal de Panamá's* procurement contracts for goods, services, and construction services awarded in that fiscal year that are:
  - (i) otherwise covered by Chapter 7; and
  - (ii) in excess of the US\$ two hundred million (USD\$ 200,000,000) base for the fiscal year; and

- (c) the total value of procurement contracts under any single CPC version 2.0 section that is set aside does not exceed 20% of the total value of the procurement contracts that may be set aside for that year.

4. Where a procurement contract will be set aside pursuant to paragraph 3, the *Autoridad del Canal de Panamá* shall clearly state that information in the notice of intended procurement or notice inviting suppliers to participate in the procurement and relevant tender documentation.

5. If in any fiscal year, the total value of procurement contracts set aside by the *Autoridad del Canal de Panamá* exceeds the level permitted under paragraph 3, Panama and EFTA States, in conjunction with the *Autoridad del Canal de Panamá*, shall consult with a view to agreeing on an adjustment in the form of a reduction of the set asides permitted during the following fiscal year.

6. If the *Autoridad del Canal de Panamá* proposes to extend the period during which set asides may be applied beyond the twelve-fiscal year period established in paragraph 3, it shall inform EFTA States during the ninth full fiscal year after the entry into force of the Agreement. Panama and EFTA States, in conjunction with the *Autoridad del Canal de Panamá*, shall consult regarding the proposal. If Panama and EFTA States agree to extend the period, the *Autoridad del Canal de Panamá* may continue to apply set asides in accordance with paragraph 3 for the additional period that the Panama and EFTA States agree.

7. Panama shall prepare an annual report that provides sufficient detail to establish that set asides have been applied in accordance with paragraph 3.

8. The minimum of forty day time period set out in Appendix 8 paragraph 2 shall not apply to the *Autoridad del Canal de Panama*. The *Autoridad del Canal de Panamá* shall provide suppliers sufficient time to prepare and submit responsive tenders, taking into account the nature and complexity of the procurement. However, the *Autoridad del Canal de Panamá* shall in no case provide for less than five business days from the date on which the notice of intended procurement is published on the Internet to the final date for the submission of tenders.

9. Article 7.25, paragraph 6 shall not apply to the *Autoridad del Canal de Panamá*. Notwithstanding Article 7.25, paragraph 3, the *Autoridad del Canal de Panamá* shall in no case provide less than five business days for suppliers to prepare and submit written challenges, with the understanding that the period shall commence on the first business day that follows the publication of the announcement of the contract award on the Internet.

10. Article 7.23, paragraph 2, shall not apply to the *Autoridad del Canal de Panamá*. However, the *Autoridad del Canal de Panamá* shall publish in paper or electronic medium in regard of each covered procurement, within a reasonable period of time, a notice that includes at least: a description of the goods or services procured; the name of the successful supplier; the value of the successful tender taken into account for the award of the contract; and the date of the award.

11. Appendix 9, Part A, paragraph 4, shall not apply to the *Autoridad del Canal de Panamá*.



PART B: EFTA STATES

Chapter 7 of this Agreement applies to other covered entities where the value of the procurement equals or exceeds:

**GOODS**

Specified in Appendix 4

Threshold                      SDR 400,000

**SERVICES**

Specified in Appendix 5

Threshold                      SDR 400,000

**CONSTRUCTION SERVICES**

Specified in Appendix 6

Threshold                      SDR 5,000,000

**a. Iceland**

1. All contracting entities whose procurement is covered by the European Economic Area (EEA) Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 which are contracting authorities (e.g. those covered under Appendix 1 and Appendix 2) or public undertakings<sup>2</sup> and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of 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;

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<sup>2</sup> According to the Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (extended to the EEA by Decision of the EEA Joint Committee No. 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting 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 contracting 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 undertaking's administrative, management or supervisory body.

- (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 provision or operation of networks<sup>3</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable;
- (f) the provision or operation of networks providing a service to the public in the field of transport by railways;<sup>4</sup>
- (g) provision of postal services.

2. An indicative list of contracting authorities and public undertakings fulfilling the criteria set out above is attached.

### **Indicative Lists of Contracting Authorities and Public Undertakings Fulfilling the Criteria Laid Down under Appendix 3**

The electricity sector:

1. *Landvirkjun* (The National Power Company), Act No. 42/1983.
2. *Landsnet* (Iceland Power Grid), Act No. 75/2004.
3. *Rafmagnsveitur ríkisins* (The State Electric Power Works), Act No. 58/1967.
4. *Orkuveita Reykjavíkur* (Reykjavik Energy), Act No. 139/2001.
5. *Orkubú Vestfjarða* (Vestfjord Power Company), Act No. 40/2001.
6. *Norðurorka*, Act No. 159/2002.
7. *Hitaveita Suðurnesja*, Act No. 10/2001.
8. Other entities producing, transporting or distributing electricity pursuant to Act No. 65/2003.

Urban transport:

9. *Strætó* (The Reykjavik Municipal Bus Service).
10. Other entities operating in accordance with Act No. 73/2001 on urban transport.

Airports:

11. *Flugmálastjórn Íslands* (Directorate of Civil Aviation), Act No. 100/2006.

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<sup>3</sup> As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority, of an EEA member state, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

<sup>4</sup> E.g. the provision or operation of networks (within the meaning of footnote 3) providing a service to the public in the field of transport by high-speed or conventional trains.

Ports:

12. *Siglingastofmun Íslands* (Icelandic Maritime Administration).
13. Other entities operating pursuant to the Harbour Act No. 61/2003.

Water supply:

14. Public entities producing or distributing drinking water pursuant to Act No. 32/2004 on Municipal Water Supply.

Postal services:

15. Entities operating in accordance with Act No. 19/2002 on postal services.

### **Notes to Appendix 3**

1. Procurement for the pursuit of an activity listed above when exposed to competitive forces in the market concerned are not covered by Chapter 7 of this Agreement.

2. Chapter 7 of this Agreement does not cover procurement by procuring entities included in this Appendix:

- (a) for the purchase of water and for the supply of energy or of fuels for the production of energy;
- (b) for purposes other than the pursuit of their activities as listed in this Appendix or for the pursuit of such activities in a non-EEA country;
- (c) for purposes of re-sale or hire to third parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

3. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as an relevant activity within the meaning of subparagraphs (a) or (b) of this Appendix where:

- (a) 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 subparagraphs (a) to (g) of this Appendix; and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30% 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.

4. Chapter 7 of this Agreement does not cover procurement:
- (a) by a procuring entity to an affiliated undertaking,<sup>5</sup> or
  - (b) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of subparagraphs (a) to (g) of this Appendix, to an undertaking which is affiliated with one of these procuring entities,

provided that at least 80% of the average turnover of the affiliated undertaking with respect to services or supplies for the preceding three years derives respectively from the provision of such services or supplies to undertakings with which it is affiliated.

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

5. Chapter 7 of this Agreement does not cover procurement:
- (a) by a joint venture, formed exclusively by a number of procuring entities for the purposes of carrying out activities within the meaning of subparagraphs (a) to (g) of this Appendix, to one of these procuring entities, or
  - (b) by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up to carry out the activity concerned over a period of at least three years and the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

## **b. Liechtenstein**

### **List of Entities:**

All procuring entities whose procurement is covered by the EEA Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 which are contracting authorities (e.g. those covered under Appendix 1 and Appendix 2) or public

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<sup>5</sup> "Affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

undertakings<sup>6</sup> and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of 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 List of Sectors 1);
- (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 (as specified under List of Sectors 2);
- (c) the provision or operation of networks<sup>7</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under List of Sectors 3);
- (d) 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 List of Sectors 4);
- (e) 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 List of Sectors 5).

#### **List of Sectors:**

##### 1. 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.

1. *Gruppenwasserversorgung Liechtensteiner Oberland*
2. *Gruppenwasserversorgung Liechtensteiner Unterland*

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<sup>6</sup> According to the Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (extended to the EEA by Decision of the EEA Joint Committee No. 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting 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 contracting 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 undertaking's administrative, management or supervisory body.

<sup>7</sup> As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of an EEA Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

2. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorisations for expropriation.

1. *Liechtensteinische Kraftwerke*

3. Procuring entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

1. LIECHTENSTEIN mobil

4. Procuring entities in the field of airport facilities

None

5. Procuring entities in the field of inland ports

None

### Notes to Appendix 3

1. Chapter 7 of this Agreement does not cover procurement which the procuring entity awards for purposes other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities in a non-EEA country.

2. Chapter 7 of this Agreement does not cover procurement:

(a) by a procuring entity to an affiliated undertaking,<sup>8</sup> or

(b) by a joint venture formed exclusively by a number of procuring entities for the purpose of carrying out a relevant activity within the meaning of subparagraphs(a) to (e) of this Appendix, to an undertaking which is affiliated with one of these procuring entities,

provided that at least 80% of the average turnover of the affiliated undertaking with respect to goods, services or construction services for the preceding three years derives respectively from the provision of such services or goods to undertakings with which it is affiliated.

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<sup>8</sup> "Affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

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

3. Chapter 7 of this Agreement does not cover procurement by entities in this Appendix:

- (a) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities of subparagraphs (a) to (e) of this Appendix, to one of these procuring entities; or
- (b) by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up in order to carry out the activity concerned over a period of at least three years and that the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

4. Chapter 7 of this Agreement does not cover procurement for the purchase of water, the supply of energy or of fuels for the production of energy.

5. Chapter 7 of this Agreement does not cover procurement by procuring 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 Appendix under (a) and (b) and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30% of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

6. Chapter 7 of this Agreement does not cover procurement for purposes of re-sale or hire to third parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

7. Chapter 7 of this Agreement does not cover procurement by procuring 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.

8. Chapter 7 of this Agreement does not cover procurement by procuring entities pursuing an activity described in this Appendix when that activity is exposed to full market competition.

**c. Norway**

1. All procuring entities whose procurement is covered by the EEA Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 which are contracting authorities (i.e. those covered under Appendix 1 and Appendix 2) or public

undertakings<sup>9</sup> and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of 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 provision or operation of networks<sup>10</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.

2. An indicative list of other entities (Utilities) is attached.

#### **Indicative list of other entities (Utilities):**

1. Drinking water

Public entities producing or distributing water pursuant to *Forskrift om vannforsyning og drikkevann* (FOR 2001-12-09 1372).

For instance:

*Asker og Bærum vannverk*  
*Bergen vannverk*

Asker and Bærum Water Network  
Bergen Drinking Water Network

2. The electricity sector

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<sup>9</sup> According to the Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (extended to the EEA by Decision of the EEA Joint Committee NO 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting 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 contracting 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 undertaking's administrative, management or supervisory body.

<sup>10</sup> As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.



Public entities producing, transporting or distributing electricity pursuant to *Lov om erverv av vannfall mv. kap. I, jf kap V* (LOV 1917-12-14 16), *Lov om vasdragsreguleringer* (LOV-1917-12-14 17), *Lov om vassdrag og grunnvann* (LOV-2000-11-24 82) or *Lov om produksjon, omforming, overføring, omsetning, fordeling og bruk av energi m.m.* (LOV 1990-06-29 50).

For instance:

*Alta Kraftverk*

Alta Power Plant

*Bingsfoss Kraftverk*

Bingsfoss Power Plant

3. Airports:

Public entities providing airport facilities pursuant to *Lov om luftfart* (LOV-1993-06-11 101).

For instance:

*Avinor AS*

Avinor AS

4. Ports:

Public entities operating pursuant to *Lov om havner og farvann* (LOV 20009-04-17 19).

For instance:

*Oslo havn*

Port of Oslo

*Stavangerregionens havn*

Port of Stavanger

5. *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), *Lov om yrkestransport med motorvogn og fartøy* (LOV 2002-06-21 45) or *Lov om anlegg av taugbaner og loipestrenger* (LOV 1912-06-14 1).

### Notes to Appendix 3

1. Procurement for the pursuit of an activity listed above shall not be subject to Chapter 7 of this Agreement when the activity is directly exposed to competition on markets to which access is not restricted.

2. Chapter 7 of this Agreement does not cover procurement by entities included in this Appendix:

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

- (b) for purposes other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities in a non-EEA country;
  - (c) for purposes of re-sale or hire to third parties provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and that other entities are free to sell or hire it under the same conditions as the procuring entity.
3. Chapter 7 of this Agreement does not cover procurement:
- (a) by a procuring entity from an affiliated undertaking,<sup>11</sup> or
  - (b) by a joint venture formed exclusively by a number of procuring entities for the purpose of carrying out a relevant activity within the meaning of subparagraphs (a) to (e) of this Appendix, from an undertaking which is affiliated with one of these procuring entities,

provided that at least 80% of the average turnover of the affiliated undertaking with respect to goods, services or construction services for the preceding three years derives respectively from the provision of such services or goods to undertakings with which it is affiliated.

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

5. Chapter 7 of this Agreement does not cover procurement:
- (a) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of paragraphs (a) to (e) of this Appendix, from one of these procuring entities; or
  - (b) by a procuring entity from such a joint venture of which it forms part, provided that the joint venture has been set up in order to carry out the activity concerned over a period of at least three years and that the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

6. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as a relevant activity within the meaning of subparagraph (a) or (b) of this Appendix where:

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<sup>11</sup> "Affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

- (a) 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 subparagraphs (a) to (e) of this Appendix; and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30% 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.

**d. Switzerland**

**List of Entities**

1. The contracting entities which are public authorities or public undertakings and which have as at least one of their activities in any of those referred to below:

- (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 (as specified under List of Sectors 1);
- (b) the operation of fixed networks providing a service to the public in the field of transport by tramway, trolleybus, bus or cable (as specified under List of Sectors 2);
- (c) 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 List of Sectors 3);
- (d) the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by inland waterway (as specified under List of Sectors 4);
- (e) The production of electricity (as specified under List of Sectors 5).

2. For the purposes of this Appendix:

- (a) “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:
  - (i) is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
  - (ii) has legal personality; and

- (iii) 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.
- (b) “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:
- (i) hold the majority of the undertaking's subscribed capital;
  - (ii) control the majority of the votes attaching to shares issued by the undertaking; or
  - (iii) can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

### List of Sectors

#### 1. 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 or cantonal legislation or under individual agreements based thereupon.

Examples:

- *Wasserverbund Regio Bern AG* (association of local authorities in the region of Berne)
- *Hardwasser AG*

#### 2. Transport by tramway, trolley bus, bus or cable services

Public authorities or public undertakings which provide tramway services pursuant to Article 1, paragraph 2, of the Railways Act of 20 December 1957.<sup>12</sup>

Public authorities or public undertakings which provide public transport services pursuant to Article 6 of the Passenger Transport Act of 20 March 2009.<sup>13</sup>

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<sup>12</sup> RS 742.101

<sup>13</sup> RS 745.1

Example:

- *Transports publics Genevois*: Provides transport services in the city of Geneva.

### 3. Airports

Public authorities or public undertakings which operate airports on the basis of a concession within the meaning of Article 36a of the Aviation Act of 21 December 1948.<sup>14</sup>

Examples:

- *Flughafen Zürich*: Main airport of Switzerland
- *Aéroport de Genève-Cointrin*.
- *Aérodrome civil de Sion*.

### 4. Inland ports

Swiss Rhine Ports: Agreement entitled "*Staatsvertrag über die Zusammenlegung der Rheinschiffahrtsgesellschaft Basel und der Rheinhäfen des Kantons Basel-Landschaft zu einer Anstalt öffentlichen Rechts mit eigener Rechtspersönlichkeit unter dem Namen "Schweizerische Rheinhäfen"*" (State Treaty on the Amalgamation of the Rhine Navigation Authority of the City of Basel and the Rhine Ports of Basel-Landschaft to form a Public Authority with Legal Personality under the Name of Port of Switzerland) of 13/20 June 2006.<sup>15</sup>

Example:

- Ports in the region of Basle.

### 5. Production of electricity

Public authorities or public undertakings which produce electricity pursuant to the Federal Act of 22 December 1916 on the use of Hydraulic Forces<sup>16</sup> and the Nuclear Energy Act of 21 March 2003.<sup>17</sup>

Example:

- *Bernische Kraftwerke AG*

## Notes to Appendix 3

Chapter 7 of this Agreement shall not apply to:

- (a) contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities beyond Switzerland;

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<sup>14</sup> RS 748.0

<sup>15</sup> SGS 421.1

<sup>16</sup> RS 721.80

<sup>17</sup> RS 732.1

- (b) 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;
  - (c) contracts of contracting entities other than a public authority exercising the supply of drinking water 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 Appendix. Furthermore, the supply to the public network depends only on the entity's own consumption and has not exceeded 30% of entity's total production of drinking water, having regard to the average for the preceding three years;
  - (d) contracts of 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; or
  - (e) contracts awarded by contracting entities pursuing an activity described in this Annex when that activity is exposed to full market competition.
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APPENDIX 4 TO ANNEX XX

REGARDING GOODS



PART A: CENTRAL AMERICAN STATES

**a. Costa Rica**

Chapter 7 of this Agreement applies to all goods procured by the entities listed in Appendices 1 through 3 of this Annex, subject to the Notes to the respective Appendices, General Notes and unless otherwise specified in this Agreement.

**b. Panama**

Chapter 7 of this Agreement applies to all goods procured by the entities listed in Appendices 1 through 3 of this Annex, subject to the Notes to the respective Appendices, General Notes and unless otherwise specified in this Agreement.

In identifying a product, CPC ver. 2.0 means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, as completed on 31 December 2008.

PART B: EFTA STATES

**a. Iceland**

1. Chapter 7 of this Agreement covers procurement of all goods procured by the entities listed in Appendices 1 through 3, unless otherwise specified in this Annex.

2. Chapter 7 of this Agreement covers only the goods that are described in the Chapters of the Combined Nomenclature (CN) specified below and that are procured by the Ministry of the Interior and Agencies for defence or security activities in Iceland:

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

Chapter 26: Metallic ores, slag and ash

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

ex 27.10: special engine fuels

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

ex 28.09: explosives

ex 28.13: explosives

ex 28.14: tear gas

ex 28.28: explosives

ex 28.32: explosives

ex 28.39: explosives

ex 28.50: toxic products

ex 28.51: toxic products

ex 28.54: explosives

Chapter 29: Organic chemicals  
except:

ex 29.03: explosives

ex 29.04: explosives

ex 29.07: explosives

ex 29.08: explosives

ex 29.11: explosives

ex 29.12: explosives

ex 29.13: toxic products

ex 29.14: toxic products

ex 29.15: toxic products

ex 29.21: toxic products

ex 29.22: toxic products

ex 29.23: toxic products

ex 29.26: explosives

ex 29.27: toxic products

ex 29.29: explosives

Chapter 30: Pharmaceutical products

Chapter 31: Fertilizers

- Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products  
except:  
ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof  
except:  
ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof  
except:  
ex 40.11: bullet-proof tyres
- Chapter 41: Raw hides and skins (other than fur skins) and leather
- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silkworm gut)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basket ware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof

- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal, parts thereof
  - except:
  - ex 82.05: tools
  - ex 82.07: tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances, parts thereof
  - except:
  - ex 84.06: engines
  - ex 84.08: other engines
  - ex 84.45: machinery
  - ex 84.53: automatic data-processing machines
  - ex 84.55: parts of machines under heading No 84.53
  - ex 84.59: nuclear reactors
- Chapter 85: Electrical machinery and equipment, parts thereof
  - except:
  - ex 85.13: telecommunication equipment
  - ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)
  - except:
  - ex 86.02: armoured locomotives, electric
  - ex 86.03: other armoured locomotives
  - ex 86.05: armoured wagons
  - ex 86.06: repair wagons
  - ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof
  - except:
  - ex 87.08: tanks and other armoured vehicles
  - ex 87.01: tractors
  - ex 87.02: military vehicles
  - ex 87.03: breakdown lorries
  - ex 87.09: motorcycles
  - ex 87.14: trailers
- Chapter 89: Ships, boats and floating structures
  - except:
  - ex 89.01 A: warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts thereof
  - except:
  - ex 90.05: binoculars
  - ex 90.13: miscellaneous instruments, lasers
  - ex 90.14: telemeters

- ex 90.28: electrical and electronic measuring instruments
- ex 90.11: microscopes
- ex 90.17: medical instruments
- ex 90.18: mechano-therapy appliances
- ex 90.19: orthopaedic appliances
- ex 90.20: X-ray apparatus
- Chapter 91: Manufacture of watches and clocks
- Chapter 92: Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles
- Chapter 94: Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings  
except:  
ex 94.01 A: aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 98: Miscellaneous manufactured articles

**b. Liechtenstein**

Unless otherwise specified, Chapter 7 of this Agreement covers all goods.

**c. Norway**

1. Chapter 7 of this Agreement covers procurement of all goods, unless otherwise specified in this Annex.

2. Chapter 7 of this Agreement covers only the following goods that are described in the Chapters of the CCC (Customs Cooperation Council)/Brussels nomenclature specified below and that are procured by the Ministry of Defence, its subordinated entities and entities in the field of security:

- 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 fur skins) 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: Fur skins 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: Manufacture of watches and clocks
- Chapter 92: Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles
- Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except:
  - ex 94.01A: 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

**d. Switzerland**

1. Chapter 7 of this Agreement applies to all goods procured by the entities listed in Appendices 1 to 3 of this Annex, subject to the Notes to the respective Appendices and the General Notes.

2. For procurement by entities of the Federal Department of Defence and the Federal Customs Administration with regard to the equipment for border guards and customs officials listed in Appendix 1, only the following list of supplies and equipment (HS Codes) is covered by Chapter 7 of this 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



- Chapter 28: Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes;  
except:  
ex 28.09: explosives  
ex 28.13: explosives  
ex 28.14: tear gas  
ex 28.28: explosives  
ex 28.32: explosives  
ex 28.39: explosives  
ex 28.50: toxic products  
ex 28.51: toxic products  
ex 28.54: explosives
- Chapter 29: Organic chemicals;  
except:  
ex 29.03: explosives  
ex 29.04: explosives  
ex 29.07: explosives  
ex 29.08: explosives  
ex 29.11: explosives  
ex 29.12: explosives  
ex 29.13: toxic products  
ex 29.14: toxic products  
ex 29.15: toxic products  
ex 29.21: toxic products  
ex 29.22: toxic products  
ex 29.23: toxic products  
ex 29.26: explosives  
ex 29.27: toxic products  
ex 29.29: explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes'
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 36: Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations;  
except:  
ex 36.01: powders  
ex 36.02: prepared explosives  
ex 36.04: detonators  
ex 36.08: explosives
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products;

- except:  
ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof;  
except:  
ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof;  
except:  
ex 40.11: tyres
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 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
- Chapter 74: Copper
- Chapter 75: Nickel
- Chapter 76: Aluminium
- Chapter 78: Lead
- Chapter 79: Zinc
- Chapter 80: Tin
- Chapter 81: Other base metals
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances
- Chapter 85: Electrical machinery and equipment;  
except:  
ex 85.03: electric cells and batteries  
ex 85.13: telecommunication equipment  
ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; traffic signalling equipment of all kinds (not electrically powered);  
except:

- ex 86.02: armoured locomotives
  - ex 86.03: other armoured locomotives
  - ex 86.05: armoured wagons
  - ex 86.06: repair wagons
  - ex 86.07: wagons
  - Chapter 87: Vehicles, other than railway or tramway rolling-stock;  
except:
    - 87.08: cars and armoured vehicles
    - ex 87.02: heavy vehicles
    - ex 87.09: motorcycles
    - ex 87.14: trailers
  - Chapter 88: Aircraft and parts thereof:  
except:
    - ex 88.02: aircraft
  - Chapter 89: Ships, boats and floating structures
  - Chapter 90: Optical, photographic, cinematographic, measuring, checking,  
precision, medical and surgical instruments and apparatus;  
except:
    - ex 90.05: binoculars
    - ex 90.13: miscellaneous instruments, lasers
    - ex 90.14: telemeters
    - ex 90.28: electrical and electronic measuring instruments
  - Chapter 91: Clocks and watches and parts thereof
  - Chapter 92: Musical instruments, sound recorders or reproducers, television  
image and sound recorders or reproducers, parts and accessories  
of such articles
  - Chapter 93: Arms and ammunition;  
except:
    - ex 93.01: white knives
    - ex 93.02: pistols
    - ex 93.03: military weapons
    - ex 93.04: firearms
    - ex 93.05: other arms
    - ex 93.07: projectiles and ammunition
  - Chapter 94: Furniture, bedding, mattresses, mattress supports, cushions and  
similar stuffed furnishings
  - Chapter 95: Articles and manufactures of carving or moulding material
  - Chapter 96: Brooms, brushes, powder-puffs and sieves
  - Chapter 98: Miscellaneous manufactured articles
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APPENDIX 5 TO ANNEX XX  
REGARDING SERVICES

PART A: CENTRAL AMERICAN STATES

**a. Costa Rica**

1. Chapter 7 of this Agreement applies to all services procured by the entities listed in Appendices 1, 2 and 3 of this Annex, subject to the General Notes, except for the services listed in this Appendix. All services covered by this Appendix are subject to the Schedules of Specific Commitments (Appendices 1 to 6 to Annex XV).

2. Chapter 7 of this Agreement does not cover procurement of the following services, as classified in the United Nations Central Product Classification 1.0 (CPC version 1.0):

(a) Research and Development

Division 81 Research and Development Services

(b) Management of Government-Owned Facilities (Administrative Facilities and Service Buildings, Airfield, Communications, and Missile Facilities, Educational Buildings, Hospital Buildings, Industrial Buildings, Residential Buildings, Warehouse Buildings, Research and Development Facilities, Other Buildings, Conservation and Development Facilities, Highways, Roads, Streets, Bridges and Railways, Electric Power Generation (EPG) Facilities, Utilities, Other Non-Building Facilities).

(c) Management and Distribution of Lotteries

Class 9692 Gambling and Betting services

(d) Public Services

Division 69 Electricity Distribution Services; Gas and Water Distribution Services through mains

Division 91 Public Administration and other services to the community as a whole;

Compulsory Social Security Services

Division 92 Education Services (public education)

Division 93 Health and Social Services

**b. Panama**

1. Chapter 7 of this Agreement applies to all services procured by the entities listed in Appendices 1, 2 and 3, subject to the Notes to the respective Appendices and Appendix 11, except for the services excluded in this Appendix. All services covered by this Appendix are subject to the Schedules of Specific Commitments (Appendices 1 to 6 to Annex XV).

2. In identifying a service sector or sub-sector, CPC ver. 2.0 means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, as completed on 31 December 2008.

3. Chapter 7 of this Agreement does not cover the procurement of the following services, as elaborated in the United Nations Central Product Classification (CPC version 2.0):

<b>Code</b>	<b>CPC version 2.0. Description</b>
64	Passenger transport services
641	Local transport and sightseeing transportation services of passengers
6411	Urban and suburban land transport services of passengers
6424	Air transport services of passengers
6741	Bus station services
855	Travel arrangement, tour operator and related services
68111	Postal services related to letters
68112	Postal services related to parcels
68113	Post office counter services
68119	Other postal services
6911	Electricity transmission and distribution (on own account)
692	Water distribution (on own account)
81	Research and development services
91	Public Administration and other Services to the Community as a whole; Compulsory Social Security Services
92	Education Services
93	Human Health and Social care services
9692	Gambling and Betting Services
84	Telecommunications, broadcasting and information supply services

PART B: EFTA STATES

**a. Iceland**

Chapter 7 of this Agreement covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC), as contained in document MTN.GNS/W/120, with the exceptions specified in the Notes to this Annex (Note 1):

<i>Subject</i>	<i>CPC prov. 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
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services (Note 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 (Note 3)
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical consulting services; technical testing and analysis services	867

Advertising services	871
Building-cleaning services and property management services	874, 82201-82206
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

### Notes to Appendix 5

1. 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.
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 arbitrations and conciliation services.

Procurement by procuring entities covered under Appendices 1, 2 and 3 of any of the services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 5.

### b. Liechtenstein

Chapter 7 of this Agreement covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) as contained in document MTN.GNS/W/120:

<i>Subject</i>	<i>CPC prov.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 <sup>18</sup>
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services <sup>19</sup>	
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 <sup>20</sup>
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 Appendix 5

1. Covered services do not include services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.

<sup>18</sup> Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>19</sup> Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services.

<sup>20</sup> Except arbitration and conciliation services.

2. Procurement by procuring entities covered under Appendices 1 to 3 of any of the services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 5.

**c. Norway**

Chapter 7 of this Agreement covers the following services which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) as contained in document MTN.GNS/W/120 with the exceptions specified in the Notes to this Annex:

<i>Subject</i>	<i>CPC prov. 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
Financial services	Ex 81, 812, 814
(a) Insurance services	
(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, 822
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

### Notes to Appendix 5

1. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, and central bank services.
2. Management consulting services on the list above do not include arbitration and conciliation services.
3. Procurement by procuring entities covered under Appendices 1, 2 and 3 of any of the services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 5.
4. Covered services do not include services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.

**d. Switzerland**

Chapter 7 of this Agreement applies to all services set out below that are procured by the entities listed in Appendix 1, Appendix 2 and Appendix 3.

<i>Subject</i>	<i>CPC prov. 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 <sup>21</sup> (except 7524, 7525, 7526)
Financial services	ex. 81, 812 and 814
a) Insurance services	
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 <sup>22</sup>
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

<sup>21</sup> Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>22</sup> Except arbitration and conciliation services.

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

### Notes to Appendix 5

1. Chapter 7 of this Agreement shall not apply to:
    - (a) service contracts awarded to an entity which is itself a procuring entity listed in Appendix 1, Appendix 2 and Appendix 3 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;
    - (b) 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 Appendix 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80% 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;
    - (c) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
    - (d) contracts of employment, and
    - (e) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affairs, on condition that the service is wholly remunerated by the entity.
  2. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services.
  3. Procurement by procuring entities covered under Appendices 1, 2 and 3 of any of the services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 5.
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APPENDIX 6 TO ANNEX XX  
REGARDING CONSTRUCTION SERVICES

PART A: CENTRAL AMERICAN STATES

**a. Costa Rica**

Chapter 7 of this Agreement applies to all construction services procured by the entities listed in Appendices 1, 2 and 3 of this Annex, subject to the General Notes. All construction services covered by this Appendix are subject to the Schedules of Specific Commitments (Appendices 1 to 6 to Annex XV).

**b. Panama**

Chapter 7 of this Agreement applies to all construction services procured by the entities listed in Appendices 1, 2 and 3, subject to the Notes to the respective Appendices and Appendix 11. All construction services covered by this Appendix are subject to the Schedules of Specific Commitments (Appendices 1 to 6 to Annex XV).

PART B: EFTA

**a. Iceland**

*List of Division 51, CPC:*

All services listed in Division 51.

**Note to Appendix 6**

Procurement by procuring entities covered under Appendices 1, 2 and 3 of any of the construction services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 6.

**b. Liechtenstein**

*List of Division 51, CPC:*

Pre-erection work at construction sites	511
General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514
Special trade construction work	515
Installation work	516
Building completion and finishing work	517
Other	518

**Note to Appendix 6**

Procurement by procuring entities covered under Appendices 1 to 3 of any of the services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 6.



**c. Norway**

*List of Division 51, CPC:*

All services listed in Division 51.

**Note to Appendix 6**

Procurement by procuring entities covered under Appendices 1, 2 and 3 of any of the services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 6.

**d. Switzerland**

*List of Division 51, CPC:*

Pre-erection work at construction sites	511
General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514
Special trade construction work	515
Installation work	516
Building completion and finishing work	517
Other	518

**Note to Appendix 6**

Procurement by procuring entities covered under Appendices 1 to 3 of any of the services covered under this Appendix is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Appendix 6.

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APPENDIX 7 TO ANNEX XX

MEANS OF PUBLICATION

PART A: CENTRAL AMERICAN STATES

**Costa Rica**

Legislation: laws, administrative rulings and procedures:

1. *Diario Oficial La Gaceta*: [www.gaceta.go.cr](http://www.gaceta.go.cr)
2. *Sistema Costarricense de Información Jurídica*: [www.pgr.go.cr/scij](http://www.pgr.go.cr/scij)

Jurisprudence:

1. *Boletín Judicial*: [www.boletinjudicial.go.cr](http://www.boletinjudicial.go.cr)
2. *Sistema Costarricense de Información Jurídica*: [www.pgr.go.cr/scij](http://www.pgr.go.cr/scij)

Notices of procurement:

1. *Diario Oficial La Gaceta*: [www.gaceta.go.cr](http://www.gaceta.go.cr)
2. Notices of procurement for the *Instituto Costarricense de Electricidad*:  
[www.grupoice.com](http://www.grupoice.com)

**Panama**

Legislation:

1. National Assembly  
Website: <http://www.asamblea.gob.pa>
2. Compendium of National Laws:  
Website: <http://www.asamblea.gob.pa/main/Escondidos/LegispanyGacetaOficial.aspx>

Jurisprudence:

Supreme Court of Justice  
Website: <http://www.organojudicial.gob.pa>

Notices of procurement:

<http://www.panamacompra.gob.pa>

## PART B: EFTA STATES

### **Iceland**

Legislation: *Stjórnartíðindi* (The Government Gazette)

Jurisprudence: *Hæstaréttardómar* (Supreme Court Report)

Notices of procurement:

1. Official website of the State Trading Centre (*Ríkiskaup*):  
<http://www.rikiskaup.is/english/>
2. All Icelandic EEA contract announcements are published in English via SIMAP on the Tender Electronics daily web: <http://ted.europa.eu>
3. Morgunbladid (Newspaper)

Official Journal of the European Union:

[http://europa.eu.int/eur-lex/en/search/search\\_oj.html](http://europa.eu.int/eur-lex/en/search/search_oj.html)

### **Liechtenstein**

Legislation: *Landesgesetzblatt* (National Law Gazette)  
[www.gesetze.li](http://www.gesetze.li)

Jurisprudence: *Liechtensteinische Entscheidsammlung* (Liechtenstein Court Report)  
[www.gerichtsentscheide.li/](http://www.gerichtsentscheide.li/)

Appendix 1 entities:

All notices: [www.amtsblatt.llv.li](http://www.amtsblatt.llv.li) (electronic only)

Notices on the Government Procurement Agreement and EEA procurement: Official Journal of the European Union (Tender Electronics daily)  
<http://ted.europa.eu>

All other entities:

All Notices of procurement: *Liechtensteiner Volksblatt*, *Liechtensteiner Vaterland* (Newspapers),

Notices on GPA and EEA procurement: Official Journal of the European Union (Tender Electronics daily)  
<http://ted.europa.eu>

## Norway

Legislation and Jurisprudence: *Norsk Lovtidend* (Norwegian Law Gazette)  
[www.lovdata.no](http://www.lovdata.no)

Notices of procurement:

1. Doffin – Database for *offentlige innkjøp* (Database for public procurement)  
<http://www.doffin.no/>
2. All Norwegian GPA and EEA Contracts are also published in English on the Tender Electronics daily web: <http://ted.europe.eu>

## Switzerland

Legislation: Compendium of Federal laws, Compendiums of Cantonal laws (26). See also: <https://www.simap.ch>

Jurisprudence: Decisions of the Swiss Federal Court, Jurisprudence of the administrative authorities of the Confederation and every Canton (26). See also: <https://www.simap.ch>

Special instructions from the procuring entities such as General business conditions, etc. are published on the appropriate homepages of the procuring entities concerned. See also: <https://www.simap.ch>

Notices of Procurements:

Entities at central level: Swiss procurement information system (<https://www.simap.ch>)

Entities at subterritorial level and utilities: Swiss procurement information system (<https://www.simap.ch>) and/or Official publications of every Swiss Canton (26)

APPENDIX 8 TO ANNEX XX

TIME LIMITS

*General minimum Time Limit*

1. A procuring entity that uses selective tendering shall establish a final date for the submission of requests for participation. It shall set a reasonable deadline allowing sufficient time for interested suppliers to fulfil the formal requirements for participation in the tender. Under no circumstance shall this time-period be less than 10 days.
2. Except as provided for in paragraphs 3 and 4, a procuring entity shall establish that the final date for submission of tenders shall not be less than 40 days from the date on which:
  - (a) in case of open tendering, the notice of intended procurement is published; or
  - (b) in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders.

*Possibilities for reducing the General Time Limits*

3. A Party may foresee in its domestic legislation that a procuring entity may reduce the time-period for tendering established in accordance with paragraph 2 by five days for each one of the following circumstances:
  - (a) the notice of intended procurement is published by electronic means;
  - (b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
  - (c) the entity accepts tenders by electronic means.
4. Under the following circumstances, entities may establish a time period for tendering that is shorter than the periods referred to in paragraph 2, provided that such time period is sufficiently long to enable suppliers to prepare and submit responsive tenders and is in no case less than 10 days prior to the final date for the submission of tenders:
  - (a) where a notice of planned procurement has been published at least 40 days and not more than 12 months in advance of the publication of the notice of intended procurement;
  - (b) where the procuring entity, for recurring contracts, indicates in an initial notice of intended procurement that subsequent notices will provide time limits for tendering based on this paragraph;
  - (c) where a procuring entity purchases commercial goods or services, or any combination thereof, it may reduce the time-period for tendering established in accordance with paragraph 2 to not less than 10 days, provided that it publishes by electronic means, at the same time, both the

notice of intended procurement and the tender documentation. In addition, where the entity accepts tenders for commercial goods or services by electronic means, it may reduce the time-period established in accordance with paragraph 2 to not less than 10 days; and

- (d) where a state of urgency duly substantiated by the procuring entity renders impracticable the periods specified in paragraph 2.

5. In the case of the EFTA States, where a procuring entity covered under Appendices 2 or 3 to Annex XX has selected all or a limited number of qualified suppliers, the time-period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

*Note*

The Parties may agree on different time limits in the future by decision of the Joint Committee.





APPENDIX 9 TO ANNEX XX

VALUE OF THRESHOLDS AND VALUATION

PART A: CENTRAL AMERICAN STATES

*Thresholds*

1. Each Central American State shall convert the thresholds of this Annex into their respective national currency at two years intervals. Each adjustment will take effect on January 1, beginning on January 2014. In Costa Rica, the conversion shall be based on the official conversion rate of its central bank, using the average of the daily values of its currency in terms of the U.S. dollar. Panama shall calculate the adjustment of the thresholds, based on an average of the daily conversion rates of the U.S. dollar in terms of SDRs published by the IMF in its monthly "International Financial Statistics" for the two-year period preceding October 1 or November 1 of the year before the adjusted thresholds are to take effect. Such procedures will take place over the two-year period ending September 30 preceding the year in which the adjustment made by the each Central American State will be effective.

2. The value of the newly calculated thresholds shall be made available, in their respective currencies, by Costa Rica and Panama before the respective thresholds take effect.

*Valuation*

3. In estimating the value of a procurement for the purpose of ascertaining whether it is a procurement covered by Chapter 7 of this Agreement, a procuring entity:

- (a) shall not divide a procurement into separate procurements or select or use a particular valuation method for estimating the value of a procurement with the intention of totally or partially excluding it from the application of Chapter 7 of this Agreement;
- (b) shall include the estimated maximum total value of the procurement over its entire duration, whether awarded to one or more suppliers, taking into account all forms of remuneration, including:
  - (i) premiums, fees, commissions and interest, and
  - (ii) the estimated maximum total value of the procurement, inclusive of optional purchases, if the procurement provides for the possibility of option clauses; and
- (c) shall base its calculation of the total maximum value of the procurement over its entire duration, if the procurement is to be conducted in multiple parts, with contracts to be awarded at the same time or over a given period to one or more suppliers.

4. A procuring entity may not prepare, design, structure or divide a public procurement in order to avoid the obligations of Chapter 7 of this Agreement.

## PART B: EFTA STATES

### *Thresholds*

1. The Parties shall calculate and convert the value of the thresholds into their own national currencies using the conversion rates of their respective National Banks. The conversion rates will be the average of the 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 becoming effective. The conversion rate shall apply from 1 January of the following year.
2. The value of the newly calculated thresholds shall be made available, in their respective currencies, by the EFTA States, before the respective thresholds take effect.

### *Valuation*

3. In estimating the value of procurement for the purpose of ascertaining whether it is a covered procurement, a procuring entity shall:
  - (a) neither divide a procurement into separate procurements nor use a particular method for estimating the value of a procurement with the intention of totally or partially excluding it from the application of Chapter 7 of this Agreement;
  - (b) include the estimated maximum total value of the procurement over its entire duration, taking into account all forms of remuneration, including any premiums, fees, commissions, interest and, where the procurement provides for the possibility of option clauses, the total value of such options;
  - (c) where the procurement is to be conducted in multiple parts (hereinafter referred to as “recurring contracts”), with contracts to be awarded at the same time or over a given period to one or more suppliers, base its calculation of the total maximum value of the procurement over a period of 12 months; and
  - (d) where the national legislation allows for contracts to be concluded for an indefinite period and a total price is not specified, the basis for valuation of such contracts shall be based on the estimated monthly instalment multiplied by 48.



APPENDIX 10 TO ANNEX XX

NOTICES, TENDER DOCUMENTATION AND LIST OF SUPPLIERS

*Notices*

1. Except as otherwise provided in Chapter 7 of this Agreement and in this Annex, each notice of intended procurement as provided for in Article 7.10 shall include:

- (a) the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any;
- (b) a description of the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity;
- (c) the procurement method that will be used and whether it will involve negotiation or electronic auction;
- (d) the address and the final date for the submission of tenders; and
- (e) the language or languages in which tenders or requests for participation may be submitted, if they may be submitted in a language other than an official language of the Party of the procuring entity.

2. The following information shall be included in addition in the notice of intended procurement if such notice is published by electronic means. If the notice is published in paper media, adequate measures shall be taken in order to assure that this information can be promptly obtained by any interested supplier:

- (a) for recurring contracts, if possible, an estimate of the timing of subsequent notices of intended procurement;
- (b) a description of any options;
- (c) the time-frame for delivery of goods or services or the duration of the contract;
- (d) where applicable, the address and any final date for the submission of requests for participation in the procurement;
- (e) a list and brief description of any conditions for participation of suppliers; and
- (f) where pursuant to Article 7.12 of the Agreement, a procuring entity intends to select a limited number of qualified or registered suppliers to be invited to tender, the criteria that will be used to select them and, where applicable, any limitation on the number of suppliers that will be permitted to tender.

3. Where a procuring entity intends to use selective tendering, the entity shall:

- (a) include in the notice of intended procurement at least the information specified in paragraph 1 (a), (b), (c). If such notice is published by electronic means the information specified in paragraph 2 (d), (e) and (f) shall also be included. If the notice is published in paper media, adequate measures shall be taken in order to assure that the information in paragraph 2 (d), (e) and (f) can be promptly obtained by any interested supplier; and
- (b) provide, by the commencement of the time-period for tendering, at least the information in paragraph 1 (d), (e) and in paragraph 2 (a), (b) and (c) to the qualified suppliers that it notifies as specified in Appendix 8 subparagraph 2 (b).

#### *List of Suppliers*

4. If the legislation of a Party contemplates the publication of a notice inviting interested suppliers to apply for inclusion in a List of Suppliers, it shall include the name and address of the competent or procuring entity and other information necessary to contact the entity and obtain all relevant information and documents relating to inclusion in the list. Entities shall make available a description of the goods or services, or categories thereof, for which the list may be used.

5. Electronic notices shall in addition include the following information:

- (a) the conditions for participation to be satisfied by suppliers and the methods that the procuring entity will use to verify a supplier's satisfaction of the conditions; and
- (b) the period of validity of the list and the means for its renewal or termination, or where the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list.

6. If the notices are published in paper media, entities shall make the requested information under subparagraphs 5 (a) and 5 (b) available to the interested suppliers.

7. No provision under Chapter 7 of this Agreement shall be understood as an obligation of maintaining lists of suppliers.

#### *Tender Documentation*

8. The tender documentation referred to in paragraph 1 of Article 7.14 of the Agreement shall include a complete description of:

- (a) the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any



technical specifications, conformity assessment certification, plans, drawings or instructional materials;

- (b) any conditions for participation of suppliers, including a list of information and documents that suppliers are required to submit in connection with the conditions for participation;
- (c) all evaluation criteria the entity will apply in the awarding of the contract, and, except where price is the sole criterion, the relative importance of such criteria;
- (d) where the procuring entity will conduct the procurement by electronic means, any authentication and encryption requirements or other requirements related to the submission or receipt of information by electronic means;
- (e) where the procuring entity will hold an electronic auction, the rules, including identification of the elements of the tender related to the evaluation criteria, on which the auction will be conducted;
- (f) where there will be a public opening of tenders, the date, time and place for the opening and, where appropriate, the persons authorised to be present;
- (g) any other terms or conditions, including terms of payment and any limitation on the means by which tenders may be submitted, such as whether on paper or by electronic means; and
- (h) any dates for the delivery of goods or the supply of services.

9. Where the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 1 of Article 7.10 of the Agreement, a procuring entity shall ensure that those documents are made available at the same time to all the qualified suppliers selected in accordance with paragraph 4 of Article 7.12 of the Agreement.

APPENDIX 11 TO ANNEX XX

ADDITIONAL NOTES

PART A: CENTRAL AMERICAN STATES

**a. Costa Rica**

1. Unless otherwise specified herein, the following General Notes apply without exception to Chapter 7 of this Agreement, including to all Appendices to this Annex.
2. The provisions of Chapter 7 of this Agreement shall not limit Costa Rica to develop new public procurement, policies, procedures or contractual means, provided that such measures are compatible with the provisions of Chapter 7 of this Agreement.

*Limited tendering*

3. Procuring entities might award contracts by limited tendering procedures in the following circumstances, besides those listed in Article 7.18:
  - (a) if it is strictly necessary for reasons caused by events unforeseen and inevitable for the procuring entity such as natural catastrophes, and involving high ranking public interests such as public health and security, duly proven;
  - (b) issues related to national security;
  - (c) urgent attention of legal procedures;
  - (d) conciliation and arbitration services;
  - (e) building and establishment of government offices located abroad, as well as procurement of foreign physical or legal persons that will provide their services abroad.

*Specific exclusions*

- (a) Chapter 7 of this Agreement does not apply to procurement by one Costa Rican entity of a good or service obtained or acquired from another Costa Rican entity.
- (b) For a time period no longer than 2 years from the entry into force of this Agreement, it shall not apply to procurements awarded under framework agreements.
- (c) Chapter 7 of this Agreement does not apply to government programmes for MSMEs.

**d. Panama**

1. Unless otherwise specified herein, the following General Notes apply without exception to Chapter 7 of this Agreement, including to all Appendix to this Annex.

*Specific exclusions*

Chapter 7 of this Agreement does not apply to:

- (a) procurement made under the system of concessions granted by the State, other than public works concession contracts;
- (b) procurement for issuing currency, coinage, tax or postage stamps;
- (c) procurement of agricultural products linked to agricultural development and support and food aid programmes;
- (d) procurement made by a Panamanian entity for another Panamanian entity; and
- (e) procurement of transportation services that form a part of, or are incidental to, a procurement contract.

2. The provisions of Chapter 7 of this Agreement shall not limit Panama to develop new public procurement, policies, procedures or contractual means, provided that such measures are compatible with the provisions of Chapter 7 of this Agreement.

## PART B: EFTA STATES

1. Nothing in Chapter 7 of this Agreement shall be construed to prevent a Party from taking any action or not disclosing any information that 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.

### **a. Iceland**

1. Chapter 7 of this Agreement does not cover:

- (a) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (b) contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: "*Lög um opinber innkaup* (84/2007) on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.

2. Chapter 7 of this Agreement does not cover procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

3. Procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, transport, telecommunications and the postal sector are not covered by this Agreement, unless covered under Appendix 3.

### **b. Liechtenstein**

1. Chapter 7 of this Agreement does not cover:

- (a) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;
- (b) the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

2. The provision of services, including construction services, in the context of procurement procedures according to Chapter 7 of 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.

3. Procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, and transport sector are not covered by this Agreement unless covered under Appendix 3.

4. Chapter 7 of this Agreement does not cover fund placements of insured persons conducted by public entities or undertakings such as public insurance and pension funds.

**c. Norway**

1. Chapter 7 of this Agreement does not cover:

- (a) procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (b) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

2. Procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, transport and the postal sector are not covered by Chapter 7 of this Agreement, unless covered under Appendix 3.

3. Chapter 7 of this Agreement shall not apply to Svalbard.

**d. Switzerland**

1. Chapter 7 of this Agreement does not apply to procurements of goods and services carried out inside a procuring entity or to procurements of goods or services obtained or acquired by a procuring entity from another procuring entity with legal personality (inhouse).

2. The provisions of services, including construction services, in the context of procurement procedures according to this Chapter are subject to the conditions and qualifications for market access and national treatment as will be required by Switzerland in conformity with its commitments under the GATS.

3. Chapter 7 of this Agreement does not apply to the procurement of goods and services which can only be acquired from organisations with special or exclusive rights granted as result of published legislative, regulatory or administrative provisions (e.g. for the purchase of drinking water, energy, etc.).

4. Chapter 7 of this Agreement does not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

5. Switzerland understands that Chapter 7 of this Agreement is not applicable to fund placements of funds of insured persons conducted by public organisations such as public insurance and pension funds.

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