

ANNEX XII

GOVERNMENT PROCUREMENT: COVERED ENTITIES

ANNEX XII¹

GOVERNMENT PROCUREMENT : COVERED ENTITIES

Referred to in Article 56 PART A – MEXICO

Section 1 - Federal government entities

Authentic in the Spanish version only.

- 1. Secretaría de Gobernación**
 - Instituto Nacional para el Federalismo y el Desarrollo Municipal
 - Secretaría Técnica de la Comisión Calificadora de Publicaciones y Revistas Ilustradas
 - Secretaría General del Consejo Nacional de Población
 - Archivo General de la Nación
 - Instituto Nacional de Estudios Históricos de la Revolución Mexicana
 - Centro Nacional de Prevención de Desastres
 - Secretaría Técnica de la Comisión para Asuntos de la Frontera Norte
- 2. Secretaría de Relaciones Exteriores**
 - Instituto de México
- 3. Secretaría de Hacienda y Crédito Público**
 - Comisión Nacional Bancaria y de Valores
 - Comisión Nacional de Seguros y Fianzas
 - Instituto Nacional de Estadística, Geografía e Informática
- 4. Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación**
 - Instituto Mexicano de Tecnología del Agua
 - Instituto Nacional de Investigaciones Forestales, Agrícolas y Pecuarias
 - Apoyos y Servicios a la Comercialización Agropecuaria (ASERCA)
 - Comisión Nacional de Acuicultura y Pesca
 - Servicio Nacional de Inspección y Certificación de Semillas
 - Instituto Nacional de Pesca
- 5. Secretaría de Comunicaciones y Transportes**
 - Instituto Mexicano de Transporte
 - Comisión Federal de Telecomunicaciones
- 6. Secretaría de Economía**
 - Comisión Federal de Mejora Regulatoria

¹ Updated 1 January 2005 per Mexican submission dated 15 November 2004 (Ref. 9026) received by the Secretariat on 30 November 2004.

- 7. Secretaría de Educación Pública**
 - Instituto Nacional de Antropología e Historia
 - Instituto Nacional de Bellas Artes y Literatura
 - Radio Educación
 - Centro de Ingeniería y Desarrollo Industrial
 - Consejo Nacional para la Cultura y las Artes
 - Comisión Nacional del Deporte

- 8. Secretaría de Salud**
 - Administración del Patrimonio de la Beneficencia Pública
 - Centro Nacional de la Transfusión Sanguínea
 - Laboratorio de Biológicos y Reactivos de México
 - Centro Nacional de Rehabilitación Centro Nacional para la Prevención y Control del VIH/SIDA
 - Centro Nacional de Vigilancia Epidemiológica
 - Centro Nacional para la Salud de la Infancia y Adolescencia
 - Comisión Federal para la Protección contra Riesgos Sanitarios

- 9. Secretaría del Trabajo y Previsión Social**
 - Procuraduría Federal de la Defensa del Trabajo

- 10. Secretaría de la Reforma Agraria**
 - Procuraduría Agraria

- 11. Secretaría de Medio Ambiente y Recursos Naturales**

- 12. Procuraduría General de la República**

- 13. Secretaría de Energía**
 - Comisión Nacional de Seguridad Nuclear y Salvaguardias
 - Comisión Nacional para el Ahorro de Energía

- 14. Secretaría de Desarrollo Social**
 - Comisión Nacional de Fomento a la Vivienda
 - Coordinación Nacional del Programa de Educación, Salud y Alimentación

- 15. Secretaría de Turismo**

- 16. Secretaría de la Función Pública**

- 17. Secretaría de la Defensa Nacional**

- 18. Secretaría de Marina**

- 19. Secretaría de Seguridad Pública**
 - Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública
 - Policía Federal Preventiva
 - Prevención y Readaptación Social
 - Consejo de Menores

Section 2 - Government enterprises

Authentic in the Spanish version only.

1. - Talleres Gráficos de México
2. - Aeropuertos y Servicios Auxiliares (ASA)
3. - Caminos y Puentes Federales de Ingresos y Servicios Conexos (CAPUFE)
4. - Servicio Postal Mexicano
5. - Telecomunicaciones de México (TELECOM)
6. - Petróleos Mexicanos (*No incluye las compras de combustibles y gas*)
 - PEMEX Corporativo
 - PEMEX Exploración y Producción
 - PEMEX Refinación
 - PEMEX Gas y Petroquímica Básica
 - PEMEX Petroquímica
 - Petroquímica Camargo
 - Petroquímica CangrejeraPetroquímica Cosoleacaque
 - Petroquímica Escolín
 - Petroquímica Morelos
 - Petroquímica Pajaritos
 - Petroquímica Tula
7. - Comisión Federal de Electricidad (CFE)
8. - Consejo de Recursos Minerales
9. - Distribuidora e Impulsora Comercial Conasupo (DICONSA)
10. - Leche Industrializada Conasupo (LICONSA) (*No incluye las compras de bienes agrícolas adquiridos para programas de apoyo a la agricultura o bienes para la alimentación humana*).
11. - Procuraduría Federal del Consumidor
12. - Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado (ISSSTE)
13. - Instituto Mexicano del Seguro Social (IMSS)
14. - Sistema Nacional para el Desarrollo Integral de la Familia (DIF) (*No incluye las compras de bienes agrícolas adquiridos para programas de apoyo a la agricultura o bienes para la alimentación humana*).
15. - Instituto de Seguridad Social para las Fuerzas Armadas Mexicanas

16. - Instituto Nacional Indigenista (INI)
17. - Instituto Nacional para la Educación de los Adultos
18. - Centro de Integración Juvenil
19. - Instituto Nacional de las Personas Adultas Mayores
20. - Comité Administrador del Programa Federal de Construcción de Escuelas (CAPFCE)
21. - Comisión Nacional del Agua (CNA)
22. - Comisión para la Regularización de la Tenencia de la Tierra
23. - Consejo Nacional de Ciencia y Tecnología (CONACYT)
24. - NOTIMEX
25. - Instituto Mexicano de Cinematografía
26. - Lotería Nacional para la Asistencia Pública
27. - Pronósticos para la Asistencia Pública
28. - Comisión Nacional de Zonas Áridas
29. - Comisión Nacional de los Libros de Texto Gratuitos
30. - Comisión Nacional de Derechos Humanos
31. - Consejo Nacional de Fomento Educativo
32. - Instituto Nacional de las Mujeres
33. - Grupo Aeroportuario de la Ciudad de México
34. - Aeropuerto Internacional de la Ciudad de México
35. - Servicio Aeroportuario de la Ciudad de México
36. - Instituto Mexicano de la Propiedad Industrial
37. - Comisión Nacional Forestal
38. - Instituto Mexicano de la Juventud
39. - Ferrocarril del Istmo de Tehuantepec
40. - Consejo de Promoción Turística de México

Section 3 - Sub - federal government entities

None.

PART B – EFTA STATES

Section 1 – Central government entities

a. Iceland

List of Entities:

The following central government entities including:

Central purchasing entities not having an industrial or commercial character governed by Act no. 63/1970 on the arrangement of public works contracts, and Act no. 52/1987, on government procurement, as amended.

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

Ríkiskaup (State Trading Center)

Framkvæmdasýslan (Government Construction Contracts)

Vegagerð ríkisins (Public Road Administration)

Siglingastofnun (Icelandic Maritime Administration)

b. Liechtenstein

List of Entities:

Government of the Principality of Liechtenstein

Note to Annex XII.B.1.b

Chapter V shall not apply to contracts awarded by contracting authorities in the field of drinking water, energy, transport or telecommunications.

c. Norway

List of Entities:

The following central government entities including:

Statsministerens kontor

Office of the Prime Minister

Barne - og familiedepartementet

Ministry of Children and Family Affairs

Barneombudet

Commissioner for Children

Forbrukerombudet

Consumer Ombudsman

Forbrukerrådet

Consumer Council

Likestillingsombudet

Equal Status Ombud

Likestillingsrådet
Statens Adopsjonskontor
Statens Institutt for Forbruksforskning

Equal Status Council
Government Adoption Office
National Institute for Consumer
Research

Finans- og tolldepartementet

Ministry of Finance

Kredittilsynet

Skattedirektoratet
Oljeskattekontoret
Toll- og avgiftsdirektoratet

The Banking, Insurance and Securities
Commission of Norway
Directorate of Taxes
Petroleum Tax Office
Directorate of Customs and Excise

Fiskeridepartementet

Ministry of Fisheries

Fiskeridirektoratet
Havforskningsinstituttet
Kystdirektoratet

Directorate of Fisheries
Institute of Marine Research
Coast Directorate

Forsvarsdepartementet*

Ministry of Defence*

Forsvarets bygningstjeneste

Forsvarets Forskningsinstitutt*

Forsvarets Overkommando*

Forsvarets tele- og datatjeneste

Haerens Forsyningskommando*
Luftforsvarets Forsyningskommando*
Sjøforsvarets Forsyningskommando*
Forsvarets Sanitet*

Norwegian Defence Construction
Service
Norwegian Defence Research
Establishment*
Headquarters Defence Command
Norway*
Norwegian Defence
Communications and Data
Services Administration
Army Material Command*
Airforce Material Command*
Navy Material Command*
Norwegian Defence Medical
Service*

Justis- og politidepartementet

**Ministry of Justice (and the
Police)**

Brønnøysundregisterene
Datatilsynet
Direktoratet for sivilt beredskap

Riksadvokaten

Statsadvokatembetene

Politiet

The Brønnøysund Register Centre
The Data Inspectorate
The Directorate for Civil Defence
and Emergency Planning
Director General of Public
Prosecutions
Offices of the District Public
Prosecutor
Police Services

**Kirke,- utdannings- og
forskningsdepartementet**

Bispedømmerådet
Det norske meteorologiske institutt

Kirkerådet

Lærerutdanningsrådet
Nidarosdomens restaureringsarbeider

Norsk Utenrikspolitisk Institutt

Norsk Voksenpedagogisk

Forskningsinstitutt
Riksbibliotekjentesten
Samisk Utdanningsråd

**Ministry of Education, Research
and Church Affairs**

Diocesan Council
Norwegian Meteorological
Institute
National Council of the Church of
Norway
Teacher Training Council
The Restoration Workshop of
Nidaros Cathedral
Norwegian Institute of
International Affairs
Norwegian Institute of Adult
Education
National Office for Research and
Special Libraries
Sami Education Council

Kommunal- og arbeidsdepartementet

Arbeidsdirektoratet
Arbeidsforskningsinstituttet
Direktoratet for arbeidstilsynet

Direktoratet for Brann og Eksplosjonsvern

Produkt- og elektrisitetstilsynet

Produktregisteret
Statens Bygningstekniske Etat

Utlendingsdirektoratet

**Ministry of Local Government
and Labour**

Directorate of Labour
Work Research Institute
Norwegian Directorate of Labour
Inspection
Directorate for Fire and Explosion
Prevention
The Norwegian Directorate for
Product and Electrical Safety
The Product Register
National Office of Building
Technology and Administration
Directorate of Immigration

Kulturdepartementet

Norsk Filminstitutt
Norsk Kulturråd
Norsk Språkråd
Riksarkivet
Statsarkivene
Rikskonsertene

Statens Bibliotektilsyn

Statens Filmkontroll
Statens Filmsentral

Ministry of Cultural Affairs

National Film Board
Norwegian Cultural Council
Norwegian Language Council
National Archives of Norway
National Archives
Norwegian State Foundation for
National Promotion of Music
Norwegian Directorate of Public
and School Libraries
National Board of Film Censors
National Film Board

Landbruksdepartementet

Reindriftsadministrasjonen
Statens dyrehelsetilsyn
Statens forskningsstasjoner i Landbruk
Statens landbrukstilsyn
Statens Næringsmiddeltilsyn
Veterinærinstituttet

Miljøverndepartementet

Direktoratet for Naturforvaltning
Norsk Polarinstitut
Riksantikvaren
Statens Forurensingstilsyn
Statens Kartverk

Nærings-og handelsdepartementet

Bergvesenet
Justervesenet
Norges Geologiske Undersøkelse
Statens Veiledningskontor for oppfinnere
Sjøfartsdirektoratet
Skipsregistrene
Register
Styret for det industrielle rettsvern

Olje- og energidepartementet

Norges vassdrags- og energiverk
Oljedirektoratet

**Planleggings- og samordningsdepartementet
and**

Fylkesmannsembetene
Konkurransetilsynet
Prisdirektoratet
Statens Forvaltningstjeneste

Ministry of Agriculture

Directorate for Reindeer
Husbandry
Norwegian Animal Health
Authority
Norwegian State Agricultural
Research Stations
Norwegian Agricultural Inspection
Service
The Norwegian Food Control
Authority
National Veterinary Institute

Ministry of the Environment

Directorate of Nature Management
Norwegian Polar Research
Institute
Directorate for Cultural Heritage
State Pollution Control Authority
Norwegian Mapping Authority

Ministry of Trade and Industry

Directorate of Mining
Norwegian Metrology and
Accreditation Service
Geological Survey of Norway
Norwegian Government
Consultative Office for Inventors
Norwegian Maritime Directorate
Norwegian International Ship
Norwegian Patent Office

Ministry of Oil and Energy

Norwegian Water Resources and
Energy Administration
Norwegian Petroleum Directorate

**Ministry of National Planning
Coordination**

The County Governors
Norwegian Competition Authority
The Price Directorate
Government Administration
Services

Statens Informasjonstjeneste	Norwegian Central Information Service
Statsbygg	The Directorate of Public Construction and Property
Statskonsult	Directorate of Public Management
Samferdselsdepartementet	Ministry of Transport and Communication
Postdirektoratet	Norway Post
Statens teleforvaltning	Norwegian Telecommunications Authority
Statens vegvesen	Public Roads Administration
Sosialdepartementet	Ministry of Health and Social Affairs
Statens helsetilsyn	Norwegian Board of Health
Statens Institutt for Folkehelse	National Institute of Public Health
Radiumhospitalet	Norwegian Radium Hospital
Rikshospitalet	National Hospital
Rikstrygdeverket	National Insurance Administration
Rusmiddeldirektoratet	Directorate for the Prevention of Alcohol and Drug Problems
Statens Helseundersøkelser	National Health Screening Service
Statens Institutt for alkohol- og narkotikaforskning	National Institute for Alcohol and Drug Research
Statens Legemiddelkontroll	Norwegian Medicines Control Authority
Statens Strålevern	Norwegian Radiation Protection Authority
Statens Tobakkskaderåd	National Council on Smoking and Health
Utenriksdepartementet	Ministry of Foreign Affairs
Direktoratet for utviklingshjelp	Directorate for Development Cooperation
Stortinget	The Storting
Stortingets ombudsmann for forvaltningen - Sivilombudsmannen	Stortingets Ombudsman for Public Administration
Riksrevisjonen	Office of the Auditor General
Domstolene	Courts of Law

Note to Annex XII.B.1.c

Procurement by defence entities (marked with an "**") covers products falling under the Harmonised System (HS) chapters specified in Annex XIII.B.c.

d. Switzerland

List of Entities:

1. Chancellerie fédérale (CF):
(*Federal Chancellery*)

Chancellerie fédérale

Bibliothèque centrale du Parlement et de l'Administration fédérale

Préposé fédéral à la protection des données

2. Département fédéral des affaires étrangères (DFAE):
(*Federal Department of Foreign Affairs*)

Secrétariat général du Département fédéral des affaires étrangères

Direction du développement et de la coopération

Direction du droit international public

Direction politique

Secrétariat d'État du Département fédéral des affaires étrangères

3. Département fédéral de l'intérieur (DFI):
(*Federal Department of Home Affairs*)

Secrétariat général du Département fédéral de l'intérieur

Archives fédérales

Bureau fédéral de l'égalité entre femmes et hommes

Conseil des écoles polytechniques fédérales

Écoles polytechniques fédérales et établissements annexes

Groupement de la science et de la recherche

Institut fédéral de recherches sur la forêt, la neige et le paysage
Institut fédéral pour l'aménagement, l'épuration et la protection des eaux
Institut Paul Scherrer
Institut suisse de météorologie
Laboratoire fédéral d'essai des matériaux et de recherches
Office fédéral de l'assurance militaire¹
Office fédéral de l'éducation et de la science
Office fédéral de la culture
Office fédéral de la santé publique
Office fédéral de la statistique
Office fédéral des assurances sociales

4. Département fédéral de la justice et police (DFJP):
(Federal Department of Justice and Police)

Secrétariat général du Département fédéral de la justice et police
Institut suisse de droit comparé
Institut suisse de la propriété intellectuelle
Ministère public de la Confédération
Office fédéral de la justice
Office fédéral de la police
Office fédéral de l'aménagement du territoire
Office fédéral de métrologie
Office fédéral des assurances privées
Office fédéral des étrangers
Office fédéral des réfugiés

¹ For contracts of entities of the Federal Department of Defence see the list of supplies and equipment in Annex XIII.B.d. (This applies also to the Federal Customs Administration with regard to the equipment for border guards and customs officials.)

5. Département fédéral de la défense, de la protection de la population et des sports (DDPS):
(*Federal Department of Defence, Civil Protection and Sports*)

Secrétariat général du Département fédéral de la défense, de la protection de la population et des sports¹

Administration centrale du groupement de l'armement¹

Commandement des écoles d'état-major et de commandants¹

Commandement du Corps des gardes fortification¹

État-Major de l'instruction opérative¹

État-Major général¹

Groupe de l'état-major général¹

Groupe de la logistique de l'état-major général¹

Groupe de la promotion de la paix et de la coopération en matière de sécurité¹

Groupe de la Direction de l'instruction des forces terrestres¹

Groupe de la planification de l'état-major général¹

Groupe de l'aide au commandement de l'état-major général¹

Groupe des affaires sanitaires de l'état-major général¹

Groupe des opérations de l'état-major général¹

Groupe des opérations des forces aériennes¹

Groupe du personnel de l'armée de l'état-major général¹

Groupe du personnel enseignant des forces terrestres¹

Groupe des renseignements de l'état-major général¹

Office de l'auditeur en chef¹

Office des exploitations des forces terrestres¹

¹ For contracts of entities of the Federal Department of Defence see the list of supplies and equipment in Annex XIII.B.d. (This applies also to the Federal Customs Administration with regard to the equipment for border guards and customs officials.)

Office fédéral de la protection civile¹
Office fédéral de la topographie
Office fédéral de l'instruction des forces aériennes¹
Office fédéral des armes de combat¹
Office fédéral des armes et des services d'appui¹
Office fédéral des armes et des services de la logistique¹
Office fédéral des exploitations des forces aériennes¹
Office fédéral des systèmes d'armes des forces aériennes et des systèmes de commandement¹
Office fédéral des systèmes d'armes et des munitions¹
Office fédéral du matériel d'armée et des constructions¹
Office fédéral du sport
Services centraux de l'état-major général¹
Services centraux des forces aériennes¹
Services centraux des forces terrestres¹

6. Département fédéral des finances (DFE):
(*Federal Department of Finance*)

Secrétariat général du Département fédéral des finances
Administration fédérale des contributions
Administration fédérale des douanes¹
Administration fédérale des finances
Caisse fédérale d'assurance
Commission fédérale des banques

¹ For contracts of entities of the Federal Department of Defence see the list of supplies and equipment in Annex XIII.B.d. (This applies also to the Federal Customs Administration with regard to the equipment for border guards and customs officials.)

Contrôle fédéral des finances

Monnaie officielle de la Confédération suisse

Office fédéral de l'informatique

Office fédéral des constructions et de la logistique

Office fédéral du personnel

Régie fédérale des alcools

7. Département fédéral de l'économie (DFE):
(Federal Department of Economics)

Secrétariat général du Département fédéral de l'économie

Commission de la concurrence

Office fédéral de l'agriculture

Office fédéral de la formation professionnelle et de la technologie

Office fédéral du logement

Office fédéral pour l'approvisionnement économique du pays

Office vétérinaire fédéral

Secrétariat d'État à l'économie

Surveillance des prix

8. Département fédéral de l'environnement, des transports, de l'énergie et de la communication (DETEC):
(Federal Department of Environment, Transport, Energy and Communication)

Secrétariat général du Département fédéral de l'environnement, des transports, de l'énergie et de la communication

Commission fédérale de la communication

La Poste¹

Office fédéral de la communication

¹ As long as the entity is not in competition with undertakings not covered by Chapter V.

Office fédéral de l'aviation civile

Office fédéral de l'économie des eaux

Office fédéral de l'énergie

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

Office fédéral des routes

Office fédéral des transports

Note to Annex XII.B.1.d

Chapter V shall not apply to contracts awarded by entities listed in Annex XII.B.1.d in connection with activities in the field of drinking water, energy, transport or telecommunications.

Section 2 – Government enterprises

a. Iceland

List of Sectors:

1. *The electricity sector:*

Landvirkjun (The National Power Company), *lög nr. 42/1983*.

Rafmagnsveitur ríkisins (The State Electric Power Works), *orkulög nr. 58/1967*

Orkuveita Reykjavíkur (Reykjavík Energy).

Orkubú Vestfjarða (Vestfjord Power Company), *lög nr. 66/1976*.

Other entities producing, transporting or distributing electricity pursuant to *orkulög nr. 58/1967*.

2. *Urban transport:*

Strætisvagnar Reykjavíkur (The Reykjavík Municipal Bus Service).

Almenningsvagnar bs.

Other Municipal bus services.

3. *Airports:*

Flugmálastjórn (Directorate of Civil Aviation)

4. *Ports:*

Siglingastofnun, (Icelandic Maritime Administration).
Other entities operating pursuant to *Hafnalög nr. 23/1994*.

5. *Water supply:*

Public entities producing or distributing drinking water pursuant to *lög nr 81/1991, um vatnsveitur sveitarfélaga*.

Notes to Annex XII.B.2.a

1. Chapter V shall not apply to service contracts which:

- (a) a contracting entity awards to an affiliated undertaking;
- (b) are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out a relevant activity within the meaning of paragraphs 1 through 5 of Annex XII.B.2.a to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities;

provided that at least 80 per cent of the average turnover of that undertaking with respect to services arising within the EEA for the three preceding years derives from the provision of such services to undertakings with which it is affiliated. When more than one undertaking affiliated with the contracting entity provides the same service or similar services, the total turnover deriving from the provision of services by those undertakings shall be taken into account.

2. The supply of drinking water and electricity to networks which provide a service to the public by a contracting entity other than a public authority shall not be considered as a relevant activity within the meaning of paragraphs 1 and 5 of Annex XII.B.2.a where:

- the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraphs 1 and 5 of Annex XII.B.2.a; and
- supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

b. Liechtenstein

List of Entities:

The contracting entities which are public authorities¹ or public undertakings² and which have as at least one of their activities any of those referred to below:

1. the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks (as specified under title I);
2. the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks (as specified under title II);
3. the operation of fixed networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);
4. the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);
5. the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title V).

¹ Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

- is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- has legal personality; and
- is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

² Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- hold the majority of the undertaking's subscribed capital; or
- control the majority of the votes attaching to shares issued by the undertaking; or
- can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

Title I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

- Gruppenwasserversorgung Liechtensteiner Oberland
- Gruppenwasserversorgung Liechtensteiner Unterland

Title II. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to the "Gesetz vom 16. Juni 1947 betreffend die "Liechtensteinischen Kraftwerke" (LKWG)".

- Liechtensteinische Kraftwerke

Title III. Contracting entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

Liechtensteinische Post-, Telefon- und Telegrafbetriebe (PTT)

according to "Vertrag vom 9. Januar 1978 zwischen dem Fürstentum Liechtenstein und der Schweizerischen Eidgenossenschaft über die Besorgung der Post- und Fernmeldedienste im Fürstentum Liechtenstein durch die Schweizerischen Post-, Telefon- und Telegrafbetriebe (PTT).

Title IV. Contracting entities in the field of airport facilities

None

Title V. Contracting entities in the field of inland ports

None

Notes to Annex XII.B.2.b

Chapter V shall not apply:

1. to contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in Annex XII.B.2.b.
2. to contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
3. to contracts for the purchase of water.
4. to contracts of contracting entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under titles I and II of Annex XII.B.2.b and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years.
5. to contracts for the supply of energy or of fuels for the production of energy.
6. to contracts awarded by contracting entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.

c. Norway

List of Sectors:

1. *The electricity sector:*

Public entities producing, transporting or distributing electricity pursuant to Lov om bygging og drift av elektriske anlegg (LOV 1969-06-19), Lov om erverv av vannfall, bergverk og annen fast eiendom m.v., Kap. I, jf. kap. V (LOV 19-17-24 16, kap. I), or Vassdragsreguleringsloven (LOV 1917-12-14 17) or Energiloven (LOV 1990-06-29 50).

2. *Urban transport:*

Public entities which have as one of their activities the operation of networks providing a service to the public in the field of transport by automated systems, urban railway, tramway, trolley bus, bus or cable according to Lov om anlegg og drift av jernbane, herunder sporvei, tunellbane og forstadsbane m.m. (LOV 1993-06-11 100), or Lov om samferdsel (LOV 1976-06-04 63) or Lov om anlegg av taugbaner og løpestrenger (LOV 1912-06-14 1).

3. *Airports:*

Public entities providing airport facilities pursuant to Lov om luftfart (LOV 1960-12-16 1).

Luftfartsverket

National Civil Aviation Administration

4. *Ports:*

Public entities operating pursuant to Havneloven (LOV 1984-06-08 51).

5. *Water supply:*

Public entities producing or distributing water pursuant to Forskrift om Drikkevann og Vannforsyning (FOR 1951 - 09-28).

Notes to Annex XII.B.2.c

1. Chapter V shall not apply to service contracts which:

(a) a contracting entity awards to an affiliated undertaking; or

(b) are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out a relevant activity within the meaning of paragraphs 1 through 5 of Annex XII.B.2.c to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities,

provided that at least 80 per cent of the average turnover of that undertaking with respect to services arising within the EEA for the three preceding years derives from the provision of such services to undertakings with which it is affiliated. When more than one undertaking affiliated with the contracting entity provides the same service or similar services, the total turnover deriving from the provision of services by those undertakings shall be taken into account.

2. The supply of drinking water and electricity to networks which provide a service to the public by a contracting entity other than a public authority shall not be considered as a relevant activity within the meaning of paragraphs 1 and 5 of Annex XII.B.2.c where:

- the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraphs 1 and 5 of Annex XII.B.2.c, and
- supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

d. Switzerland

List of Entities:

The contracting entities which are public authorities¹ or public undertakings² and which have as at least one of their activities any of those referred to below:

1. the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks (as specified under title I);
2. the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks (as specified under title II);
3. the operation of fixed networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);
4. the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);
5. the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by inland waterway (as specified under title V).

¹ Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

- is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- has legal personality; and
- is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

² Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- hold the majority of the undertaking's subscribed capital; or
- control the majority of the votes attaching to shares issued by the undertaking; or
- can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

Title I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local or cantonal legislation or under individual agreements based thereupon.

For example:

- Wasserverbund Regio Bern AG
- Hardwasser AG

Title II. Production, transport or distribution of electricity

Public authorities and public undertakings for the transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to "loi fédérale du 24 juin 1902 concernant les installations à faible et à fort courant".

Public authorities and public undertakings producing electricity pursuant to the "loi fédérale du 22 décembre 1916 sur l'utilisation des forces hydrauliques" and the "loi fédérale du 23 décembre 1959 sur l'utilisation pacifique de l'énergie atomique et la protection contre les radiations".

for example:

- Bernische Kraftwerke AG
- Nordostschweizerische Kraftwerke AG

Title III. Transport by urban railway, tramway, automated systems, trolley bus, bus or cable services

Public authorities and public undertakings providing tramways services pursuant to Article 2, paragraph 1 of the "loi fédérale du 20 décembre 1957 sur les chemins de fer".

Public authorities and public undertakings for the public transport providing services pursuant to Article 4, paragraph 1, of the "loi fédérale du 29 mars 1950 sur les entreprises de trolleybus".

Swiss undertakings providing post, telephone and telegraph services pursuant to Article 2 of the "loi fédérale du 18 juin 1993 sur le transport de voyageurs et les entreprises de transport par route".

Public authorities and public undertakings which carry out on a professional basis regular transports of persons according to a timetable, pursuant to Article 4 of the "loi fédérale du 18 juin 1993 sur le transport de voyageurs et les entreprises de transport par route".

for example:

- Transports publics Genevois
- Verkehrsbetriebe Zürich

Title IV. Airports

Airports operated by virtue of a licence pursuant to Article 37 of the "loi fédérale du 21 décembre 1948 sur la navigation aérienne" as far as they are public authorities and public undertakings.

for example:

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

Title V. Inland ports

Rheinhäfen beider Basel : for the Canton of Basel set up by the "loi du 13 novembre 1919 concernant l'administration des installations portuaires rhénanes de la ville de Bâle"; for the Canton of Basel-Landschaft set up by the "loi du 26 octobre 1936 sur la mise en place d'installations portuaires, de voies ferroviaires et de routes sur le "Sternenfeld" à Birsfelden, et dans l' "Au" à Muttenz".

Notes to Annex XII.B.2.d

Chapter V shall not apply:

1. to contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in Annex XII.B.2.d or for the pursuit of such activities beyond Switzerland.
2. to contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
3. to contracts for the purchase of water.
4. to contracts of contracting entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the

public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under Annex XII.B.2.d. Furthermore, the supply to the public network depends only on the entity's own consumption and has not exceeded 30% of entity's total production of drinking water or energy, having regard to the average for the preceding three years.

5. to contracts for the supply of energy or of fuels for the production of energy.
6. to contracts of contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions.

Section 3 – Sub-central government entities

None.
