

ANNEX XIII

REFERRED TO IN ARTICLE 70

GOVERNMENT PROCUREMENT

ANNEX VIII

GOVERNMENT PROCUREMENT

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APPENDIX 1 TO ANNEX XIII (GOVERNMENT PROCUREMENT)

ENTITIES AT CENTRAL GOVERNMENT LEVEL

SECTION I: CHILE

1. Chapter V (Government Procurement) applies to procurement by the Central Level of Government Entities listed in this Appendix where the value of the procurement is estimated, in accordance with Appendix 10 to the Annex, to equal or exceed the following relevant threshold:

- (a) for government procurement of goods and services: SDR 95,000.
- (b) for government procurement of construction services (*): SDR 5,000,000.
 - (i) includes public works concession contract.

2. The monetary thresholds set out in paragraph 1 shall be adjusted in accordance with Appendix 10 to this Annex.

Executive

- 1. Presidencia de la República (Presidency of the Republic);
- 2. Ministerio del Interior y Seguridad Pública (Ministry of the Interior and Public Security);
- 3. Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs);
- 4. Ministerio de Defensa Nacional (Ministry of National Defence);
- 5. Ministerio de Hacienda (Ministry of Finance);
- 6. Ministerio Secretaría General de la Presidencia (Ministry of the General Secretariat of the Presidency);
- 7. Ministerio Secretaría General de Gobierno (Ministry of the General Secretariat of the Government);
- 8. Ministerio de Economía, Fomento y Turismo (Ministry of the Economy, Development and Tourism);
- 9. Ministerio de Minería (Ministry of Mining);
- 10. Ministerio de Energía (Ministry of Energy);
- 11. Ministerio de Desarrollo Social (Ministry of Social Development);
- 12. Ministerio de Educación (Ministry of Education);
- 13. Ministerio de Justicia y Derechos Humanos (Ministry of Justice and Human Rights);

14. Ministerio del Trabajo y Previsión Social (Ministry of Labor and Social Forecast);
15. Ministerio de Obras Públicas (Ministry of Public Works);
16. Ministerio de Transportes y Telecomunicaciones (Ministry of Transportation and Communication);
17. Ministerio de Salud (Ministry of Health) ;
18. Ministerio de Vivienda y Urbanismo (Ministry of Housing and Urban Planning);
19. Ministerio de Bienes Nacionales (Ministry of National Assets);
20. Ministerio de Agricultura (Ministry of Agriculture);
21. Ministerio del Medio Ambiente (Ministry of the Environment);
22. Ministerio del Deporte (Ministry of Sport);
23. Ministerio de la Culturas, las Artes y Patrimonio (Ministry of the Culture, Arts and Patrimony);
24. Ministerio de la Mujer y la Equidad de Género (Ministry of Women and Gender Equality); and
25. Ministerio de Ciencia, Tecnología, Conocimiento e Innovación (Ministry of Science, Technology, Knowledge and Innovation).

All Regional / Local Governments (including current and newly created functions), such as “Gobernadores regionales”, “Delegado presidencial regional” and “Delegado presidencial provincial”.

Note to Appendix 1

Unless otherwise specified in this Appendix, all agencies subordinate to those listed, are covered by Chapter V (Government Procurement).

SECTION II: EFTA STATES

Chapter V (Government Procurement) 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 |
|-----------|-------------|

SERVICES

Specified in Appendix 5

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

CONSTRUCTION SERVICES

Specified in Appendix 6

| | |
|-----------|---------------|
| Threshold | SDR 5,000,000 |
|-----------|---------------|

A. Iceland

List of entities:

All central government entities, including ministries and sub-entities.

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

1. *Ríkiskaup* (State Trading Center)
2. *Framkvæmdasýslan* (Government Construction Contracts)
3. *Vegagerðin* (Road and Coastal Administration)

Note to Appendix 1

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

B. Liechtenstein

List of entities:

1. Government of the Principality of Liechtenstein.

Notes to Appendix 1

1. Central government entities also cover any subordinate entity of any central government entity provided it does not have a separate legal personality.
2. Chapter V (Government Procurement) shall not apply to contracts awarded by entities in connection with activities in the field of drinking water, energy, transport, telecommunication or post.

C. Norway

All central government entities.

An indicative list of central government entities is attached.

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.

Indicative list of central government entities:

| | |
|--|---|
| <i>Statsministerens kontor</i> | Office of the Prime Minister |
| <i>Arbeids- og inkluderingsdepartementet</i> | Ministry of Labour and Social Inclusion |
| <i>Barne- og familidepartementet</i> | Ministry of Children and Families |
| <i>Finansdepartementet</i> | Ministry of Finance |
| <i>Forsvarsdepartementet</i> | Ministry of Defence |
| <i>Helse- og omsorgsdepartementet</i> | Ministry of Health and Care Services |
| <i>Justis- og beredskapsdepartementet</i> | Ministry of Justice and Public Security |
| <i>Klima- og miljødepartementet</i> | Ministry of Climate and Environment |
| <i>Kommunal- og distriktsdepartementet</i> | Ministry of Local Government and Regional Development |
| <i>Kultur- og likestillingsdepartementet</i> | Ministry of Culture and Equality |
| <i>Kunnskapsdepartementet</i> | Ministry of Education and Research |
| <i>Landbruks- og matdepartementet</i> | Ministry of Agriculture and Food |
| <i>Nærings- og fiskeridepartementet</i> | Ministry of Trade, Industry and Fisheries |
| <i>Olje- og energidepartementet</i> | Ministry of Petroleum and Energy |
| <i>Samferdselsdepartementet</i> | Ministry of Transport and Communication |
| <i>Utenriksdepartementet</i> | Ministry of Foreign Affairs |

Agencies and Institutions subordinate to these ministries.

Other institutions:

| | |
|-------------------|---|
| <i>Stortinget</i> | The Storting (the Norwegian Parliament) |
| <i>Domstolene</i> | The Courts of Law |

D. Switzerland

Indicative list of entities:

All centralised and decentralised authorities or administrative units of the Swiss Confederation under Swiss public law.

- I. List of centralised and decentralised units of the Federal Administration, in accordance with the Federal Act of 21 March 1997 on the Organisation of the Government and the Administration and the relevant ordinance^{1,2}:

FRENCH

ENGLISH

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

*Liste 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 des affaires européennes (DAE)*
- *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 for European Affairs (DEA)
- Directorate of Public International Law (DIL)
- Swiss Agency for Development Cooperation (SDC)
- Directorate of Corporate Resources (DCR)
- Consular Directorate (CD)

¹ RS 172.010 and RS 172.010.1
https://www.fedlex.admin.ch/eli/cc/1997/2022_2022_2022/fr and
<https://www.fedlex.admin.ch/eli/cc/1999/170/fr>

² Except for “Caisse fédérale de pensions” (PUBLICA)/Swiss Federal Pension Fund (PUBLICA) under Département fédéral des finances (DFF)/Federal Department of Finance (FDF).

3. Département fédéral de l'intérieur (DFI):

- Secrétariat général (SG-DFI)
- Bureau fédéral de l'égalité entre femmes et hommes (BFEG)
- Office fédéral de la culture (OFC)
- Archives fédérales suisses (AFS)
- Office fédéral de météorologie et de climatologie (MétéoSuisse)
- Office fédéral de la santé publique (OFSP)
- Office fédéral de la statistique (OFS)
- Office fédéral des assurances sociales (OFAS)
- Office fédéral de la sécurité alimentaire et des affaires vétérinaires OSAV
- Musée national suisse (MNS)
- Pro Helvetia
- Swissmedic, Institut suisse des produits thérapeutiques
- Compenswiss (fonds de compensation (AVS/AI/IPG)

4. Département fédéral de la justice et police (DFJP):

- Secrétariat général (SG-DFJP)
- Office fédéral de la justice (OFJ)
- Office fédéral de la police (fedpol)
- Secrétariat d'Etat aux migrations (SEM)
- Institut fédéral de métrologie (METAS)
- Service Surveillance de la correspondance par poste et télécommunication (SCPT)
- Commission nationale de prévention de la torture
- Institut suisse de droit comparé (ISDC)
- Institut Fédéral de la Propriété Intellectuelle (IPI)
- Autorité fédérale de surveillance en matière de révision (ASR)

3. Federal Department of Home Affairs (FDHA):

- General Secretariat (GS-FDHA)
- Federal Office for Gender Equality (FOGE)
- Federal Office of Culture (FOC)
- Swiss Federal Archives (SFA)
- Federal Office of Meteorology and Climatology (MeteoSwiss)
- Federal Office of Public Health (FOPH)
- Federal Statistical Office (FSO)
- Federal Social Insurance Office (FSIO)
- Federal Food Safety and Veterinary Office FSVO
- Swiss National Museum (SNM)
- Pro Helvetia
- Swissmedic, Swiss Agency for Therapeutic Products
- Swiss Federal Social Security Funds (OAI/II/IC)

4. Federal Department of Justice and Police (FDJP):

- General Secretariat (GS-FDJP)
- Federal Office of Justice (FOJ)
- Federal Office of Police (fedpol)
- State Secretariat for Migration (SEM)
- Federal Institute of Metrology (METAS)
- Post and Telecommunications Surveillance Service
- National Commission for the Prevention of Torture
- Swiss Institute of Comparative Law (SICL)
- Federal Institute of Intellectual Property (IIP)
- Federal Audit Oversight Authority (FAOA)

5. *Département fédéral de la défense, de la protection de la population et des sports (DDPS):*

- *Secrétariat général (SG-DDPS)*
- *Service de renseignement de la Confédération (SRC)*
- *Office de l'auditeur en chef (OAC)*
- *Groupement Défense*
 - (a) *Etat-major de l'armée (EM A)*
 - (b) *Commandement des opérations (Cdmt Op)*
 - (c) *Base logistique de l'armée (BLA)*
 - (d) *Base d'aide au commandement (BAC)*
 - (e) *Commandement de l'Instruction (Cmdt Instr)*
- *Groupement armasuisse (ar)*
 - (a) *Office fédéral de l'armement*
 - (b) *Office fédéral de topographie (swisstopo)*
- *Office fédéral de la protection de la population (OFPP)*
- *Office fédéral du sport (OFSP)*
- *Autorité de surveillance indépendante des activités de renseignement*

5. **Federal Department of Defence, Civil Protection and Sport (DDPS)**

- General Secretariat (GS-DDPS)
- Federal Intelligence Service (FIS)
- Office of the Armed Forces Attorney General (OAFAG)
- Defence Sector
 - (a) Armed Forces Staff (AFS)
 - (b) Joint Operations Command (JOC)
 - (c) Armed Forces Logistics Organisation (AFLO)
 - (d) Command Support Organisation (AFCSO)
 - (e) Training and Education Command (TEC)
- armasuisse Group (ar)
 - (a) Federal Office for Defence Procurement
 - (b) Federal Office of Topography (swisstopo)
- Federal Office for Civil Protection (FOCP)
- Federal Office of Sport (FOSPO)
- Independent Oversight Authority for Intelligence Activities

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 pilotage informatique de la Confédération (UPIC)*
- *Contrôle fédéral des finances (CDF)*
-
- *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 IT Steering Unit (FITSU)
- Swiss Federal Audit Office (SFAO)
-
- Swiss Financial Market Supervisory Authority (FINMA)
- Swiss Federal Pension Fund (PUBLICA)

7. **Département fédéral de l'économie, de la formation et de la recherche DEFR :**

- Secrétariat général (SG-DFE)
- Surveillance des prix (SPR)
- Secrétariat d'Etat à l'économie (SECO)
- Secrétariat d'Etat à la formation, à la recherche et à l'innovation SEFRI
- Domaine des écoles polytechniques (domaine des EPF)
- Ecole polytechnique fédérale de Zurich (EPFZ)
- Ecole polytechnique fédérale de Lausanne (EPFL)
- Institut Paul Scherrer (PSI)
- Institut fédéral de recherches sur la forêt, la neige et le paysage (WSL)
- Laboratoire fédéral d'essai des matériaux et de recherche (EMPA)
- Institut fédéral pour l'aménagement, l'épuration et la protection des eaux (EAWAG)
- Office fédéral de l'agriculture (OFAG)
- Office fédéral pour l'approvisionnement économique du pays (OFAE)
- Office fédéral du logement (OFL)
- Office fédéral du service civil (CIVI)
- Suisse tourisme (ST)
- Société suisse de crédit hôtelier (SCH)
- Assurance suisse contre les risques à l'exportation (ASRE)
- Institut fédéral des hautes études en formation professionnelle (IFFP)
- Agence suisse pour l'encouragement à l'innovation (Innosuisse)
- Swiss Investment Fund for Emerging markets (SIFEM SA)

7. **Federal Department of Economic Affairs, Education and Research EAER:**

- General Secretariat (SG-DFE)
- Price Supervision (PRS)
- State Secretariat for Economic Affairs (SECO)
- State Secretariat for Education, Research and Innovation SERI
- Domain of the Swiss Federal Institutes of Technology (ETH Domain)
- Federal Institute of Technology Zurich (ETHZ)
- Federal Institute of Technology Lausanne (EPFL)
- Paul Scherrer Institute (PSI)
- Institute for Snow and Avalanche Research (WSL)
- Swiss Federal Laboratories for Materials Testing and Research (EMPA)
- Swiss Federal Institute of Aquatic Science and Technology (EAWAG)
- Federal Office for Agriculture (FOAG)
- Federal Office for National Economic Supply (FONES)
- Federal Office for Housing (FHO)
- Federal office for civil service (FOCS)
- Swiss Tourism (ST)
- Swiss Association for Hotel Credit (SAH)
- Swiss Export Risk Insurance (SERV)
- Swiss Federal Institute for Vocational Education and Training (SFIVET)
- Swiss Innovation Agency (Innosuisse)
- Swiss Investment Fund for Emerging Markets (SIFEM SA)

8. *Département fédéral de l'environnement, des transports, de l'énergie et de la communication (DETEC):*

- *Secrétariat général (SG-DETEC)*
- *Office fédéral des transports (OFT)*
- *Office fédéral de l'aviation civile (OFAC)*
- *Office fédéral de l'énergie (OFEN)*
- *Office fédéral des routes (OFROU)*
- *Office fédéral de la communication (OFCOM)*
- *Office fédéral de l'environnement (OFEV)*
- *Office fédéral du développement territorial (ARE)*
- *Inspection fédérale de la sécurité nucléaire (IFSN)*
- *Fonds de désaffectation et Fonds de gestion pour les installations nucléaires*
- *Service suisse d'attribution des sillons*

8. *Federal Department of the Environment, Transport, Energy and Communications (DETEC):*

- General Secretariat (GS-DETEC)
- Federal Office of Transport (FOT)
- Federal Office of Civil Aviation (FOCA)
- Swiss Federal Office of Energy (SFOE)
- Federal Roads Office (FEDRO)
- Federal Office of Communications (OFCOM)
- Federal Office for the Environment (FOENV)
- Federal Office for Spatial Development (ARE)
- Swiss Federal Nuclear Safety Inspectorate (ENSI)
- Decommissioning Fund for Nuclear Facilities and Waste Disposal Fund for Nuclear Power Plants
- Swiss capacity allocation body

Note to Part I of Appendix 1

The list includes also extraparlimentary commissions.

II. Entities pertaining to the federal judicial authorities and federal criminal prosecution authorities:

1. Federal Supreme Court
2. Federal Criminal Court
3. Federal Administrative Court
4. Federal Patent Court
5. Office of the Attorney General of the Confederation (OAG)

III. Entities pertaining to the Federal Assembly:

1. National Council
 2. Council of States
 3. Parliamentary Services
-

APPENDIX 2 TO ANNEX XIII (GOVERNMENT PROCUREMENT)

ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

SECTION I: CHILE

Chapter V (Government Procurement) applies to entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Appendix 10, to equal or exceed:

- (a) for government procurement of goods and services: SDR 200,000.
- (b) for government procurement of construction services: SDR 5,000,000.

All Municipalities (Municipalidades)

SECTION II: EFTA STATES

Chapter V (Government Procurement) 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 |
|-----------|-------------|

SERVICES

Specified in Appendix 5

| | |
|-----------|-------------|
| Threshold | SDR 200,000 |
|-----------|-------------|

CONSTRUCTION SERVICES

Specified in Appendix 6

| | |
|-----------|---------------|
| Threshold | SDR 5,000,000 |
|-----------|---------------|

A. Iceland

List of entities:

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

List of entities:

1. Public authorities at local level
2. Bodies governed by public law and not having an industrial or commercial character at the local level.³

Note to Appendix 2

Chapter V (Government Procurement) 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.

C. Norway

List of entities:

1. All sub-central government entities operating at the regional (counties) or local (municipalities) level.
2. All bodies governed by public law⁴.

³ 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 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.

⁴ 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.

Note to Appendix 2

Indicative list of Procuring Entities which are Bodies Governed by Public Law:

1. Bodies:

| | |
|--|---|
| <i>Enova SF</i> | Enova SF |
| <i>Garantiinstituttet for eksportkreditt, GIEK</i> | The Norwegian Guarantee Institute |
| <i>Helse Sør-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 |
| <i>Simula Research Laboratory AS</i> | Simula Research Laboratory AS |
| <i>Norsk samfunnsvitenskapelig datatjeneste AS (NSD)</i> | Norwegian Social Science Data services AS (NSD) |

2. Categories:

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

D. Switzerland

List of Entities⁵:

1. Any centralised or decentralised authority or administrative unit at cantonal level under public cantonal law
2. Any centralised or decentralised authority or administrative unit at district and communal level under public cantonal and communal law.

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)

Note to Appendix 2

By way of clarification, the notion of a decentralised unit at cantonal and communal levels covers bodies under public law established at cantonal, district and communal level of a non-commercial or industrial nature.

⁵ For contracts of the Cantons referring to defense products, acting for the federal defense department, see derogations.

APPENDIX 3 TO ANNEX XIII (GOVERNMENT PROCUREMENT)

OTHER COVERED ENTITIES

SECTION I: CHILE:

1. Chapter V (Government Procurement) applies to entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Appendix 10, to equal or exceed:

(a) for government procurement of goods and services: SDR 220,000.

(b) for government procurement of construction services: SDR 5,000,000.

2. The monetary thresholds set out in paragraph 1 shall be adjusted in accordance with Appendix 10.

3. This Appendix covers only those entities specifically listed below.

1. Empresa Portuaria Arica (Arica Port Company);
2. Empresa Portuaria Iquique (Iquique Port Company);
3. Empresa Portuaria Antofagasta (Antofagasta Port Company);
4. Empresa Portuaria Coquimbo (Coquimbo Port Company);
5. Empresa Portuaria Valparaíso (Valparaíso Port Company);
6. Empresa Portuaria San Antonio (San Antonio Port Company);
7. Empresa Portuaria Talcahuano San Vicente (Talcahuano San Vicente Port Company);
8. Empresa Portuaria Puerto Montt (Puerto Montt Port Company);
9. Empresa Portuaria Chacabuco (Chacabuco Port Company);
10. Empresa Portuaria Austral (Austral Port Company); and
11. Aeropuertos de propiedad del Estado, dependientes de la Dirección General de Aeronáutica Civil (State-owned Airports, dependent on the General Directorate for Civil Aeronautics, DGAC).

SECTION II: EFTA STATES

Chapter V (Government Procurement) 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

All procuring entities whose procurement is covered by the European Economic Area (EEA) Utilities Directive 2014/25/EU of the Council of 26 February 2014 on procurement entities operating in the water, energy transport and postal services sectors and repealing Directive 2004/17/EC, which are contracting authorities (e.g. those covered under Appendices 1 and 2) or public undertakings⁶ 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 of airport or other terminal facilities to carriers by air;
- (c) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- (d) the provision or operation of networks⁷ providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.

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

Indicative list of other entities (utilities):

Urban transport

1. *Strætó* (The Reykjavík Municipal Bus Service).
2. Other entities operating in accordance with Act No 73/2001 on urban transport.

Airports

3. Isavia - Act No 65/2023.

Ports

4. Faxaflóahafnir.

⁶ According to the Utilities Directive, 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:

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

⁷ 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.

5. Other entities operating pursuant to the Harbour Act No 61/2003.

Water supply

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

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 the Agreement.

2. Chapter V (Government Procurement) shall not apply to 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; and
- (c) for purposes of re-sale or hire to non- parties, provided that the procuring entity enjoy 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 a relevant activity within the meaning of sub-paragraphs (a) or (b) of lit. A to 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 sub-paragraphs (a) to (d) of lit. A to 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 V (Government Procurement) shall not apply to procurement:

- (a) by a procuring entity to an affiliated undertaking⁸; 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 paragraphs (a) to (d) of lit. A to 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.

5. 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 shall be sufficient for that undertaking to show that the turnover referred to in this paragraph is credible, in particular by means of business projections.

6. Chapter V (Government Procurement) shall not apply to 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 paragraphs (a) to (d) of lit. A to 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 European Economic Area Directive (EEA) Utilities Directive 2014/25/EU of the council of 26 February 2014 on procurement entities operating in the water, energy transport and postal services sectors and repealing Directive 2004/17/EC, which are contracting authorities (e.g. those covered under Appendices 1 and 2) or public undertakings⁹ and which have as one of their activities any of those referred to below or any combination thereof:

⁸ “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.

⁹ According to the Utilities Directive, 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) 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 networks¹⁰ 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 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 sea or inland waterway (as specified under List of Sectors 4);

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*

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

LIECHTENSTEIN mobil

3. Procuring entities in the field of airport facilities

None

4. Procuring entities in the field of inland ports

A dominant influence on the part of the contracting authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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

¹⁰ 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.

None

Notes to Appendix 3

1. Chapter V (Government Procurement) shall not apply to 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 V (Government Procurement) does not cover procurement:

- (a) by a procuring entity to an affiliated undertaking¹¹; 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 (d) of lit. B to this Appendix, to an undertaking which is affiliated with one of these procuring entities,

provided that at least 80 per cent 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.

3. 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 shall be sufficient for that undertaking to show that the turnover referred to in paragraph 2 is credible, in particular by means of business projections.

4. Chapter V (Government Procurement) shall not apply to procurement:

- (a) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities of subparagraphs (a) to (d) of lit. B to the 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.

6. Chapter V (Government Procurement) shall not apply to procurement for the purchase of water, the supply of energy or of fuels for the production of energy.

¹¹ “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.

7. Chapter V (Government Procurement) shall not apply to 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 lit. B subparagraph (a) and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water, having regard to the average for the preceding three years, including the current year.

8. Chapter V (Government Procurement) shall not apply to procurement for purposes of re-sale or hire to non-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.

9. Chapter V (Government Procurement) shall not apply to 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.

10. Chapter V (Government Procurement) shall not apply to 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 European Economic Area Directive (EEA) Utilities Directive 2014/25/EU of the council of 26 February 2014 on procurement entities operating in the water, energy transport and postal services sectors and repealing Directive 2004/17/EC, which are contracting authorities (*i.e.* those covered under Appendix 1 and 2) or public undertakings¹² 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 of airport or other terminal facilities to carriers by air;
- (c) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;

¹² According to the Utilities Directive, 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:

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

- (d) the provision or operation of networks¹³ providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.

Indicative list of other entities (utilities):

Drinking Water

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

Examples:

- | | |
|----------------------------------|-------------------------------|
| • <i>Asker og Bærum vannverk</i> | Asker and Bærum Water Network |
| • <i>Bergen vannverk</i> | Bergen Drinking Water Network |

Airports

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

Examples:

- | | |
|--------------------|-----------|
| • <i>Avinor AS</i> | Avinor AS |
|--------------------|-----------|

Ports

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

Examples:

- | | |
|----------------------------------|-------------------|
| • <i>Oslo havn</i> | Port of Oslo |
| • <i>Stavangerregionens havn</i> | Port of Stavanger |

¹³ 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.

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 taubaner* (LOV-2017-05-22-29).

Note to Appendix 3

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

2. Chapter V (Government Procurement) shall not apply to procurement by entities included in this Annex:

- (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 non-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.

2. Chapter V (Government Procurement) shall not apply to procurement:

- (a) by a procuring entity from an affiliated undertaking¹⁴; 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 (d) of lit. C to 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.

¹⁴ “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.

3. 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 paragraph 3 is credible, in particular by means of business projections.
4. Chapter V (Government Procurement) shall not apply to 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 subparagraphs (a) to (d) to 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.
5. 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 lit. C. 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 (d) of lit. C to 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 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); and
- (e) the provision of postal services (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:

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*

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 1957¹⁵.

Public authorities or public undertakings which provide public transport services pursuant to article 6 of the Passenger Transport Act of 20 March 2009¹⁶.

Example:

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

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 1948¹⁷.

Examples:

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

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 2006¹⁸.

Example:

- Ports in the region of Basle.

Postal Services

¹⁵ RS 742.101

¹⁶ RS 745.1

¹⁷ RS 748.0

¹⁸ SGS 421.1

Public authorities or public undertakings which provide postal services, but only for activities for which they hold exclusive rights (service reserved under the Postal Services Act¹⁹).

Note to Appendix 3

Chapter (Government Procurement) 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 outside Switzerland;
 - (b) contracts awarded by contracting entities pursuing an activity described in this Annex when that activity is exposed to full market competition.
-

APPENDIX 4 TO ANNEX XIII (GOVERNMENT PROCUREMENT)

GOODS

SECTION I: CHILE

Chapter V (Government Procurement) applies to all goods procured by the entities listed in Appendices 1-3, unless otherwise specified in Chapter V (Government Procurement), including this Annex.

SECTION II: EFTA STATES

A. Iceland

1. Unless otherwise specified in Chapter V (Government Procurement) covers all goods procured by entities listed in Appendices 1 to 3.

2. For procurement by the Ministry of Defence, its subordinated entities and entities in the field of security Chapter V (Government Procurement) only applies to goods that are described in the Chapters of the Combined Nomenclature (CN) specified below:

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 silk-worm gut)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials, 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 V (Government Procurement) covers all goods procured by entities listed in Appendices 1-3.

C. Norway

1. Unless otherwise specified, Chapter V (Government Procurement) covers all goods procured by entities listed in Appendices 1-3.

2. For procurement by the Ministry of Defence, its subordinated entities and entities in the field of security, Chapter V (Government Procurement) only applies to the following goods that are described in the Chapters of the CCC (Customs Co-operation Council)/Brussels nomenclature specified below:

- 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. Unless otherwise provided for in the Agreement, Chapter V (Government Procurement) of the Agreement applies to all goods procured by the entities listed in Appendices 1 to 3.

2. For procurement by entities of the Federal Department of Defence, Civil Protection and Sport²⁰ and by other entities responsible for defence and security, such as the Federal Customs Administration with regard to the equipment for border guards and customs officials in Appendix 1 to Chapter V (Government Procurement) only applies to the following list of supplies and equipment (HS Codes):

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

²⁰ With the exception of the Federal Office of Topography (swissstopo) and the Federal Office of Sport (FOSPO).

- 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
- Chapter 29: Organic chemicals
- 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
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
- Chapter 41: Raw hides and skins (other than furskins) and leather
- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut
- 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 50: Silk
- Chapter 51: Wool, fine or coarse animal hair; horsehair yarn and woven fabric
- Chapter 52: Cotton
- Chapter 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn
- Chapter 54: Man-made filaments, except:
5407: Woven fabrics of synthetic filament yarn
5408: Woven fabrics of artificial filament yarn
- Chapter 55: Man-made staple fibres except:
5511 - 5516: Yarn and woven fabrics of man-made or synthetic staple fibres
- Chapter 56: Wadding, felt and non-wovens; special yarns; twine, cordage ropes and cables and articles thereof, except:

5608: Knotted netting of twine, cordage or rope; made up fishing nets and other made-up nets, of textile materials
- Chapter 57: Carpets and other textile floor coverings
- Chapter 58: Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
- Chapter 60: Knitted or crocheted fabrics
- Chapter 61: Articles of apparel and clothing accessories, knitted or crocheted
- Chapter 62: Articles of apparel and clothing accessories, not knitted or crocheted
- Chapter 63: Other made-up textile articles; sets; worn clothing and worn textile articles; rags

- Chapter 64: Footwear, gaiters and the like; parts of such articles
- 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 72: Iron and steel
- Chapter 73: Articles of Iron or steel
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium 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
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Nuclear reactors, Boilers, machinery and mechanical appliances, parts thereof, except:
84.71: Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included

- Chapter 85: Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles of which only:
85.10: Shavers, hair clippers and hair-removing appliances, etc.
85.16: Electric instantaneous or storage water heaters and immersion heaters, etc.
85.37: Boards, panels, consoles, desks, cabinets and other bases, etc.
85.38: Parts suitable for use solely or principally with the apparatus of heading 8535, 8536 or 85.37, etc.
85.39: Electric filament or discharge lamps, etc.
85.40: Thermionic, cold cathode or photo-cathode valves and tubes, etc.
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts and accessories thereof;
except:
87.05: Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete-mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units), etc.
87.08: Parts and accessories of the motor vehicles of headings 8701 to 8705, etc.
87.10: Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles, etc 4
- Chapter 89: Ships, boats and floating structures
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts and accessories thereof
except:
9014: Direction finding compasses, other navigational instruments and appliances, etc.
9015: Surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, etc.
9027: Instruments and apparatus for physical or chemical analysis, etc.
9030: Oscilloscopes, etc.
- Chapter 91: Clocks and watches and parts thereof

- Chapter 92: Musical instruments, parts and accessories of such articles
- Chapter 94: Furniture, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included, illuminated signs, illuminated name-plates and the like; prefabricated buildings
- Chapter 95: Toys, games and sports requisites; parts and accessories thereof
- Chapter 96: Miscellaneous manufactured articles
- Chapter 97: Works of art, collectors' pieces and antiques
-

APPENDIX 5 TO ANNEX XIII (GOVERNMENT PROCUREMENT)

SERVICES

SECTION I: CHILE:

Chapter V (Government Procurement) shall apply to all services procured by the entities listed in Appendices 1-3.

SECTION II: EFTA STATES

A. Iceland

Chapter V (Government Procurement) covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.), as contained in document MTN.GNS/W/120, with the exceptions specified in the notes to this Appendix.

| <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 ²¹ | 81 |
| (a) Insurance services | 812, 814 |
| (b) Banking and investment services (Note (b)) | |
| 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 |

²¹ Excluded in accordance with Article 70 (Scope and coverage) of Chapter V (Government Procurement).

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

Note to Appendix 5

Covered services shall not include:

- (a) Services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision;
- (b) Contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services;
- (c) Arbitrations and conciliation services.

B. Liechtenstein

Chapter V (Government Procurement) applies to the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120:

| <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 ²² | ex 81 |
| (a) Insurance services | 812, 814 |
| (b) Banking and investment services | |

²² Excluded in accordance with Article 70 (Scope and coverage) of Chapter V (Government Procurement).

| | |
|---|------------------|
| Computer and related services | 84 |
| Accounting, auditing and bookkeeping services | 862 |
| Market research and public opinion polling services | 864 |
| Management consulting services and related services | 865, 866 |
| Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical consulting services; technical testing and analysis services | 867 |
| Advertising services | 871 |
| Building-cleaning services and property management services | 874, 82201-82206 |
| Publishing and printing services on a fee or contract basis | 88442 |
| Sewage and refuse disposal; sanitation and similar services | 94 |

Notes to Appendix 5

1. Chapter V (Government Procurement) shall not apply to:
 - (a) service contracts awarded to an entity which is itself a procuring entity listed in Appendices 1 to 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 per cent of the average turnover of that undertaking for the preceding three years has to derive from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service, the total turnover deriving from the provision of services by those undertakings shall be taken into account;
 - (c) contracts for the acquisition or rental, by whatever means, of land, existing buildings, or other immovable property or concerning rights thereon;

- (d) contracts of employment; and
- (e) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

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, and central bank services.

3. Management consulting services on the list above do not include arbitration and conciliation services.

C. Norway

Chapter V (Government Procurement) applies to 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 Appendix.

| <i>Subject</i> | <i>CPC Reference No.</i> |
|--|---------------------------------|
| Maintenance and repair services | 6112, 6122, 633, 886 |
| Land transport services, including armoured car services, and courier services, except transport of mail | 712 (except 71235), 7512, 87304 |
| Air transport services of passengers and freight, except transport of mail | 73 (except 7321) |
| Transport of mail by land, except rail, and by air | 71235, 7321 |
| Telecommunications services | 752 |
| Financial services ²³ | 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 |

²³ Excluded in accordance with Article 70 (Scope and coverage) of Chapter V (Government Procurement).

| | |
|--|----------|
| 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. 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.
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, and central bank services.
3. Management consulting services on the list above do not include arbitration and conciliation services.

D. Switzerland

Chapter V (Government Procurement) of the Agreement applies to the following services in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120 that are procured by the entities listed in Appendices 1 to 3, with the exceptions specified in the notes to this Appendix.

| <i>Subject</i> | <i>CPC prov. Reference No.</i> |
|---------------------------------|--------------------------------|
| Maintenance and repair services | 6112, 6122, 633, 886 |

| | |
|--|---------------------------------|
| Hotel and other similar accommodation services | 641 |
| Food and beverage serving services to be consumed on site | 642, 643 |
| 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 |
| Travel agency and tour operator services | 7471 |
| Telecommunications services | 752 |
| Financial services ²⁴ | ex. 81, 812 and 814 |
| (a) Insurance services | |
| (b) Banking and investments services* | |
| Real estate services on a fee or contract basis | 822 |
| Leasing or rental services concerning machinery and equipment without operator | 83106-83109 |
| Leasing or rental services concerning personal and household goods | based on 832 |
| Computer and related services | 84 |
| Legal advisory services on home country law and international law | ex 861 |
| Accounting, auditing and bookkeeping services | 862 |
| Taxation services | 863 |
| Market research and public opinion polling services | 864 |

²⁴ Excluded in accordance with Article 70 (Scope and coverage) of Chapter V (Government Procurement).

| | |
|--|------------------------|
| Management consulting services and related services | 865, 866 ²⁵ |
| 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 |
| Packaging services | 876 |
| Consulting services relating to forestry | Part of 8814 |
| 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. Without prejudicing the commitments undertaken by Switzerland under the GATS, the commitments with regard to services in this Agreement are subject to restrictions and conditions regarding market access and national treatment specified in the list of commitments undertaken by Switzerland under the GATS.

2. Chapter V (Government Procurement) shall not apply to contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

* Except contracts for financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments, and central bank services

²⁵ Except arbitration and conciliation services.

APPENDIX 6 TO ANNEX VIII (GOVERNMENT PROCUREMENT)

CONSTRUCTION SERVICES

SECTION I: CHILE

Chapter V (Government Procurement) applies to all construction services procured by the entities listed in Appendices 1 to 3, including public works concession contract, unless otherwise specified in Chapter (Government Procurement), including this Annex.

Chapter V (Government Procurement) shall not apply to construction services intended for Easter Island ("*Isla de Pascua*").

Note to Appendix 6

For construction services the technical specification definition of Article 71 (Definitions) letter t, includes the constructive methods and constructive design.

SECTION II: EFTA STATES

A. Iceland

List of Division 51, CPC:

All services listed in Division 51.

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 |

C. Norway

List of Division 51, CPC:

All services listed in Division 51.

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

Without prejudicing the commitments undertaken by Switzerland under the WTO General Agreement on Trade in Services (GATS), the commitments with regard to services in this Agreement are subject to restrictions and conditions regarding market access and national treatment specified in the list of commitments undertaken by Switzerland under GATS.

APPENDIX 7 TO ANNEX VIII (GOVERNMENT PROCUREMENT)

PUBLIC WORK CONCESSIONS

Article Definitions

Chile

For the purposes of this agreement, “public works concession contract” means the contractual agreement by which a private Party assumes the execution, repair or maintenance of a public work in exchange for its temporary exploitation, consisting of the right to control and operate the work and receive income from it and/or a payment from the State.

EFTA States

For the purposes of this agreement, “public works concessions” means a contract of the same type as the public works procurement contracts, except for the fact that the remuneration for the works to be carried out consists either solely in the right to exploit the construction or in this right together with a payment.

Article Rules applicable to public works concessions

1. The provisions on national treatment and non-discrimination apply to the entities covered by Chapter V (Government Procurement), when awarding contracts on public works concessions, as defined in Article 71 (Definitions) of the Agreement. In that case, entities shall publish a notice according to Article 80 (Notices) of the Agreement.
2. Advertising shall not, however, be required when a contract on public works concession satisfies the conditions listed in Article 88 (Limited tendering) of the Agreement.
3. Beyond the provisions mentioned in paragraph 1, the Parties’ domestic legislation on concessions shall apply.
4. Public works concessions are covered by the entities of Iceland, Liechtenstein and Norway of Appendices 1.B, 2.B and 3.B of Annex XIII (Government Procurement) and by the entities of Chile of Appendices 1.A, 2.A and 3.A of Annex XIII (Government Procurement).

Declaration by Switzerland

For public works concessions, Switzerland shall grant Chile a treatment no less favourable than that accorded to any third party following new obligations taken by Switzerland at the international level in the area of government procurement.

Note by Chile

For construction services, the technical specification definition set out in Article 71 (Definitions), includes the constructive methods and constructive design.

APPENDIX 8 TO ANNEX VIII (GOVERNMENT PROCUREMENT)

MEANS OF PUBLICATION

SECTION I: CHILE

Electronic media utilized for the publication of notices and the contract relating to the award: www.mercadopublico.cl, www.chilecompra.cl, www.mop.gob.cl or <https://concesiones.mop.gob.cl/proyectos/Paginas/default.aspx>

Laws and regulations: www.diariooficial.cl

Judicial Decisions: <http://basejurisprudencial.poderjudicial.cl/>

Administrative Rules: <https://www.contraloria.cl/web/cgr/dictamenes-y-pronunciamientos-juridicos>

Thresholds: <https://www.subrei.gob.cl/ejes-de-trabajo/compras-publicas-internacionales/umbrales-thresholds>

SECTION II: EFTA STATES

A. Iceland

Legislation

- *Stjórnartíðindi* (The Government Gazette) <http://www.stjornartidindi.is>

Jurisprudence

- *Hæstaréttardómar* (Supreme Court Report) <http://haestirettur.is>

Notices of procurement

- Official website:
<http://utbodsvefur.is>
- All Icelandic GPA and EEA contract announcements are published in English via SIMAP on the Tender Electronics daily web: <http://ted.europa.eu>
- Official Journal of the European Union:
http://europa.eu.int/eur-lex/en/search/search_oj.html

Thresholds

- https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

B. Liechtenstein

Legislation

- *Landesgesetzblatt* (Liechtenstein Law Gazette) <http://gesetze.li>

Jurisprudence

- *Liechtensteinische Entscheidsammlung* <http://gerichtsentscheidungen.li>

Notices of procurement

- Electronic Gazette: www.amtsblatt.li; *Liechtensteiner Vaterland* (newspaper)
- All Liechtenstein GPA and EEA Contracts are also published in English on the Tender Electronics daily web: <http://ted.europa.eu>

Thresholds

https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

C. Norway

Legislation and Jurisprudence

- *Norsk Lovtidend* (Norwegian Law Gazette) www.lovdata.no

Notices of procurement

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

Thresholds

- https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

D. Switzerland

Legislation

- Compendium of Federal laws, Compendiums of Cantonal laws (26). See also: www.simap.ch

Jurisprudence

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

Notices of Procurements

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

Thresholds

https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

APPENDIX 9 TO ANNEX VIII (GOVERNMENT PROCUREMENT)

TIME PERIODS

General Minimum Time Limit

1. A procuring entity that uses selective tendering shall establish that the final date for the submission of requests for participation shall not, in principle, be less than 25 days from the date of publication of the notice of intended procurement. Where a state of urgency duly substantiated by the procuring entity renders this time-period impractical, the time-period may be reduced to not less than ten 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 procuring entity notifies suppliers that they will be invited to submit tenders whether or not it uses a multi-use list.

Possibilities for Reducing the General Time Limits

3. 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 procuring entity accepts tenders by electronic means.

4. Under the following circumstances, procuring 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 ten 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, and the notice of planned procurement contains:
 - (i) a description of the procurement;
 - (ii) the approximate final dates for the submission of tenders or requests for participation;
 - (iii) if applicable, a statement that interested suppliers should express their interest in the procurement to the procuring entity;

- (iv) the address from which documents relating to the procurement may be obtained; and
 - (v) as much of the information that is required for the notice of intended procurement under Article 80 (Notices), paragraph 3, as is available;
- (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 13 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 ten days; and
- (d) where a state of urgency duly substantiated by the procuring entity renders the periods specified in paragraph 2 impracticable.

5. Where a procuring entity covered under Appendices 2 or 3 to this Annex 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 an agreement, the time period shall not be less than ten days.

5. The use of paragraph 3, in conjunction with paragraph 4, shall in no case result in the reduction of the time periods for tendering set out in paragraph 3 to less than 10 days from the date of which the notice of intended procurement is published.

APPENDIX 10 TO ANNEX VIII (GOVERNMENT PROCUREMENT)

VALUE OF THRESHOLDS AND VALUATION

Thresholds

SECTION I: Chile

1. Chile shall calculate and convert the value of the thresholds to its national currency using the conversion rates of the daily values of the national currency in terms of SDR, published monthly by the IMF in "International Financial Statistics", over a period of two years prior to 1 October of the year prior to the thresholds taking effect, which will be from 1 January of the following year.
2. Chile shall make available the newly calculated thresholds in its national currency before the respective thresholds take effect, in accordance with Appendix 8. Thresholds expressed in the respective national currency shall be fixed for a period of two years, *i.e.* calendar years.

SECTION II: EFTA States

1. The EFTA States shall calculate and convert the value of the thresholds into its own national currency using the conversion rates of its respective national banks. The conversion rates shall 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 fixed for a period of two years i.e. calendar years, and shall be made available, in its respective currency, by each EFTA State, before the respective thresholds take effect, in accordance with Appendix 8.

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 V (Government Procurement);
- (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 (“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 its entire duration²⁶; and
- (d) where the domestic laws and regulations allow 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.

²⁶ For the EFTA States it is understood that this covers a period over 12 months.

APPENDIX 11 TO ANNEX VIII (GOVERNMENT PROCUREMENT)

NOTICES, TENDER DOCUMENTATION AND MULTI-USE LISTS

Notices

1. Except as otherwise provided in Chapter V (Government Procurement) and this Annex, each notice of intended procurement as provided for in Article 80 (Notices) of Chapter V (Government Procurement) 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 quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity;
- (c) for recurring contracts, an estimate, if possible, of the timing of subsequent notices of intended procurement;
- (d) a description of any options;
- (e) the time-frame for delivery of goods or services or the duration of the contract;
- (f) the procurement method that will be used and whether it will involve negotiation or electronic auction;
- (g) if applicable, the address and any final date for the submission of requests for participation in the procurement;
- (h) the address and the final date for the submission of tenders;
- (i) 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;
- (j) a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers in connection therewith, unless such requirements are included in tender documentation that is made available to all interested suppliers at the same time as the notice of intended procurement; and
- (k) where, pursuant to Article 82 (Registration systems and qualification procedures) of Chapter V (Government Procurement), a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, if applicable, any limitation on the number of suppliers that will be permitted to tender.

2. 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 subparagraphs 1 (a), (b), (f), (g), (j), and (k) to this Appendix and invite suppliers to submit a request for participation; and
 - (b) provide, by the commencement of the time-period for tendering, at least the information in subparagraphs 1 (c), (d), (e), (h) and (i) to the qualified suppliers that it notifies as specified in Appendix 9 to this Annex.

Multi-use lists

3. The notice provided for in Article 83 (Multi-use list) of Chapter V (Government Procurement) shall include:

- (a) a description of the goods or services, or categories thereof, for which the list may be used;
- (b) the conditions for participation to be satisfied by suppliers for inclusion on the list and the methods that the procuring entity will use to verify that a supplier satisfies the conditions;
- (c) the name and address of the procuring entity and other information necessary to contact the entity and obtain all relevant documents relating to the list; and
- (d) 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.

Tender documentation

4. The tender documentation referred to in paragraph 1 of Article 84 (Tender documentation) of Chapter V (Government Procurement) 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 applies 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 conducts the procurement by electronic means, any authentication and encryption requirements or other requirements related to the submission of information by electronic means;
- (e) where the procuring entity holds 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) in case of a public opening of tenders, the date, time and place for the opening and, where appropriate, the persons authorized 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 supply of services.

5. Where the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 1 of Article 80 (Notices) of Chapter V (Government Procurement), 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 82 (Registration systems and qualification procedures) of Chapter V (Government Procurement).

6. In establishing any date for the delivery of goods or the supply of services, a procuring entity shall take into account such factors as the complexity of the procurement.

APPENDIX 12 TO ANNEX VIII (GOVERNMENT PROCUREMENT)

ADDITIONAL NOTES

SECTION I: CHILE

Chapter V (Government Procurement) does not apply to procurement of a good or service outside the territory of procuring Chilean entity, for consumption outside the territory of that Party.

SECTION II: EFTA STATES

A. Iceland

1. Chapter V (Government Procurement) shall not apply to:
 - (a) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time; and
 - (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.
 - (c) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
 - (d) 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, unless covered under Appendix 3.

B. Liechtenstein

1. Chapter V (Government Procurement) shall not apply to:
 - (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;
 - (c) procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, and transport sector, unless covered under Appendix 3; and
 - (d) to fund placements of insured persons conducted by public entities or undertakings such as public insurance and pensions funds.
2. The provision of services, including construction services, in the context of procurement procedures according to Chapter V (Government Procurement) of the 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.

C. Norway

1. Chapter V (Government Procurement) shall not apply to:
 - (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;
 - (c) 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, unless covered under Appendix 3.
2. Chapter V (Government Procurement) of the Agreement shall not apply to Svalbard.

D. Switzerland

Chapter V (Government Procurement) shall not apply to:

- (a) procurements carried out by an internal contractor or by specific contractors with legal personality (inhouse);
- (b) 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 or energy); or
- (c) to fund placements of funds of insured persons conducted by public organisations such as public insurance and pension funds.

Explanatory notes

1. Switzerland understands that paragraph 1(a)(ii) of Article 70 (Scope and coverage) does not cover fund placements of insured persons conducted by public organisations such as public insurance and pension funds.
 2. Regardless of their activities, centralised and decentralised administrative authorities and entities are only subject to the rules of Appendices 1 or 2. Regardless of their activities, public authorities or public undertakings under Appendix 3 are not subject to the rules under Appendices 1 and 2.
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