

ANNEX XV

REFERRED TO IN CHAPTER 6 REGARDING COVERED ENTITIES

APPENDIX 1: ENTITIES AT CENTRAL
GOVERNMENT LEVEL

APPENDIX 2: ENTITIES AT SUB-CENTRAL
GOVERNMENT LEVEL

APPENDIX 3: ENTITIES OPERATING IN THE
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APPENDIX 1 TO ANNEX XV

REGARDING ENTITIES AT CENTRAL GOVERNMENT LEVEL

PART A: UKRAINE

GOODS

Specified in Appendix 4

Threshold	SDR 130 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 130 000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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List of Entities:

1. Bodies, authorised by the Parliament of Ukraine, President of Ukraine and Cabinet of Ministers of Ukraine to administrate their activity;
2. Ministries, other central bodies of the executive branch, governmental bodies created in the system of the central bodies of the executive branch;
3. The Constitutional court of Ukraine, the Supreme court of Ukraine and higher specialised courts;
4. Institutions and organisations which are defined by the Constitution of Ukraine or being a part of the Cabinet of Ministers of Ukraine, as well as, the bodies specially authorised by the law to carry out intelligence activities, and bodies, institutions and organisations which are classified as the main spending units of state budget funds, according to the Ukrainian legislation (e.g. the Central bank, Anti-monopoly Committee, Accounting Chamber, etc.); and
5. National academy of sciences of Ukraine and sectoral academies of sciences.

Notes to Schedule of Ukraine:

1. Ukraine will not extend the benefits of the Agreement as regards the award of contracts by The Constitutional court of Ukraine, the Supreme court of Ukraine and higher specialised courts listed in this Appendix to the suppliers of Switzerland until such a time when Ukraine has accepted that Switzerland gives comparable and effective access to Ukraine.

2. This Appendix does not cover contracts awarded by entities in connection with activities in the Sectors listed in Part A of Appendix 3.

3. The activities of the Swiss Federal Banking Commission have been taken over by the Swiss Financial Market Supervisory Authority. Access to this entity will be offered to Ukraine according to a decision by the Swiss government. Ukraine will extend the benefits of the Agreement as regards the award of contracts by the State Commission for Regulation of Financial Service Markets of Ukraine to the suppliers of Switzerland when Switzerland gives access to the Swiss Financial Market Supervisory Authority.

PART B: EFTA STATES

GOODS

Specified in Appendix 4

Threshold	SDR 130 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 130 000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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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. 84/2001 on the arrangement of public works contracts, and Act No. 84/2007, on government procurement:

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

Notes and Derogations

Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter a to Part B; and 2, letter a to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

b. Liechtenstein

List of Entities

Government of the Principality of Liechtenstein.

Notes and Derogations

Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter b to Part B; and 2, letter b to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport or telecommunications.

c. Norway

List of Entities

Chapter 6 of the Agreement covers all central government (State) entities, including Ministries and any subordinate entity provided it does not have a separate legal personality.

Notes and Derogations

1. For procurement by the security and defence entities only the following list of supplies and equipment (HS Codes) is covered by Chapter 6 of the Agreement:

- Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes;
except:
ex 27.10 special engine fuels
- Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and 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:	Fertilisers
Chapter 32:	Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
Chapter 33:	Essential oils and resinoids; perfumery, cosmetics and toilet preparations
Chapter 34:	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
Chapter 35:	Albuminoidal substances; glues; enzymes
Chapter 37:	Photographic and cinematographic goods
Chapter 38:	Miscellaneous chemical products; except: ex 38.19 toxic products
Chapter 39:	Artificial resins and plastic materials, cellulose esters and ethers, articles thereof; except: ex 39.03 explosives
Chapter 40:	Rubber, synthetic rubber, factice, and articles thereof; except: ex 40.11 bullet-proof tyres
Chapter 41:	Raw hides and skins (other than furskins) and leather
Chapter 42:	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
Chapter 43:	Furskins and artificial fur; manufactures thereof
Chapter 44:	Wood and articles of wood; wood charcoal
Chapter 45:	Cork and articles of cork
Chapter 46:	Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork
Chapter 47:	Paper-making material
Chapter 48:	Paper and paperboard; articles of paper pulp, of paper or of paperboard
Chapter 49:	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
Chapter 65:	Headgear and parts thereof
Chapter 66:	Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
Chapter 67:	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
Chapter 68:	Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
Chapter 69:	Ceramic products
Chapter 70:	Glass and glassware
Chapter 71:	Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
Chapter 73:	Iron and steel and articles thereof
Chapter 74:	Copper and articles thereof
Chapter 75:	Nickel and articles thereof
Chapter 76:	Aluminium and articles thereof
Chapter 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 89.01 warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof; except:
ex 90.05 binoculars
ex 90.13 miscellaneous instruments, lasers
ex 90.14 telemeters
ex 90.28 electrical and electronic measuring instruments
ex 90.11 microscopes
ex 90.17 medical instruments
ex 90.18 mechano-therapy appliances
ex 90.19 orthopaedic appliances
ex 90.20 X-ray apparatus
- Chapter 91: Clocks and watches and parts thereof

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

2. Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter c to Part B; and 2, letter c to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

d. Switzerland

List of Entities

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

Chancellerie fédérale	Federal Chancellery
Bibliothèque centrale du Parlement et de l'Administration fédérale	Central library of Parliament and the Federal Administration
Préposé fédéral à la protection des données	Federal Data Protection Commissioner

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

Secrétariat général du Département fédéral des affaires étrangères	General Secretariat of the Federal Department of Foreign Affairs
Direction du développement et de la coopération	Swiss Agency for Development and Cooperation
Direction du droit international public	Directorate of International Law
Direction des ressources et du réseau extérieur	Directorate for Management
Direction politique	Directorate of Political Affairs
Secrétariat d'État du Département fédéral des affaires étrangères	State Secretariat of the Federal Department of Foreign Affairs

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

Secrétariat général du Département fédéral de l'intérieur	General Secretariat of the Federal Department of Home Affairs
Archives fédérales	Federal Archives
Bureau fédéral de l'égalité entre femmes et hommes	Federal Office for Gender Equality
Domaine des écoles polytechniques fédérales	The ETH (Federal Institutes of Technology) Domain
Écoles polytechniques fédérales et établissements annexes	Federal Institutes of Technology and related establishments
Secrétariat d'Etat à l'éducation et à la recherche	State Secretariat for Education and Research
Institut fédéral de recherches sur la forêt, la neige et le paysage	Swiss Federal Institute for Forest, Snow and Landscape Research
Institut fédéral pour l'aménagement, l'épuration et la protection des eaux	Federal Institute for Water Management, Purification and Protection
Institut Paul Scherrer	Paul Scherrer Institute

Office fédéral de la météorologie et de la climatologie (MétéoSuisse)	Federal Office for Meteorology and Climatology (MeteoSwiss)
Laboratoire fédéral d'essai des matériaux et de recherches	Federal Laboratory for Materials Testing and Research
Office fédéral de l'assurance militaire ¹	Federal Office for Military Insurance ¹
Office fédéral de la culture	Federal Office of Cultural Affairs
Office fédéral de la santé publique	Federal Office of Public Health
Office fédéral de la statistique	Federal Office for Statistics
Office fédéral des assurances sociales	Federal Office for Social Insurance

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	General Secretariat of the Federal Department of Justice and Police
Institut suisse de droit comparé	Swiss Institute of Comparative Law
Institut fédéral de la propriété intellectuelle	Federal Institute of Intellectual Property
Ministère public de la Confédération	Office of the Attorney General of the Confederation
Office fédéral de la justice	Federal Office for Justice
Office fédéral de la police	Federal Office for Police
Office fédéral de métrologie	Federal Office for Metrology
Office fédéral des migrations	Federal Office for Migration

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 sports ¹	General Secretariat of the Federal Department of Defence, Civil Protection and Sports ¹
Direction de la politique de sécurité ¹	Directorate for Security Policy ¹
Direction du renseignement stratégique ¹	Directorate for Strategic Intelligence ¹
Groupe Défense ¹	Defence Sector ¹
Etat-major de planification de l'armée	Armed Forces Planning Staff
Etat-major de conduite de l'armée ¹	Armed Forces Joint Staff ¹
Instruction supérieure des cadres de l'armée ¹	Armed Forces College ¹
Forces terrestres ¹	Land Forces ¹
Forces aériennes ¹	Air Force ¹
Base logistique de l'armée ¹	Armed Forces Logistics

¹ For contracts of entities of the Federal Department of Defence see Notes and Derogations to letter d to Part B of Appendix 1. (This applies also to the Federal Customs Administration with regard to the equipment for border guards and customs officials.)

Base d'aide au commandement ¹	Organization ¹ Armed Forces Command Support Organization ¹
Groupeement armasuisse ¹	Sector armasuisse ¹
Office fédéral pour l'acquisition d'armement ¹ le domaine de compétences Achats et coopérations ¹	Federal Office for Armament Procurement Purchasing and Cooperations
le domaine de compétences armasuisse Immobilier ¹	Armasuisse Real Estate
le domaine de compétences Sciences et technologie ¹	Science and Technology
Office fédéral de la topographie (swisstopo)	Federal Office of Topography (swisstopo)
Office fédéral de la protection de la population ¹	Federal Office for Civil Protection ¹
Office de l'auditeur en chef ¹	Office of the Armed Forces Attorney General ¹
Office fédéral du sport	Federal Office of Sports
6. <u>Département fédéral des finances (DFE):</u> (<i>Federal Department of Finance</i>)	
Secrétariat général du Département fédéral des finances	General Secretariat of the Federal Department of Finance
Administration fédérale des contributions	Federal Tax Administration
Administration fédérale des douanes ¹	Federal Customs Administration ¹
Administration fédérale des finances	Federal Finance Administration
Caisse fédérale d'assurance	Federal Insurance Fund
Commission fédérale des banques	Federal Banking Commission
Contrôle fédéral des finances	Federal Audit Office
Monnaie officielle de la Confédération suisse (swissmint)	Official Mint of the Swiss Confederation (swissmint)
Office fédéral de l'informatique et de la télécommunication	Federal Office for Informatics and Telecommunication
Office fédéral des assurances privées	Federal Office for Private Insurance
Office fédéral des constructions et de la logistique	Federal Office for Construction and Logistics
Office fédéral du personnel	Federal Office of Personnel
Régie fédérale des alcools	Swiss Alcohol Board
7. <u>Département fédéral de l'économie (DFE):</u> (<i>Federal Department of Economic Affairs</i>)	
Secrétariat général du Département fédéral de l'économie	General Secretariat of the Federal Department of Economic Affairs

Commission de la concurrence	Competition Commission
Office fédéral de l'agriculture	Federal Office for Agriculture
Office fédéral de la formation professionnelle et de la technologie	Federal Office for Professional Education and Technology
Office fédéral du logement	Federal Housing Office
Office fédéral pour l'approvisionnement économique du pays	Federal Office for National Economic Supply
Office vétérinaire fédéral	Federal Veterinary Office
Secrétariat d'État à l'économie	State Secretariat for Economic Affairs
Surveillance des prix	Price Supervisor

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	General Secretariat of the Federal Department of the Environment, Transport, Energy and Communications
Commission fédérale de la communication	Federal Communications Commission
Office fédéral de la communication	Federal Office of Communications
Office fédéral de l'aviation civile	Federal Office of Civil Aviation
Office fédéral de l'énergie	Federal Office of Energy
Office fédéral de l'environnement	Federal Office for the Environment
Office fédéral des routes	Federal Roads Authority
Office fédéral des transports	Federal Office of Transport
Office fédéral de l'aménagement du territoire	Federal Office for Spatial Planning

Notes and Derogations

1. For procurement by entities of the Federal Department of Defence and the Federal Customs Administration with regard to the equipment for border guards and customs officials in Appendix 1, letter d to Part B, to this Annex, only the following list of supplies and equipment (HS Codes) is covered by Chapter 6 of the Agreement:

Chapter 25:	Salt, sulphur, earths and stone, plastering materials, lime and cement
Chapter 26:	Metallic ores, slag and ash
Chapter 27:	Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes
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:	Fertilisers
Chapter 32:	Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
Chapter 33:	Essential oils and resinoids, perfumery, cosmetic or toilet preparations
Chapter 34:	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes'
Chapter 35:	Albuminoidal substances, glues, enzymes
Chapter 36:	Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations; except: ex 36.01: powders ex 36.02: prepared explosives ex 36.04: detonators ex 36.08: explosives
Chapter 37:	Photographic and cinematographic goods
Chapter 38:	Miscellaneous chemical products; except: ex 38.19: toxic products
Chapter 39:	Artificial resins and plastic materials, cellulose esters and ethers, articles thereof;

	except: ex 39.03: explosives
Chapter 40:	Rubber, synthetic rubber, factice, and articles thereof; except: ex 40.11: tyres
Chapter 43:	Furskins and artificial fur, manufactures thereof
Chapter 44:	Wood and articles of wood, wood charcoal
Chapter 45:	Cork and articles of cork
Chapter 46:	Manufactures of straw of esparto and of other plaiting materials, basketware and wickerwork
Chapter 47:	Paper-making material
Chapter 48:	Paper and paperboard, articles of paper pulp, of paper or of paperboard
Chapter 49:	Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
Chapter 65:	Headgear and parts thereof
Chapter 66:	Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
Chapter 67:	Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
Chapter 68:	Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
Chapter 69:	Ceramic products
Chapter 70:	Glass and glassware
Chapter 71:	Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
Chapter 73:	Iron and steel
Chapter 74:	Copper
Chapter 75:	Nickel
Chapter 76:	Aluminium
Chapter 78:	Lead
Chapter 79:	Zinc
Chapter 80:	Tin
Chapter 81:	Other base metals
Chapter 82:	Tools, implements, cutlery, spoons and forks, of base metal
Chapter 83:	Miscellaneous articles of base metal
Chapter 84:	Boilers, machinery and mechanical appliances
Chapter 85:	Electrical machinery and equipment; except: ex 85.03: electric cells and batteries ex 85.13: telecommunication equipment ex 85.15: transmission apparatus
Chapter 86:	Railway and tramway locomotives, rolling-stock and parts thereof; traffic signalling equipment of all kinds (not electrically powered); except: ex 86.02: armoured locomotives ex 86.03: other armoured locomotives ex 86.05: armoured wagons ex 86.06: repair wagons

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

2. Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter d to Part B; and 2, letter d to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

APPENDIX 2 TO ANNEX XV

REGARDING ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

PART A: UKRAINE

GOODS

Specified in Appendix 4

Threshold	SDR 130 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 130 000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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List of Entities:

1. Bodies of executive branch (in the regions, the regions of the Autonomous Republic of Crimea, in the cities of Kiev and Sevastopol):
 - local state administrations;
 - departments of Ministries and of the other central bodies of executive branch.
2. Courts, other than those referred to in Annex XV, Part A of Appendix 1.

GOODS

Specified in Appendix 4

Threshold	SDR 200 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 200 000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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List of Entities:

1. Regional and local public authorities (e.g. oblast, raion, misto, raion u misti, selysche, selo):
 - executive bodies and secretariats of local councils.
2. Bodies, which ensure functioning of the Autonomous Republic of Crimea:
 - of the Parliament of the Autonomous Republic of Crimea;
 - of the Council of Ministers of the Autonomous Republic of Crimea;
 - of the ministries and other state bodies of the Autonomous Republic of Crimea.
3. Other budget entities which are financed by state or local budgets.
4. Other entities which:
 - (a) are established for the specific purpose of meeting needs in the general interest, not being of a commercial or industrial nature; and
 - (b) have legal personality; and
 - (c) are financed for the most part by the State, or regional or local authorities, or other such entities, or are subject to management supervision by those entities, or have an administrative, managerial or supervisory board more than half of whose members are appointed by the State, or regional or local authorities, or other such entities.

Notes to the Schedule of Ukraine:

This Appendix does not cover contracts awarded by entities in connection with activities in the Sectors listed in Part A of Appendix 3.

PART B: EFTA STATES

GOODS

Specified in Appendix 4

Threshold	SDR 200 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 200 000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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a. Iceland

1. Contracting local public authorities, including all municipalities.
2. Public bodies at the local level not having an industrial or commercial character.

Notes and Derogations

Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter a to Part B; and 2, letter a to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

b. Liechtenstein

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

Notes and Derogations

Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter b to Part B; and 2, letter b to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

c. Norway

List of Entities

1. Contracting authorities of the regional or local public authorities (all counties and municipalities).
2. Bodies governed by public law.
A body is considered to be governed by public law when it:
 - (a) is established for the specific purpose of meeting needs in the general interest, not being of a commercial or industrial nature;
 - (b) has legal personality; and
 - (c) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, or regional or local authorities, or other bodies governed by public law.
3. Associations formed by one or several of the entities covered by the preceding paragraphs 1 and 2.

Notes and Derogations

Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter c to Part B; and 2, letter c to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

d. Switzerland

List of Entities¹

1. Cantonal public authorities
2. Bodies governed by public law established at cantonal level without a commercial or industrial character.
3. The authorities and public bodies at the level of districts and communes.

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

¹ For contracts of the cantons referring to defense products, acting for the federal defense department, see Notes and Derogations to letter d to Part B of Appendix 2.

Canton de Neuchâtel (NE)

Canton de Genève (GE)

Canton du Jura (JU)

Notes and Derogations

Chapter 6 of the Agreement shall not apply to contracts awarded by entities listed in Appendices 1, letter d to Part B; and 2, letter d to Part B; to this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

APPENDIX 3 TO ANNEX XV

REGARDING ENTITIES OPERATING IN THE UTILITIES SECTOR AND
OTHER COVERED ENTITIES

PART A: UKRAINE

GOODS

Specified in Appendix 4

Threshold	SDR 400 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 400 000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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List of Sectors:

Entities, according to the following list, which are procuring and have at least one of their activities in any of the following Sectors:

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;
2. the operation of fixed networks providing a service to the public in the field of transport by tramway, trolleybus, bus or cable;
3. the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air;
4. the exploitation of a geographical area for the purpose of the provision of maritime or inland port or other terminal facilities to carriers by inland waterway;
5. the production of electricity.

List of Entities:

1. State enterprises including government enterprises, utility enterprises, institutions and business companies in whose charter capitals the state's stake of shares (participatory interest, shares) exceeds 50 per cent.
2. Subsidiaries as well as enterprises and business companies whose charter capitals are, 50 per cent and more, owned by state enterprises, including government enterprises and business companies, in whose charter capitals the state's stake of shares (participatory interest, shares) exceeds 50 per cent.

3. Other enterprises, institutions or organisations created in accordance with the established procedure by state authorities, the authorities of the Autonomous Republic of Crimea or local governments authorised to receive state funds, assume obligations in their regard and make payments.

4. Entities listed in Appendices 1 and 2.

Notes

1. In case that the Ukrainian procurement legislation foresees provisions stating that State enterprises including government enterprises, utility enterprises, institutions and business companies, and their subsidiaries, are controlled by the entities listed in Appendices 1 and 2, through control of the majority of the votes attached to shares, or through the appointment of more than half of the entity's administrative management or supervisory body, the procurements of these entities shall be covered by this Appendix.

2. The coverage of this Appendix with respect to utility enterprises shall be effective, on a reciprocal basis, from the date of entry into force of the Law of Ukraine on Government Procurement.

PART B: EFTA STATES

GOODS

Specified in Appendix 4

Threshold	SDR 400 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 400 000
-----------	-------------

CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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a. Iceland

List of Sectors

1. *Urban transport:*

Strætisvagnar Reykjavíkur (The Reykjavík Municipal Bus Service).
Almenningsvagnar bs.
Other Municipal bus services.

2. *Airports:*

Flugmálastjórn (Directorate of Civil Aviation)
Flugstöð Leifs Eiríkssonar (Keflavík international airport).

3. *Ports:*

Siglingastofnun, (Icelandic Maritime Administration).
Other entities operating pursuant to *Harbour Act no. 61/2004*.

4. *Water supply:*

Public entities producing or distributing drinking water pursuant to *Act no 32/2004, on Municipal Water Supply*.

5. *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.

Notes and Derogations

1. Chapter 6 of the Agreement shall apply provided that at least 80 per cent of the average turnover of that undertaking with respect to services arising within the European Economic Area (hereinafter referred to by “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. Chapter 6 of the Agreement shall not apply to service contracts which:

- (a) a contracting entity awards to an affiliated undertaking; and

- (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 Sectors 1 through 4 of Appendix 3, letter a to Part B, to this Annex to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities.

2. The supply of drinking water 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 Sectors 1 and 4 of Appendix 3, letter a to Part B, to this Annex where:

- (a) the production of drinking water by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in Sectors 1 and 4 of Appendix 3, letter a to Part B, to this Annex; and
- (b) 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, having regard to the average for the preceding three years, including the current year.

3. With regard to Appendix 3, letter a to Part B, to this Annex, Chapter 6 of the Agreement shall not apply to the following contracts:

- (a) contracts which the contracting entities under Sector 4 award for the purchase of water;
- (b) contracts which the contracting entities award for purposes other than the pursuit of their activities as described in Appendix 3, letter a to Part B, to this Annex or for the pursuit of such activities in a non-EEA Member State;
- (c) contracts awarded for purposes of re-sale or hire to third parties provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and that other entities are free to sell or hire it under the same conditions as the contracting entity; and
- (d) 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.

b. Liechtenstein

List of Entities

1. The contracting entities which are public authorities or public undertakings and which have as at least one of their activities any of the following:
 - (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 sea or inland waterway (as specified under List of Sectors 4);
 - (e) 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.
2. For the purposes of letter b to Part B of Appendix 3 to this Annex:
 - (a) “public authorities” means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:
 - (i) is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
 - (ii) has legal personality; and
 - (iii) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.
 - (b) “public undertakings” means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the

rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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

List of Sectors

1. Production, transport or distribution of drinking water

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

- (a) Gruppenwasserversorgung Liechtensteiner Oberland; and
- (b) Gruppenwasserversorgung Liechtensteiner Unterland

2. Contracting entities in the field of tramway, trolley bus, bus or cable services

Liechtenstein Bus Anstalt

3. Contracting entities in the field of airport facilities

None

4. Contracting entities in the field of inland ports

None

5. Production of electricity

Public authorities and public undertakings for the production of electricity operating on the basis of authorisations for expropriation pursuant to the "Gesetz vom 19. November 2009 betreffend die 'Liechtensteinischen Kraftwerke' (LKWG)".

Liechtensteinische Kraftwerke

Notes and Derogations

Chapter 6 of the Agreement shall not apply to:

1. contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in letter b to Part B of Appendix 3 to this Annex;
2. 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. contracts for the purchase of water;
4. 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 List of Sectors 1 of letter b to Part B of Appendix 3 to this Annex 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. contracts for the supply of energy or of fuels for the production of energy;
6. 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 Entities

Contracting entities which are public authorities or public undertakings and which have as at least one of their activities any of the following:

1. the provision or operation of networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable;
2. the provision of airport or other terminal facilities to carriers by air;
3. the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
4. 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.

Notes and Derogations

1. For the purpose of this Annex, a “public undertaking” means any undertaking over which the contracting authority 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 authority shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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

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

3. Contracts awarded for the pursuit of an activity listed above shall not be subject to the Agreement when the activity is directly exposed to competition on markets to which access is not restricted.

4. Chapter 6 of the Agreement shall not apply to contracts awarded by:

- (a) a contracting entity to an affiliated undertaking, or

- (b) a joint venture, formed exclusively by a number of contracting entities for the purpose of carrying out activities within the meaning of this Annex, to an undertaking which is affiliated with one of these contracting entities,

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

For the purposes of this paragraph, “affiliated undertaking” means any undertaking the annual accounts of which are consolidated with those of the contracting entity or any undertaking over which the contracting entity may exercise, directly or indirectly, a dominant influence or which may exercise a dominant influence over the contracting entity or which, in common with the contracting entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

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

Where more than one undertaking affiliated with the contracting entity provides the same or similar supplies, services or construction services, the above percentages shall be calculated taking into account the total turnover deriving respectively from the provision of supplies, services or construction services by those affiliated undertakings.

5. Chapter 6 of the Agreement shall not apply to contracts awarded by:

- (a) a joint venture, formed exclusively by a number of contracting entities for the purpose of carrying out activities within the meaning of this Annex, to one of these contracting entities; or
- (b) a contracting 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 contracting entities, which form it, will be part thereof for at least the same period.

6. The supply of drinking water 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 Sector 4 of letter c to Part B of Appendix 3 to this Annex where:

- (a) the production of drinking water by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in Sectors 1 to 4 of letter c to Part B of Appendix 3 to this Annex; and

- (b) 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, having regard to the average for the preceding three years, including the current year.

7. Chapter 6 of the Agreement shall not apply to the following contracts:

- (a) contracts which the contracting entities under Sector 4 award for the purchase of water;
- (b) contracts which the contracting entities award for purposes other than the pursuit of their activities as described in letter c to Part B of Appendix 3 to this Annex or for the pursuit of such activities in a non-EEA Member State; or
- (c) contracts awarded for purposes of re-sale or hire to third parties provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and that other entities are free to sell or hire it under the same conditions as the contracting entity.

d. Switzerland

List of Entities

The contracting entities which are public authorities or public undertakings and which have as at least one of their activities any of the following:

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 List of Sectors 1);
2. 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);
3. 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);
4. 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);
5. The production of electricity (as specified under List of Sectors 5).

For the purposes of letter d to Part B of Appendix 3 to this Annex:

- (a) “public authorities” means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:
 - (i) is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
 - (ii) has legal personality; and
 - (iii) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.
- (b) “public undertakings” means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public

authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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

List of Sectors

1. Production, transport or distribution of drinking water

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

Examples:

- Wasserverbund Regio Bern AG (association of local authorities in the region of Berne)
- Hardwasser AG (association of local authorities in the region of Basle)
- There are similar entities in other Swiss cities

2. Transport by tramway, 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 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”.

Example:

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

3. *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.

Examples:

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

4. *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”.

Example:

- Ports in the region of Basle (“Rheinhäfen beider Basel”).

5. *Production of electricity*

Public authorities and public undertakings which produce electricity pursuant to the Federal Law of 22 December 1916 on the use of hydraulic forces and the Federal Law of 23 December 1959 on the use of atomic energy for peaceful purposes and protection against radiation.

Example:

- Bernische Kraftwerke AG

Notes and Derogations

Chapter 6 of the Agreement shall not apply to:

- (a) contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in letter d to Part B of Appendix 3 to this Annex or for the pursuit of such activities beyond Switzerland;
- (b) contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;
- (c) contracts of contracting entities other than a public authority exercising the supply of drinking water to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under

letter d to Part B of Appendix 3 to this Annex. Furthermore, the supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of entity's total production of drinking water, having regard to the average for the preceding three years; or

- (d) contracts of contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions; or
 - (e) contracts awarded by contracting entities pursuing an activity described in this Annex when that activity is exposed to full market competition.
-

APPENDIX 4 TO ANNEX XV

REGARDING GOODS

Chapter 6 of the Agreement applies to all goods procured by the entities listed in Appendices 1 to 3 of this Annex, subject to the Notes to the respective Appendices and Appendix 11.

APPENDIX 5 TO ANNEX XV

REGARDING SERVICES

Chapter 6 of the Agreement applies to all services procured by the entities listed in Appendices 1 to 3, subject to the Notes to the respective Appendices and Appendix 11, except for the services excluded in the Schedules of each Party.

PART A: UKRAINE

Chapter 6 of the Agreement applies to all services procured by the entities listed in Appendices 1 to 3, subject to the Notes to the respective Appendices and Appendix 11.

Notes and Derogations

Banking and investment services under financial services do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services.

PART B: EFTA STATES

a. Iceland

Chapter 6 of the Agreement applies to all services set out below that are procured by the entities listed in Appendices 1, letter a to Part B; 2, letter a to Part B; and 3, letter a to Part B; to this Annex:¹

<i>Subject</i>	<i>CPC² 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 ³ (except 7524, 7525, 7526)
Financial services a) Insurance services b) Banking and investments services	ex. 81, 812 and 814
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 ⁴
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services;	867

¹ Except for services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.

² Central Product Classification.

³ Except voice telephony, telex, radiotelephony, paging and satellite services.

⁴ Except arbitrations and conciliation services.

technical consulting services; technical testing and analysis services

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

Notes and Derogations

1. With regard to letter a to Part B of Appendix 4 to this Annex, Chapter 6 of the Agreement shall not apply to the following:

- (a) contracts for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon;
- (b) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (c) contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: “Lög um opinber innkaup” (94/2001) on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision; and
- (d) contracts of employment.

2. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services.

b. Liechtenstein

Chapter 6 of the Agreement applies to all services set out below that are procured by the entities listed in Appendices 1, letter b to Part B; 2, letter b to Part B; and 3, letter b to Part B; to this Annex:

<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 ⁵
Financial services a) Insurance services b) Banking and investments services	ex. 81, 812 and 814
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 ⁶
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867
Advertising services	871
Building-cleaning services and property management services	874, 82201-82206
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

⁵ Except voice telephony, telex, radiotelephony, paging and satellite services.

⁶ Except arbitrations and conciliation services.

Notes and Derogations

1. Chapter 6 of the Agreement shall not apply to:
 - (a) service contracts awarded to an entity which is itself a procuring entity listed in Appendices 1, letter b to Part B; 2, letter b to Part B; and 3, letter b to Part B; to this Annex 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 letter b to Part B of Appendix 3 to this Annex 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, development, production or co-production of programme material by broadcasters and contracts for broadcasting time; and
 - (d) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affairs, on condition that the service is wholly remunerated by the entity.
2. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services.

c. Norway

Chapter 6 of the Agreement applies to all services set out below that are procured by the entities listed in Appendices 1, letter c to Part B; 2, letter c to Part B; and 3, letter c to Part B; to this Annex:

<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 712235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752 ⁷ (except 7524, 7525, 7526)
Financial services a) Insurance services b) Banking and investments services	ex. 81, 812 and 814
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 ⁸
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

⁷ Except voice telephony, telex, radiotelephony, paging and satellite services.

⁸ Except arbitration and conciliation services.

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

Notes and Derogations

1. With regard to letter c to Part B of Appendix 4 to this Annex, Chapter 6 of the Agreement shall not apply to the following:

- (a) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (b) contracts awarded to an entity which is itself a contracting authority on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;
- (c) contracts of employment; and
- (d) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affairs, on condition that the service is wholly remunerated by the entity.

2. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services.

d. Switzerland

Chapter 6 of the Agreement applies to all services set out below that are procured by the entities listed in Appendices 1, letter d to Part B; 2, letter d to Part B; and 3, letter d to Part B; to this Annex:

<i>Subject</i>	<i>CPC prov. Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752 ⁹ (except 7524, 7525, 7526)
Financial services	ex. 81, 812 and 814
a) Insurance services	
b) Banking and investments services	
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866 ¹⁰
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867
Advertising services	871
Building-cleaning services and property management services	874, 82201 - 82206
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

⁹ Except voice telephony, telex, radiotelephony, paging and satellite services.

¹⁰ Except arbitration and conciliation services.

Notes and Derogations

1. Chapter 6 of the Agreement shall not apply to:
 - (a) service contracts awarded to an entity which is itself a procuring entity listed in Appendices 1, letter d to Part B; 2, letter d to Part B; and 3, letter d to Part B; to this Annex 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 letter d to Part B of Appendix 3 to this Annex 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, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - (d) contracts of employment; and
 - (e) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affaires, on condition that the service is wholly remunerated by the entity.
 2. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services.
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APPENDIX 6 TO ANNEX XV

REGARDING CONSTRUCTION SERVICES

Chapter 6 of the Agreement applies to all construction services procured by the entities listed in Appendices 1 through 3, subject to the Notes to the respective Appendices and Appendix 11 except for the construction services excluded in the Schedules of each Party.

APPENDIX 7 TO ANNEX XV

REGARDING PUBLIC WORKS CONCESSIONS

1. The provisions on national treatment and non-discrimination apply to the entities covered by Chapter 6, when awarding contracts on public works concessions. In that case, entities shall publish a notice according to Article 3 of Annex XIV.
2. Advertising shall not, however, be required when a contract on public works concession satisfies the conditions listed in Article 12 of Annex XIV.
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 and 2 of Annex XV and by the entities of Ukraine of Appendices 1 and 2 of Annex XV.

Note

1. Upon the adoption of the relevant Ukrainian legislation, the Parties will extend the benefits of the Agreement as regards Public Works Concessions under this Appendix, on a reciprocal basis.
2. The Parties will address the extension of the benefits as regards Public Works Concessions under this Appendix in the first meeting of the Joint Committee, with the endeavour to open their markets on a reciprocal basis.

Declaration by the Swiss Confederation

The provisions on national treatment and non-discrimination shall apply to the entities covered by Chapter 6 if in the future the Swiss Confederation awards contracts on public works concessions.

APPENDIX 8 TO ANNEX XV
REGARDING MEANS OF PUBLICATION

PART A: UKRAINE

Legislation and Jurisprudence: офіційний веб-портал Верховної Ради України (official website of the Parliament of Ukraine and the Ministry of Economy (in Ukrainian and partially in English)

<http://portal.rada.gov.ua/>

<http://me.gov.ua/>

Notices of procurement:

1. Інформаційний бюлетень “Вісник державних закупівель” (Information bulletin “Visnik derzhavnykh zakupivel” (in Ukrainian));

2. веб-портал з питань державних закупівель (website on government procurement (in Ukrainian))

<https://tender.me.gov.ua/EDZFrontOffice/>

3. Information bulletin “Announcer of public procurement” (in English).

Notices of Public Works Concessions:

1. Uryadovyi kurier (newspaper); or

2. Holos Ukrayiny (newspaper).

PART B: EFTA STATES

a. Iceland

Legislation: Stjórnartíðindi (The Government Gazette)

Jurisprudence: Hæstaréttardómar (Supreme Court Report)

Notices of procurement:

1. Official website of the State Trading Centre (Ríkiskaup):
<http://www.rikiskaup.is/english/>
2. All Icelandic EEA contract announcements are published in English via SIMAP on the Tender Electronics daily web: <http://ted.europa.eu>
3. Morgunbladid (Newspaper)
4. Official Journal of the European Union:
http://europa.eu.int/eur-lex/en/search/search_oj.html

b. Liechtenstein

Legislation: Landesgesetzblatt

Jurisprudence: Liechtensteinische Entscheidsammlung

Notices of procurement: Liechtensteiner Volksblatt, Liechtensteiner Vaterland (Newspapers), Official Journal of the European Union

http://europa.eu.int/eur-lex/en/search/search_oj.html

c. Norway

Legislation and Jurisprudence: Norsk Lovtidend (Norwegian Law Gazette)

Notices of procurement: Doffin – Database for offentlige innkjøp (Database for public procurement)

<http://www.doffin.no/>

All Norwegian EEA contract announcements are published in English via SIMAP on the Tender Electronics daily web:

<http://ted.europa.eu>

d. Switzerland

Legislation: Compendium of Federal laws, Compendiums of Cantonal laws (26)

Jurisprudence: Decisions of the Swiss Federal Court, Jurisprudence of the administrative authorities of the Confederation and every Canton (26)

Special instructions from the procuring entities such as General business conditions, etc. are published on the appropriate homepages of the procuring entities concerned.

Notices of Procurements: Swiss Procurement Information System (<https://www.simap.ch>) or Official publication of every Swiss Canton (26)

APPENDIX 9 TO ANNEX XV

REGARDING TIME LIMITS

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 10 days.

2. Except as provided for in paragraphs 3 and 4, a procuring entity shall establish that the final date for submission of tenders shall not be less than 40 days from the date on which

- (a) in case of open tendering, the notice of intended procurement is published; or
- (b) in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders.

Possibilities for reducing the general Time Limits

3. A procuring entity may reduce the time-period for tendering established for each one of the following circumstances:

- (a) the notice of intended procurement is published by electronic means;
- (b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
- (c) the entity accepts tenders by electronic means.

4. Under the following circumstances, entities may establish a time period for tendering that is shorter than the periods referred to in paragraphs 1 and 2, provided that such time period is sufficiently long to enable suppliers to prepare and submit responsive tenders and is in no case less than 10 days prior to the final date for the submission of tenders:

- (a) where a notice of planned procurement has been published at least 40 days and not more than 12 months in advance;
- (b) in the case of the second or subsequent publications dealing with contracts of a recurring nature;

- (c) in the case where the entity procures commercial goods and services (meaning goods and services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes); the entity shall not reduce time limits for this reason if the entity requires that potential suppliers be qualified for participation in the procurement before submitting tenders;
- (d) where a state of urgency duly substantiated by the procuring entity renders impracticable the periods specified in paragraphs 1 and 2;
- (e) when the period for the submission of tenders referred to in paragraph 2, for procurements by entities set out in Annex XV, be fixed by mutual agreement between the entity and the selected suppliers.

Note

The Parties may agree on different time limits in the future by decision of the Joint Committee and upon the adoption of the new Ukrainian law on Government Procurement.

APPENDIX 10 TO ANNEX XV

REGARDING VALUE OF THRESHOLDS AND VALUATION

Thresholds

1. The Parties shall calculate and convert the value of the thresholds into their own national currencies using the conversion rates of their respective National Banks. The conversion rates will be the average of the values of the respective national currency in terms of the SDR over the two-year period preceding 1 October or 1 November of the year prior to the thresholds becoming effective. The conversion rate shall apply from 1 January of the following year.
2. The value of the newly calculated thresholds shall be made available, in their respective currencies, by Ukraine and the EFTA States, before the respective thresholds take effect.

Valuation

3. In estimating the value of a 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 6;
 - (b) take into account all forms of remuneration, including any premiums, fees, commissions, interest, other revenue streams that may be provided for under the contract and, where the procurement provides for the possibility of option clauses, the estimated total maximum value of the procurement, inclusive of optional purchases over its entire duration; and
 - (c) where the procurement is to be conducted in multiple parts, with contracts to be awarded at the same time or over a given period to one or more suppliers, base its calculation of the total maximum value of the procurement over a period of 12 months;
 - (d) where the national legislation allows for contracts to be concluded for an indefinite period and a total price is not specified, the basis for valuation of such contracts shall be based on the estimated monthly instalment multiplied by 48.

Note: For the value of thresholds, Ukraine shall accord treatment as specified in the Annex XV, but no less favourable than that accorded to the European Union.

APPENDIX 11 TO ANNEX XV
REGARDING ADDITIONAL NOTES

PART A: UKRAINE

1. Chapter 6 does not apply to procurements made by a procuring entity of goods or services obtained or acquired from another procuring entity (inhouse).

2. If Ukraine has effectively eliminated its control or influence over an activity or an entity listed in Annex XV, the procurements made by the procuring entity concerned will not be covered by Chapter 6.

3. Chapter 6 does not apply to the procurement of goods and services which can only be acquired from organisations with special or exclusive rights granted as result of published legislative, regulatory or administrative provisions, e.g.:

(a) railroad transport services;

(b) natural gas and services in the sphere of its transport, distribution and supply;

(c) postal services, postage stamps, and stamped envelopes;

(d) telecommunications services, including those in the sphere of relaying radio and television signals (with the exception of mobile communication services and services of Internet providers);

(e) centralised water supplies, water drainage, and servicing sewer systems;

(f) electric power, its transmission and distribution;

(g) centralised supply of heat energy;

(h) services of oil and oil products transportation by pipelines, other materials within highway transport;

(i) oil and raw oilproducts.

4. Chapter 6 does not apply to the procurement of:

(a) protected dyes, papers and other materials that are used for preparing forms for securities, strict reporting documents in accordance with their protection scheme;

(b) goods and services connected with design development, preparation of protected papers, banknotes, and coins, their storage, transport and record;

(c) goods, works, and services, procurement of which is performed by procuring entities located outside the borders of Ukraine;

(d) atomic fuel, unirradiated fuel elements for nuclear reactors;

(e) goods, works and services, which due to their special purpose constitute the state secret;

(f) goods and services needed to carry out state borrowings, maintenance and repayment of the state debt.

5. Chapter 6 does not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

6. Ukraine understands that Chapter 6 is not applicable to fund placements of funds of insured persons conducted by public organisations such as public insurance and pension funds.

7. Subparagraph 1 (a) (iv) of Article 13 of Annex XIV. The term “collusion” covers situations such as:

collusion – an agreement between two or several participants, with a purpose to establish a price of a bid on a noncompetitive or illegal levels, with or without a procuring entity’s consent.

8. With reference to Chapter 6, Article 6.5, the term “conflict of interest” covers situations such as:

connected individual – an individual that conforms to any of the following characteristics:

(a) A legal entity that performs supervision of a bidder or supervises said bidder, or remains under joint supervision with said bidder;

(b) An individual or member of their family that performs supervision of the bidder;

(c) A state official of the bidder who is authorised to perform legal acts in the name of the bidder that are directed at establishment, amendment, or suspension of civil-legal relations, as well as the family members of said state official;

When performing supervision according to this paragraph, one should understand direct possession or possession through connected individuals or legal entities of the largest share (stake, package of shares) of the statutory capital of the bidder, or management of the largest number of votes in a leading authority of said bidder, or possession of a share (stake, package of shares), that is no less than 20 per cent of the statutory capital of the bidder. For an individual, the total sum of possession of a share of the statutory capital of a bidder (votes in a leading authority) is defined as the total sum of corporate rights that belong to said individual, a family member of said individual and legal entities that are supervised by said individual or a member of their family.

For the purposes of this paragraph, spouses and their children, parents, brothers, sisters, and grandchildren as well as the spouses of children, parents, brothers, sisters, and grandchildren are considered to be family members.

9. With reference to Annex XIV, Article 18, paragraph 2:

(a) Where the entity publishes the notice only in an electronic media, the information shall remain readily accessible for a reasonable period of time but no less than 30 days.

(b) In case a procuring entity publishes a notice only in electronic media listed in Appendix 8, it has to provide a correspondent paper document on request of a Party, including its procuring entity.

PART B: EFTA STATES

a. Iceland

1. Chapter 6 does not apply to procurements made by a procuring entity of goods or services obtained or acquired from another procuring entity (inhouse).
2. If Iceland has effectively eliminated its control or influence over an activity or an entity listed in Annex XV, the procurements made by the procuring entity concerned will not be covered by Chapter 6.
3. The provisions of services, including construction services, in the context of procurement procedures according to Chapter 6 are subject to the conditions and qualifications for market access and national treatment as will be required by Iceland in conformity with its commitments under the GATS.
4. Chapter 6 does not apply to procurements of goods and services carried out inside a procuring entity or to procurements of goods or services obtained or acquired by a procuring entity from another procuring entity with legal personality (in-house).
5. Chapter 6 does not apply to the procurement of goods and services which can only be acquired from organisations with special or exclusive rights granted as result of published legislative, regulatory or administrative provisions (e.g. for the purchase of drinking water, energy, transport services, telecommunications and post, etc.).
6. Chapter 6 of the Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
7. The provisions of services, including construction services, in the context of procurement procedures according to Chapter 6 are subject to the conditions and qualifications for market access and national treatment as will be required by Iceland in conformity with its commitments under the GATS.

b. Liechtenstein

1. Chapter 6 does not apply to procurements made by a procuring entity of goods or services obtained or acquired from another procuring entity (inhouse).
2. If Liechtenstein has effectively eliminated its control or influence over an activity or an entity listed in Annex XV, the procurements made by the procuring entity concerned will not be covered by Chapter 6.
3. The provisions of services, including construction services, in the context of procurement procedures according to Chapter 6 are subject to the conditions and qualifications for market access and national treatment as will be required by Liechtenstein in conformity with its commitments under the GATS.
4. Chapter 6 of the Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

c. Norway

1. Chapter 6 does not apply to procurements of goods and services carried out inside a procuring entity or to procurements of goods or services obtained or acquired by a procuring entity from another procuring entity with legal personality (in-house).
2. If Norway has effectively eliminated its control or influence over an activity or an entity listed in this Annex, the procurements made by the procuring entity concerned will not be covered by Chapter 6.
3. The provisions of services, including construction services, in the context of procurement procedures according to Chapter 6 are subject to the conditions and qualifications for market access and national treatment as will be required by Norway in conformity with its commitments under the GATS.
4. Chapter 6 of the Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
5. Chapter 6 of the Agreement does not apply to public contracts when they are declared to be secret, when their performance must be accompanied by special security measures or when the protection of the essential interests so requires.
6. Norway reserves its position with regard to the application of Chapter 6 of the Agreement to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

d. Switzerland

1. Chapter 6 does not apply to procurements of goods and services carried out inside a procuring entity or to procurements of goods or services obtained or acquired by a procuring entity from another procuring entity with legal personality (inhouse).
 2. The provisions of services, including construction services, in the context of procurement procedures according to Chapter 6 are subject to the conditions and qualifications for market access and national treatment as will be required by Switzerland in conformity with its commitments under the GATS.
 3. Chapter 6 does not apply to the procurement of goods and services which can only be acquired from organisations with special or exclusive rights granted as result of published legislative, regulatory or administrative provisions (e.g. for the purchase of drinking water, energy, etc.).
 4. Chapter 6 does not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
 5. Switzerland understands that Chapter 6 is not applicable to fund placements of funds of insured persons conducted by public organisations such as public insurance and pension funds.
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