

## **ANNEX XVII**

REFERRED TO IN ARTICLE 6.1

### **GOVERNMENT PROCUREMENT**

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APPENDIX 1 TO ANNEX XVII

ENTITIES AT CENTRAL GOVERNMENT LEVEL

## PART A: ECUADOR

Chapter 6 (Government Procurement) of the Agreement applies to the central government entities referred to in this Appendix as regards the procurement of goods, services and construction services indicated below, if the value of the procurement has been estimated, in accordance with Appendix 9, as equal to or higher than the corresponding thresholds below:

### GOODS:

Threshold: Special Drawing Rights (SDR) 260,000 for the period of five years following the entry into force of the Agreement, and SDR 130,000 thereafter.

### SERVICES:

Threshold: SDR 260,000 for the period of five years following the entry into force of the Agreement, and SDR 130,000 thereafter.

### CONSTRUCTION SERVICES:

Threshold: SDR 6,000,000 for the period of five years following the entry into force of the Agreement, and SDR 5,000,000 thereafter.

### **Procuring Entities:**

1. *Presidencia de la República*
2. *Vicepresidencia de la República*

### National Secretariats:

1. *Secretaría Nacional de Planificación y Desarrollo*
2. *Secretaría Nacional de Comunicación*
3. *Secretaría de Gestión de Riesgos*
4. *Secretaría de Educación Superior Ciencia, Tecnología e Innovación*
5. *Secretaría del Agua*
6. *Secretaría Técnica de Drogas*
7. *Secretaría de Inteligencia*
8. *Secretaría General de la Presidencia*
9. *Secretaría Nacional de Gestión de la Política*
10. *Secretaría Técnica Plan Toda una Vida*

### Ministries:<sup>1</sup>

1. *Ministerio de Agricultura y Ganadería*

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<sup>1</sup> All ministries and their bodies, institutions or administrative entities subordinate and attached to them are covered, except for the public undertakings listed in Appendix 3.

2. *Ministerio de Acuacultura y Pesca*
3. *Ministerio del Ambiente*
4. *Ministerio de Cultura y Patrimonio*
5. *Ministerio de Defensa Nacional*
6. *Ministerio del Deporte*
7. *Ministerio de Desarrollo Urbano y Vivienda*
8. *Ministerio de Economía y Finanzas*
9. *Ministerio de Inclusión Económica y Social*
10. *Ministerio de Industrias y Productividad*
11. *Ministerio del Interior*
12. *Ministerio de Justicia, Derechos Humanos y Cultos*
13. *Ministerio de Recursos Naturales No Renovables*
14. *Ministerio de Relaciones Exteriores y Movilidad Humana*
15. *Ministerio Comercio Exterior*
16. *Ministerio de Relaciones Laborales*
17. *Ministerio de Salud Pública*
18. *Ministerio de Telecomunicaciones y de la Sociedad de la Información*
19. *Ministerio de Transporte y Obras Públicas*
20. *Ministerio de Turismo*
21. *Ministerio de Educación*
22. *Ministerio de Electricidad y Energía Renovable*

Public Banks:

1. *Instituto Ecuatoriano de Crédito Educativo (IECE)*
2. *Banco del Estado (BEDE)*
3. *Corporación Financiera Nacional (CFN)*
4. *Corporación Nacional de Finanzas Populares y Solidarias (CONAFIPS)*
5. *Banco Nacional de Fomento (BNF)*
6. *Banco Ecuatoriano de la Vivienda (BEV)*
7. *Banco del Instituto Ecuatoriano de Seguridad Social (BIESS)*
8. *Banco Central del Ecuador*

Other Institutions:

1. *Servicio Nacional de Contratación Pública (SERCOP)*
2. *Servicio de Rentas Internas (SRI)*
3. *Servicio Nacional de Aduana (SENAE)*
4. *Servicio de Contratación de Obras (SECOB)*
5. *Autoridad Portuaria*
6. *Dirección Nacional de Aviación Civil*
7. *Dirección General del Registro Civil, Identificación y Cedulación*

Other State Bodies:

1. *Asamblea Nacional*
2. *Consejo de la Judicatura*
3. *Consejo Nacional Electoral*
4. *Corte Constitucional*
5. *Consejo de Participación Ciudadana y Control Social*

6. *Tribunal Contencioso Electoral*
7. *Fiscalía General del Estado*
8. *Defensoría Pública*
9. *Defensoría del Pueblo*
10. *Contraloría General del Estado*
11. *Procuraduría General del Estado*
12. *Consejo Nacional de Control de Sustancias Estupefacientes y Psicotrópicos*
13. *Consejo Nacional de Evaluación y Acreditación — CONEA*
14. *Consejo Nacional de Zonas Francas — CONAZOFRA*
15. *Consejo Nacional de Telecomunicaciones*
16. *Superintendencia de Compañías*
17. *Superintendencia de Comunicación*
18. *Superintendencia de la Economía Popular y Solidaria*
19. *Superintendencia de Poder de Control del Mercado*
20. *Superintendencia de Telecomunicaciones*
21. *Superintendencia de Bancos y Seguros*
22. *Instituto Ecuatoriano de Seguridad Social*
23. *Cuerpo de Ingenieros del Ejército (only for peacetime civil construction procedures)*

Entities from the Education Sector:

1. *Casa de la Cultura Ecuatoriana Benjamín Carrión*
2. *Consejo Nacional de Capacitación y Formación Profesional — CNCF*
3. *Escuela Politécnica del Ejército*
4. *Escuela Politécnica Nacional*
5. *Escuela Superior Politécnica Agropecuaria de Manabí Manuel Félix López*
6. *Escuela Superior Politécnica del Chimborazo*
7. *Escuela Superior Politécnica del Litoral*
8. *Universidad Agraria del Ecuador*
9. *Universidad Central del Ecuador*
10. *Universidad de Guayaquil*
11. *Universidad Estatal Amazónica*
12. *Universidad de Bolívar*
13. *Universidad Estatal de Cuenca*
14. *Universidad Estatal de Milagro*
15. *Universidad Estatal del Sur de Manabí*
16. *Universidad Estatal Península de Santa Elena*
17. *Universidad Laica Eloy Alfaro de Manabí*
18. *Universidad Nacional de Chimborazo*
19. *Universidad Nacional de Loja*
20. *Universidad Politécnica Estatal del Carchi*
21. *Universidad Técnica de Ambato*
22. *Universidad Técnica de Babahoyo*
23. *Universidad Técnica de Cotopaxi*
24. *Universidad Técnica de Machala*
25. *Universidad Técnica de Manabí*
26. *Universidad Técnica de Quevedo*
27. *Universidad Técnica del Norte*
28. *Universidad Técnica Luis Vargas Torres de Esmeralda*

29. *Instituto de Altos Estudios Nacionales*

**Notes to Appendix 1**

Chapter 6 (Government Procurement) of the Agreement shall not apply in the following cases:

- (a) *Ministerio de Defensa Nacional, Ministerio del Interior and Secretaría de Inteligencia* : procurements of goods of a strategic nature necessary for national defence and public security, and procurements of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the United Nations Central Product Classification (CPC Prov. for the *Comando Conjunto de las Fuerzas Armadas*, the *Ejército Nacional*, the *Armada Nacional*, the *Fuerza Aérea Ecuatoriana* and the *Policía Nacional*.
- (b) *Secretaría Técnica Plan Toda Una Vida, Ministerio de Inclusión Económica Y Social, Ministerio De Desarrollo Urbano Y Vivienda, Ministerio De Educación*, and bodies, institutions or administrative entities subordinate to, attached to or coordinated with them: services for the construction of educational entities (pre-school, elementary school and high school) (including via the *Servicio de Contratación de Obras* ): drafting, design, printing, editing and publication of educational materials, and purchase of school uniforms.
- (c) *Ministerio de Inclusión Económica y Social*, and bodies, institutions or administrative entities subordinate to, attached to or coordinated with it: procurements of the products provided for in Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC Prov. intended for social assistance programmes.
- (d) *Ministerio de Agricultura y Ganadería, Ministerio de Acuacultura y Pesca*, and bodies, institutions or administrative entities subordinate to, attached to or coordinated with them: procurements of food products, agricultural inputs and live animals related to agricultural support programmes and food assistance.
- (e) *Consejo Nacional Electoral*: procurements for the preparation and organisation of elections and public consultations.
- (f) *Secretaría Técnica Plan Toda Una Vida*: procurements of goods and services for the construction of housing for the social program “*Plan Casa Para Todos*” or its successor.

PART B: EFTA STATES

Chapter 6 (Government Procurement) of the Agreement applies to the entities of central level of government where the value of the procurement equals or exceeds:

GOODS:

Specified in Appendix 4

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

SERVICES:

Specified in Appendix 5

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

CONSTRUCTION SERVICES:

Specified in Appendix 6

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

**a. Iceland**

**List of Entities:**

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

**Note to Appendix 1**

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

**b. Liechtenstein**

**List of Entities:**

1. Government of the Principality of Liechtenstein
2. Courts of the Principality of Liechtenstein
3. Parliament of the Principality of Liechtenstein

**Note to Appendix 1**

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

**c. Norway**

All central government entities.

**Note to Appendix 1**

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

**d. Switzerland**

**List of Entities:**

**FRENCH**

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

**ENGLISH**

List of entities covering all federal  
departments of Switzerland :

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <u>Chancellerie fédérale (ChF):</u><br><br><i>Chancellerie fédérale (ChF)</i><br><i>Préposé fédéral à la protection des données et à la transparence (PFPDT)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1. | <u>Federal Chancellery (FCh):</u><br><br>Federal Chancellery (FCh)<br>Federal Data Protection and Information Commissioner (FDPIC)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2. | <u>Département fédéral des affaires étrangères (DFAE):</u><br><br><ul style="list-style-type: none"> <li>- Secrétariat général (SG-DFAE)</li> <li>- Secrétariat d'Etat (SEE)</li> <li>- Direction politique (DP)</li> <li>- Direction du droit international public (DDIP)</li> <li>- Direction du développement et de la coopération (DDC)</li> <li>- Direction des ressources (DR)</li> <li>- Direction consulaire (DC)</li> </ul>                                                                                                                                                                                                                                                                                                                                         | 2. | <u>Federal Department of Foreign Affairs (FDFA):</u><br><br><ul style="list-style-type: none"> <li>- General Secretariat (GS-FDFA)</li> <li>- State Secretariat (STS)</li> <li>- Directorate of Political Affairs (DP)</li> <li>- Directorate of Public International Law (DIL)</li> <li>- Swiss Agency for Development Cooperation (SDC)</li> <li>- Directorate of Corporate Resources (DCR)</li> <li>- Consular Directorate (CD)</li> </ul>                                                                                                                                                                                                                                                  |
| 3. | <u>Département fédéral de l'intérieur (DFI):</u><br><br><ul style="list-style-type: none"> <li>- Secrétariat général (SG-DFI)</li> <li>- Bureau fédéral de l'égalité entre femmes et hommes (BFEG)</li> <li>- Office fédéral de la culture (OFC)</li> <li>- Archives fédérales suisses (AFS)</li> <li>- Office fédéral de météorologie et de climatologie (MétéoSuisse)</li> <li>- Office fédéral de la santé publique (OFSP)</li> <li>- Office fédéral de la statistique (OFS)</li> <li>- Office fédéral des assurances sociales (OFAS)</li> <li>- Office fédéral de la sécurité alimentaire et des affaires vétérinaires OSAV</li> <li>- Musée national suisse (MNS)</li> <li>- Pro Helvetia</li> <li>- Swissmedic, Institut suisse des produits thérapeutiques</li> </ul> | 3. | <u>Federal Department of Home Affairs (FDHA):</u><br><br><ul style="list-style-type: none"> <li>- General Secretariat (GS-FDHA)</li> <li>- Federal Office for Gender Equality (FOGE)</li> <li>- Federal Office of Culture (FOC)</li> <li>- Swiss Federal Archives (SFA)</li> <li>- Federal Office of Meteorology and Climatology (MeteoSwiss)</li> <li>- Federal Office of Public Health (FOPH)</li> <li>- Federal Statistical Office (FSO)</li> <li>- Federal Social Insurance Office (FSIO)</li> <li>- Federal Food Safety and Veterinary Office FSVO</li> <li>- Swiss National Museum (SNM)</li> <li>- Pro Helvetia</li> <li>- Swissmedic, Swiss Agency for Therapeutic Products</li> </ul> |

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| <p>4. <u>Département fédéral de la justice et police (DFJP):</u></p> <ul style="list-style-type: none"> <li>- Secrétariat général (SG-DFJP)</li> <li>- Office fédéral de la justice (OFJ)</li> <li>- Office fédéral de la police (fedpol)</li> <li>- Office fédéral des migrations (ODM)</li> <li>- Institut fédéral de métrologie (METAS)</li> <li>- Service Surveillance de la correspondance par poste et télécommunication (SCPT)</li> <li>- Commission nationale de prévention de la torture</li> <li>- Institut suisse de droit comparé (ISDC)</li> <li>- Institut Fédéral de la Propriété Intellectuelle (IPI)</li> <li>- Autorité fédérale de surveillance en matière de révision (ASR)</li> </ul>                                                                                                                                                                                                                                                                                                                                                         | <p>4. <u>Federal Department of Justice and Police (FDJP):</u></p> <ul style="list-style-type: none"> <li>- General Secretariat (GS-FDJP)</li> <li>- Federal Office of Justice (FOJ)</li> <li>- Federal Office of Police (fedpol)</li> <li>- Federal Office for Migration (FOM)</li> <li>- Federal Institute of Metrology (METAS)</li> <li>- Post and Telecommunications Surveillance Service</li> <li>- National Commission for the Prevention of Torture</li> <li>- Swiss Institute of Comparative Law (SICL)</li> <li>- Federal Institute of Intellectual Property (IIP)</li> <li>- Federal Audit Oversight Authority (FAOA)</li> </ul>                                                                                                                                                                                                                                                                                                                                           |
| <p>5. <u>Département fédéral de la défense, de la protection de la population et des sports (DDPS)</u></p> <ul style="list-style-type: none"> <li>- Secrétariat général (SG-DDPS)</li> <li>- Service de renseignement de la Confédération (SRC)</li> <li>- Office de l'auditeur en chef (OAC)</li> <li>- Groupement Défense               <ul style="list-style-type: none"> <li>(a) Etat-major de l'armée (EM A)</li> <li>(b) Etat-major de conduite de l'armée (EM cond A)</li> <li>(c) Formation supérieure des cadres de l'armée (FSCA)</li> <li>(d) Forces terrestres (FT)</li> <li>(e) Forces aériennes (FA)</li> <li>(f) Base logistique de l'armée (BLA)</li> <li>(g) Base d'aide au commandement (BAC)</li> </ul> </li> <li>- Groupement armasuisse (ar)               <ul style="list-style-type: none"> <li>(a) Office fédéral pour l'acquisition d'armement</li> <li>(b) Office fédéral de topographie (swisstopo)</li> </ul> </li> <li>- Office fédéral de la protection de la population (OFPP)</li> <li>- Office fédéral du sport (OFSP)</li> </ul> | <p>5. <u>Federal Department of Defence, Civil Protection and Sport (DDPS)</u></p> <ul style="list-style-type: none"> <li>- General Secretariat (GS-DDPS)</li> <li>- Federal Intelligence Service (FIS)</li> <li>- Office of the Armed Forces Attorney General (OAFAG)</li> <li>- Defence Sector               <ul style="list-style-type: none"> <li>(a) Armed Forces Staff (AFS)</li> <li>(b) Armed Forces Joint Staff (AFJS)</li> <li>(c) Armed Forces College (AFC)</li> <li>(d) Land Forces (LF)</li> <li>(e) Air Force (SAF)</li> <li>(f) Armed Forces Logistics Organisation (AFLO)</li> <li>(g) Armed Forces Command Support Organisation (AFCSO)</li> </ul> </li> <li>- armasuisse Group (ar)               <ul style="list-style-type: none"> <li>(a) Federal Office for Defence Procurement</li> <li>(b) Federal Office of Topography (swisstopo)</li> </ul> </li> <li>- Federal Office for Civil Protection (FOCP)</li> <li>- Federal Office of Sport (FOSPO)</li> </ul> |

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| 6. | <u>Département fédéral des finances (DFF):</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 6. | <u>Federal Department of Finance (FDF):</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|    | <ul style="list-style-type: none"> <li>- Secrétariat général (SG-DFF)</li> <li>- Secrétariat d'Etat aux questions financières internationales (SFI)</li> <li>- Administration fédérale des finances (AFF)</li> <li>- Office fédéral du personnel (OFPER)</li> <li>- Administration fédérale des contributions (AFC)</li> <li>- Administration fédérale des douanes (AFD)</li> <li>- Office fédéral de l'informatique et de la télécommunication (OFIT)</li> <li>- Office fédéral des constructions et de la logistique (OFCL)</li> <li>- Unité de pilotage informatique de la Confédération (UPIC)</li> <li>- Contrôle fédéral des finances (CDF)</li> <li>- Régie fédérale des alcools (RFA)</li> <li>- Autorité fédérale de surveillance des marchés financiers (FINMA)</li> <li>- Caisse fédérale de pensions PUBLICA</li> </ul> |    | <ul style="list-style-type: none"> <li>- General Secretariat (SG-DFF)</li> <li>- State Secretariat for International Financial Matters (SFI)</li> <li>- Federal Finance Administration (FFA)</li> <li>- Federal Office of Personnel (FOPER)</li> <li>- Federal Tax Administration (FTA)</li> <li>- Federal Customs Administration (FCA)</li> <li>- Federal Office of Information Technology, Systems and Telecommunication (FOITT)</li> <li>- Federal Office for Buildings and Logistics (FOBL)</li> <li>- Federal IT Steering Unit (FITSU)</li> <li>- Swiss Federal Audit Office (SFAO)</li> <li>- Swiss Alcohol Board (SAB)</li> <li>- Swiss Financial Market Supervisory Authority (FINMA)</li> <li>- Federal Pension Fund PUBLICA</li> </ul> |

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| 7. | <u>Département fédéral de l'économie, de la formation et de la recherche DEFR:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 7. | <u>Federal Department of Economic Affairs, Education and Research EAER:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|    | <ul style="list-style-type: none"> <li>- Secrétariat général (SG-DFE)</li> <li>- Surveillance des prix (SPR)</li> <li>- Secrétariat d'Etat à l'économie (SECO)</li> <li>- Secrétariat d'Etat à la formation, à la recherche et à l'innovation SEFRI</li> <li>- Domaine des écoles polytechniques (domaine des EPF)</li> <li>- Ecole polytechnique fédérale de Zurich (EPFZ)</li> <li>- Ecole polytechnique fédérale de Lausanne (EPFL)</li> <li>- Institut Paul Scherrer (PSI)</li> <li>- Institut fédéral de recherches sur la forêt, la neige et le paysage (WSL)</li> <li>- Laboratoire fédéral d'essai des matériaux et de recherche (EMPA)</li> <li>- Institut fédéral pour l'aménagement, l'épuration et la protection des eaux (EAWAG)</li> <li>- Office fédéral de l'agriculture (OFAG)</li> <li>- Office fédéral pour l'approvisionnement économique du pays (OFAE)</li> <li>- Office fédéral du logement (OFL)</li> <li>- Suisse tourisme (ST)</li> <li>- Société suisse de crédit hôtelier (SCH)</li> <li>- Assurance suisse contre les risques à l'exportation (ASRE)</li> <li>- Institut fédéral des hautes études en formation professionnelle (IFFP)</li> </ul> |    | <ul style="list-style-type: none"> <li>- General Secretariat (SG-DFE)</li> <li>- Price Supervision (PRS)</li> <li>- State Secretariat for Economic Affairs (SECO)</li> <li>- State Secretariat for Education, Research and Innovation SERI</li> <li>- Domain of the Swiss Federal Institutes of Technology (ETH Domain)</li> <li>- Federal Institute of Technology Zurich (ETHZ)</li> <li>- Federal Institute of Technology Lausanne (EPFL)</li> <li>- Paul Scherrer Institute (PSI)</li> <li>- Institute for Snow and Avalanche Research (WSL)</li> <li>- Swiss Federal Laboratories for Materials Testing and Research (EMPA)</li> <li>- Swiss Federal Institute of Aquatic Science and Technology (EAWAG)</li> <li>- Federal Office for Agriculture (FOAG)</li> <li>- Federal Office for National Economic Supply (FONES)</li> <li>- Federal Office for Housing (FHO)</li> <li>- Swiss Tourism (ST)</li> <li>- Swiss Association for Hotel Credit (SAH)</li> <li>- Swiss Export Risk Insurance (SERV)</li> <li>- Swiss Federal Institute for Vocational Education and Training (SFIVET)</li> </ul> |

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| <p>8. <u>Département fédéral de l'environnement, des transports, de l'énergie et de la communication (DETEC):</u></p> <ul style="list-style-type: none"><li>- Secrétariat général (SG-DETEC)</li><li>- Office fédéral des transports (OFT)</li><li>- Office fédéral de l'aviation civile (OFAC)</li><li>- Office fédéral de l'énergie (OFEN)</li><br/><li>- Office fédéral des routes (OFROU)</li><li>- Office fédéral de la communication (OFCOM)</li><li>- Office fédéral de l'environnement (OFEV)</li><li>- Office fédéral du développement territorial (ARE)</li><li>- Inspection fédérale de la sécurité nucléaire (IFSN)</li></ul> | <p>8. <u>Federal Department of the Environment, Transport, Energy and Communications (DETEC):</u></p> <ul style="list-style-type: none"><li>- General Secretariat (GS-DETEC)</li><li>- Federal Office of Transport (FOT)</li><br/><li>- Federal Office of Civil Aviation (FOCA)</li><li>- Swiss Federal Office of Energy (SFOE)</li><li>- Federal Roads Office (FEDRO)</li><br/><li>- Federal Office of Communications (OFCOM)</li><li>- Federal Office for the Environment (FOENV)</li><li>- Federal Office for Spatial Development (ARE)</li><li>- Swiss Federal Nuclear Safety Inspectorate (ENSI)</li></ul> |
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### **Note to Appendix 1**

Chapter 6 (Government Procurement) of the Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

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APPENDIX 2 TO ANNEX XVII

ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

## PART A: ECUADOR

Chapter 6 (Government Procurement) of the Agreement applies to the sub-central government entities referred to in this Appendix with regard to the procurement of goods, services and construction services indicated below, if the value of the procurement has been estimated, in accordance with Appendix 9, as equal to or higher than the corresponding thresholds below:

### GOODS:

Threshold: SDR 350,000 for the period of five years following the entry into force of the Agreement, and SDR 200,000 thereafter.

### SERVICES:

Threshold: SDR 350,000 for the period of five years following the entry into force of the Agreement, and SDR 200,000 thereafter.

### CONSTRUCTION SERVICES:

Threshold: SDR 6,000,000 for the period of five years following the entry into force of the Agreement, and SDR 5,000,000 thereafter.

### Procuring Entities:

1. All of the *Gobiernos Autónomos Provinciales*
2. All of the *Gobiernos Autónomos Municipales*

### **Note to Appendix 2**

Chapter 6 (Government Procurement) of the Agreement shall not apply to procurements by the *Gobiernos Autónomos Parroquiales*.

PART B: EFTA STATES

Chapter 6 (Government Procurement) of the Agreement applies to the entities of the sub-central level of government where the value of the procurement equals or exceeds:

GOODS:

Specified in Appendix 4

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

SERVICES:

Specified in Appendix 5

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

CONSTRUCTION SERVICES:

Specified in Appendix 6

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

**a. Iceland**

**List of Entities:**

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

**b. Liechtenstein**

**List of Entities:**

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

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

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

**c. Norway**

**List of Entities:**

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

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

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

- (c) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.
- 3. All associations formed by one or several of the entities covered by paragraphs 1 and 2.

**d. Switzerland**

**List of Entities:<sup>2</sup>**

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

List of Swiss cantons:

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

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<sup>2</sup> For contracts of the Cantons referring to defense products, acting for the Federal Department of Defense, see derogations in Appendix 4.

Canton du Jura (JU)

**Note to Appendix 2**

Chapter 6 (Government Procurement) of the Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

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APPENDIX 3 TO ANNEX XVII

OTHER COVERED ENTITIES

PART A: ECUADOR:

Chapter 6 (Government Procurement) of the Agreement applies to entities listed in this Appendix as regards the procurement of goods, services and construction services indicated below, if the value of the procurement has been estimated, in accordance with Appendix 9, as equal to or higher than the corresponding thresholds below:

GOODS:

Threshold: SDR 400,000

SERVICES:

Threshold: SDR 400,000

CONSTRUCTION SERVICES:

Threshold: SDR 6,000,000 for the period of five years following the entry into force of the Agreement, and SDR 5,000,000 thereafter.

**Procuring Entities:**

Unless otherwise specified, Chapter 6 (Government Procurement) of the Agreement applies to the national public undertakings listed below:

Public Undertakings of the Executive Branch

1. *Astilleros Navales Ecuatorianos — ASTINAVE EP*
2. *Corporación Eléctrica del Ecuador — CELEC EP*
3. *Corporación Nacional de Telecomunicaciones — CNT EP*
4. *Empresa Eléctrica Pública de Guayaquil EP*
5. *Empresa Nacional Minera — ENAMI EP*
6. *Empresa Pública de Exploración y Explotación de Hidrocarburos — PETROAMAZONAS EP*
7. *Empresa Pública Cementera del Ecuador EP*
8. *Empresa Pública Correos del Ecuador — CDE EP*
9. *Empresa Pública de Desarrollo Estratégico Ecuador — ESTRATEGICO EP*
10. *Empresa Pública de Hidrocarburos del Ecuador EP — PETROECUADOR*
11. *Empresa Pública de Innovación y Comercialización INVENTIO-ESPOL EP*
12. *Empresa Pública Flota Petrolera Ecuatoriana — EP FLOPEC*
13. *Empresa Pública TAME Línea Aérea del Ecuador — TAME EP*
14. *Ferrocarriles del Ecuador Empresa Pública — FEEP*
15. *Hidroeléctrica Coca Codo Sinclair — COCASINCLAIR EP*
16. *Hidroeléctrica del Litoral — HIDROLITORAL EP*
17. *HIDROESPOL EP*
18. *Infraestructuras Pesqueras del Ecuador Empresa Pública — IPEEP*
19. *Transportes Navieros Ecuatorianos*
20. *Yachay EP*

21. *Corporación Nacional de Electricidad — CNEL EP*
22. *Empresa Pública de Parques Urbanos y Espacios Públicos*
23. *Ecuador T.V. EP*
24. *Fabricamos Ecuador EP*
25. *Unidad Nacional de Almacenamiento EP*
26. *Empresa Pública Técnica Vehicular*
27. *Empresa Eléctrica Ambato Regional Centro Norte S.A.*
28. *Empresa Eléctrica Riobamba S.A.*
29. *Empresa Eléctrica Provincial Cotopaxi S.A.*
30. *Empresa Eléctrica Regional Norte S.A.*
31. *Empresa Eléctrica Regional del Sur S.A.*
32. *Empresa Eléctrica Regional Centrosur C.A.*
33. *Empresa Eléctrica Azogues C.A.*
34. *Hidromira Carchi S.A.*
35. *Hidroagoyán S.A.*
36. *Empresa Pública Metropolitana de Servicios Aeroportuarios y Gestión de Zonas Francas y Regímenes Especiales*
37. *Autoridad Aeroportuaria de Guayaquil — Fundación de la Muy Ilustre Municipalidad de Guayaquil*
38. *Empresa Metropolitana de Aseo — EMASEO*
39. *Empresa Pública Metropolitana de Movilidad y Obras Públicas*
40. *Empresa Pública Metropolitana de Agua Potable y Saneamiento de Quito*
41. *Empresa Municipal de Agua Potable y Alcantarillado de Ambato*
42. *Empresa Municipal de Agua Potable y Alcantarillado de Pujili — EMAPAP*
43. *Empresa Municipal de Agua Potable y Alcantarillado de Riobamba — EMAPAR*
44. *Empresa Municipal de Agua Potable y Saneamiento Básico del Cantón Pedro Moncayo — EMASA-PM.*
45. *Empresa Municipal de Aseo de Cuenca*

PART B: EFTA STATES

Chapter 6 (Government Procurement) of the Agreement applies to other covered entities where the value of the procurement equals or exceeds:

GOODS:

Specified in Appendix 4

|           |             |
|-----------|-------------|
| Threshold | SDR 400,000 |
|-----------|-------------|

SERVICES:

Specified in Appendix 5

|           |             |
|-----------|-------------|
| Threshold | SDR 400,000 |
|-----------|-------------|

CONSTRUCTION SERVICES:

Specified in Appendix 6

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

**a. Iceland**

All contracting entities whose procurement is covered by the European Economic Area (EEA) Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 (EEA Utilities Directive) which are contracting authorities (e.g. those covered under Appendices 1 and 2) or public undertakings<sup>3</sup> and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;
- (b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;
- (c) the provision of airport or other terminal facilities to carriers by air;
- (d) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- (e) the provision or operation of networks<sup>4</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable; and
- (f) provision of postal services.

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

**Indicative list of other entities (utilities):**

The electricity sector:

1. *Landvirkjun* (The National Power Company), Act No 42/1983.
2. *Landsnet* (Iceland Power Grid), Act No 75/2004.
3. *Rafmagnsveitur ríkisins* (The State Electric Power Works), Act No 58/1967.

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<sup>3</sup> According to the EEA Utilities Directive (extended to the EEA by Decision of the EEA Joint Committee NO 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

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

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

<sup>4</sup> As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority, of an EEA member state, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

4. *Orkuveita Reykjavíkur* (Reykjavík Energy), Act No 136/2013.
5. *Orkubú Vestfjarða* (Vestfjord Power Company), Act No 40/2001.
6. *Norðurorka*, Act No 159/2002.
7. *Hitaveita Suðurnesja*, Act No 10/2001.
8. Other entities producing, transporting or distributing electricity pursuant to Act No 65/2003.

Urban transport:

9. *Strætó* (The Reykjavík Metropolitan Bus Service).
10. Other entities operating in accordance with Act No 28/2017 on urban transport.

Airports:

11. Public entities providing airport facilities for instance *ISAVIA*.

Ports:

12. Public entities operating pursuant to the Harbour Act No 61/2003

For instance:

*Faxaflóahafnir*

Associated Icelandic Ports

Water supply:

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

Postal Services:

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

### Notes to Appendix 3

1. Procurements for the pursuit of an activity listed above when exposed to competitive forces in the market concerned are not covered by Chapter 6 (Government Procurement) of the Agreement.
2. Chapter 6 (Government Procurement) of the Agreement does not cover procurement by procuring entities included in this Appendix:
  - (a) for the purchase of water and for the supply of energy or of fuels for the production of energy;
  - (b) for purposes other than the pursuit of their activities as listed in this Annex or for the pursuit of such activities in a non-EEA country; and
  - (c) for purposes of re-sale or hire to non-parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such

contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

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

- (a) the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in subparagraphs (a) to (f) of lit. a.; and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30% of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

4. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement:

- (a) by a procuring entity to an affiliated undertaking<sup>5</sup>; or
- (b) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of subparagraphs (a) to (f) of lit. a., to an undertaking which is affiliated with one of these procuring entities.

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

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

6. Chapter 6 (Government Procurement) of the Agreement does not cover procurement:

- (a) by a joint venture, formed exclusively by a number of procuring entities for the purposes of carrying out activities within the meaning of subparagraphs (a) to (f) of lit. a., to one of these procuring entities; or

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

- (b) by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up to carry out the activity concerned over a period of at least three years and the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

**b. Liechtenstein**

**List of Entities:**

All procuring entities whose procurement is covered by the European Economic Area (EEA) Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 (EEA Utilities Directive) which are contracting authorities (e.g. those covered under Appendices 1 and 2) or public undertakings<sup>6</sup> and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks (as specified under List of Sectors 1);
- (b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks (as specified under List of Sectors 2);
- (c) the provision or operation of networks<sup>7</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under List of Sectors 3);
- (d) the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under List of Sectors 4);

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<sup>6</sup> According to the EEA Utilities Directive (extended to the EEA by Decision of the EEA Joint Committee NO 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

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

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

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

- (e) the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under List of Sectors 5);

**List of Sectors:**

- 1. Production, transport or distribution of drinking water

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

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

- 2. Production, transport or distribution of electricity:

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

*Liechtensteinische Kraftwerke*

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

*LIECHTENSTEINmobil*

- 4. Procuring entities in the field of airport facilities

None

- 5. Procuring entities in the field of inland ports

None

**Notes to Appendix 3**

- 1. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement which the procuring entity awards for purposes other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities in a non-EEA country.

2. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement:

- (a) by a procuring entity to an affiliated undertaking<sup>8</sup>; or
- (b) by a joint venture formed exclusively by a number of procuring entities for the purpose of carrying out a relevant activity within the meaning of subparagraphs (a) to (e) of lit. b., to an undertaking which is affiliated with one of these procuring entities,

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

3. When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in paragraph 2 is credible, in particular by means of business projections.

4. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement by entities in this Appendix:

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

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

6. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement by procuring entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under subparagraphs (a) and (c) of lit. b. and provided that the supply to the public network depends only on the entity's own consumption and

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

does not exceed 30% of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

7. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement for purposes of re-sale or hire to non-parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

8. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement by procuring entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.

9. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement by procuring entities pursuing an activity described in this Appendix when that activity is exposed to full market competition.

**c. Norway**

1. All procuring entities whose procurement is covered by the European Economic Area (EEA) Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 (EEA Utilities Directive) which are contracting authorities (i.e. those covered under Appendices 1 and 2) or public undertakings<sup>9</sup> and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;
- (b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;
- (c) the provision of airport or other terminal facilities to carriers by air;
- (d) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- (e) the provision or operation of networks<sup>10</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.

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

**Notes to Appendix 3**

1. Procurement for the pursuit of an activity listed above shall not be subject to Chapter 6 (Government Procurement) when the activity is directly exposed to competition on markets to which access is not restricted.

2. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement by entities included in this Appendix:

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<sup>9</sup> According to the EEA Utilities Directive (extended to the EEA by Decision of the EEA Joint Committee NO 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

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

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

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

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

3. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement:

- (a) by a procuring entity from an affiliated undertaking<sup>11</sup>; or
- (b) by a joint venture formed exclusively by a number of procuring entities for the purpose of carrying out a relevant activity within the meaning of paragraph 1, subparagraphs (a) to (e) of lit. c., from an undertaking which is affiliated with one of these procuring entities,

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

4. When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in paragraph 3 is credible, in particular by means of business projections.

5. Chapter 6 (Government Procurement) of the Agreement shall not apply to procurement:

- (a) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of paragraph 1, subparagraphs (a) to (e) of lit. c., from one of these procuring entities; or
- (b) by a procuring entity from such a joint venture of which it forms part, provided that the joint venture has been set up in order to carry out the activity concerned over a period of at least three years and that the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

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

6. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as a relevant activity within the meaning of paragraph 1, subparagraph (a) or (b) of lit. c. where:

- (a) the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraph 1, subparagraphs (a) to (e) of lit. c ; and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30% of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

**Indicative list of other entities (utilities):**

1. Drinking Water

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

For instance:

*Asker og Bærum vannverk*  
*Bergen vannverk*

Asker and Bærum Water Network  
Bergen Drinking Water Network

2. The electricity sector

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

For instance:

*Alta kraftverk*  
*Bingsfoss kraftverk*

Alta Power Plant  
Bingsfoss Power Plant

3. Airports:

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

For instance:

*Avinor AS*

Avinor AS

4. Ports:

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

For instance:

*Oslo havn*

Port of Oslo

*Stavangerregionens havn*

Port of Stavanger

5. Urban transport

Public entities which have as one of their activities the operation of networks providing a service to the public in the field of transport by automated systems, urban railway, tramway, trolley bus, bus or cable according to *Lov om anlegg og drift av jernbane, herunder sporvei, tunellbane og forstadsbane m.m.* (LOV 1993-06-11 100), *Lov om yrkestransport med motorvogn og fartøy* (LOV 2002-06-21 45) or *Lov om anlegg av taugbaner og løipestrenger* (LOV 1912-06-14 1).

d. Switzerland

**List of Entities:**

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

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

2. For the purposes of this Appendix:

- (a) “public authorities” means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

- (i) is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
  - (ii) has legal personality; and
  - (iii) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.
- (b) “public undertakings” means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:
- (i) hold the majority of the undertaking’s subscribed capital;
  - (ii) control the majority of the votes attaching to shares issued by the undertaking; or
  - (iii) can appoint more than half of the members of the undertaking’s administrative, managerial or supervisory body.

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

##### **1. Production, transport or distribution of drinking water**

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

Examples:

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

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

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

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

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<sup>12</sup> RS 742.101

<sup>13</sup> RS 745.1

Example:

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

### 3. Airports

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

Examples:

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

### 4. Inland ports

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

Example:

- Ports in the region of Basel.

### 5. Production, transport or distribution of electricity

Public authorities or public undertakings for the transport and distribution of electricity operating on the basis of authorization for expropriation pursuant to the Federal Law of 24 June 1902 concerning the electrical weak and heavy current installations.<sup>16</sup>

Public authorities or public undertakings which produce electricity pursuant to the Federal Act of 22 December 1916 on the use of Hydraulic Forces<sup>17</sup> and the Nuclear Energy Act of 21 March 2003<sup>18</sup>.

Example:

- *Bernische Kraftwerke AG*

## Notes to Appendix 3

Chapter 6 (Government Procurement) of the Agreement shall not apply to:

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<sup>14</sup> RS 748.0

<sup>15</sup> SGS 421.1

<sup>16</sup> RS 732.1

<sup>17</sup> RS 721.80

<sup>18</sup> RS 732.1

- (a) contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities beyond Switzerland;
  - (b) contracts awarded for purposes of re-sale or hire to non-parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;
  - (c) contracts of contracting entities other than a public authority exercising the supply of drinking water to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Appendix. Furthermore, the supply to the public network depends only on the entity's own consumption and has not exceeded 30% of entity's total production of drinking water, having regard to the average for the preceding three years;
  - (d) contracts of contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions;  
or
  - (e) contracts awarded by contracting entities pursuing an activity described in this Appendix when that activity is exposed to full market competition.
-

APPENDIX 4 TO ANNEX XVII

GOODS

## PART A: ECUADOR

Chapter 6 (Government Procurement) of the Agreement applies to all goods procured by the entities listed in Appendices 1 to 3, subject to their respective notes and the Additional Notes in Appendix 11.

### **Notes to Appendix 4**

Chapter 6 (Government Procurement) of the Agreement shall not apply to the procurement of goods necessary for the implementation of research and development services or to the procurement of goods within the following classifications of the United Nations Central Product Classification (CPC Prov.):

1. Division 12 (crude petroleum and natural gas)
2. Group 333 (petroleum oils)
3. Group 334 (petroleum gases and other gaseous hydrocarbons)
4. Group 341 (basic organic chemicals)

PART B: EFTA STATES

**a. Iceland**

1. Chapter 6 (Government Procurement) of the Agreement applies to procurement of all goods procured by the entities listed in Appendices 1 to 3, unless otherwise specified in Chapter 6 (Government Procurement) of the Agreement.

2. Chapter 6 (Government Procurement) of the Agreement only applies to goods that are described in the Chapters of the Combined Nomenclature (CN) specified below and that are procured by the Ministry of the Interior and Agencies for defence or security activities in Iceland:

- Chapter 25: Salt, sulphur, earths and stone, plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes  
except:  
ex 27.10: special engine fuels
- Chapter 28: Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes  
except:  
ex 28.09: explosives  
ex 28.13: explosives  
ex 28.14: tear gas  
ex 28.28: explosives  
ex 28.32: explosives  
ex 28.39: explosives  
ex 28.50: toxic products  
ex 28.51: toxic products  
ex 28.54: explosives
- Chapter 29: Organic chemicals  
except:  
ex 29.03: explosives  
ex 29.04: explosives  
ex 29.07: explosives  
ex 29.08: explosives  
ex 29.11: explosives  
ex 29.12: explosives  
ex 29.13: toxic products  
ex 29.14: toxic products  
ex 29.15: toxic products  
ex 29.21: toxic products  
ex 29.22: toxic products

- ex 29.23: toxic products
- ex 29.26: explosives
- ex 29.27: toxic products
- ex 29.29: explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and “dental waxes”
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products  
except:  
ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof  
except:  
ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof  
except:  
ex 40.11: bullet-proof tyres
- Chapter 41: Raw hides and skins (other than fur skins) and leather
- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork

- Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basket ware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal, parts thereof except:

ex 82.05: tools  
ex 82.07: tools, parts

Chapter 83: Miscellaneous articles of base metal

Chapter 84: Boilers, machinery and mechanical appliances, parts thereof  
except:  
ex 84.06: engines  
ex 84.08: other engines  
ex 84.45: machinery  
ex 84.53: automatic data-processing machines  
ex 84.55: parts of machines under heading No 84.53  
ex 84.59: nuclear reactors

Chapter 85: Electrical machinery and equipment, parts thereof  
except:  
ex 85.13: telecommunication equipment  
ex 85.15: transmission apparatus

Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)  
except:  
ex 86.02: armoured locomotives, electric  
ex 86.03: other armoured locomotives  
ex 86.05: armoured wagons  
ex 86.06: repair wagons  
ex 86.07: wagons

Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof  
except:  
ex 87.08: tanks and other armoured vehicles  
ex 87.01: tractors  
ex 87.02: military vehicles  
ex 87.03: breakdown lorries  
ex 87.09: motorcycles  
ex 87.14: trailers

Chapter 89: Ships, boats and floating structures  
except:  
ex 89.01 A: warships

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts thereof  
except:  
ex 90.05: binoculars  
ex 90.13: miscellaneous instruments, lasers  
ex 90.14: telemeters

ex 90.28: electrical and electronic measuring instruments  
ex 90.11: microscopes  
ex 90.17: medical instruments  
ex 90.18: mechano-therapy appliances  
ex 90.19: orthopaedic appliances  
ex 90.20: X-ray apparatus

- Chapter 91: Manufacture of watches and clocks
- Chapter 92: Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles
- Chapter 94: Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings  
except:  
ex 94.01 A: aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 98: Miscellaneous manufactured articles

**b. Liechtenstein**

Unless otherwise specified, Chapter 6 (Government Procurement) of the Agreement covers all goods.

**c. Norway**

1. Chapter 6 (Government Procurement) of the Agreement covers procurement of all goods, unless otherwise specified in that Chapter.
2. Chapter 6 (Government Procurement) of the Agreement covers only the following goods that are described in the Chapters of the CCC (Customs Co-operation Council)/Brussels nomenclature specified below and that are procured by the Ministry of Defence, its subordinated entities and entities in the field of security:

- Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except:  
ex 27.10 special engine fuels
- Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes, except:  
ex 28.09 explosives  
ex 28.13 explosives

|             |                                                                                                                                                                                                                               |                    |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|             | ex 28.14                                                                                                                                                                                                                      | tear gas           |
|             | ex 28.28                                                                                                                                                                                                                      | explosives         |
|             | ex 28.32                                                                                                                                                                                                                      | explosives         |
|             | ex 28.39                                                                                                                                                                                                                      | explosives         |
|             | ex 28.50                                                                                                                                                                                                                      | toxic products     |
|             | ex 28.51                                                                                                                                                                                                                      | toxic products     |
|             | ex 28.54                                                                                                                                                                                                                      | explosives         |
| Chapter 29: | Organic chemicals, except:                                                                                                                                                                                                    |                    |
|             | ex 29.03                                                                                                                                                                                                                      | explosives         |
|             | ex 29.04                                                                                                                                                                                                                      | explosives         |
|             | ex 29.07                                                                                                                                                                                                                      | explosives         |
|             | ex 29.08                                                                                                                                                                                                                      | explosives         |
|             | ex 29.11                                                                                                                                                                                                                      | explosives         |
|             | ex 29.12                                                                                                                                                                                                                      | explosives         |
|             | ex 29.13                                                                                                                                                                                                                      | toxic products     |
|             | ex 29.14                                                                                                                                                                                                                      | toxic products     |
|             | ex 29.15                                                                                                                                                                                                                      | toxic products     |
|             | ex 29.21                                                                                                                                                                                                                      | toxic products     |
|             | ex 29.22                                                                                                                                                                                                                      | toxic products     |
|             | ex 29.23                                                                                                                                                                                                                      | toxic products     |
|             | ex 29.26                                                                                                                                                                                                                      | explosives         |
|             | ex 29.27                                                                                                                                                                                                                      | toxic products     |
|             | ex 29.29                                                                                                                                                                                                                      | explosives         |
| Chapter 30: | Pharmaceutical products                                                                                                                                                                                                       |                    |
| Chapter 31: | Fertilizers                                                                                                                                                                                                                   |                    |
| Chapter 32: | Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks                                                                                           |                    |
| Chapter 33: | Essential oils and resinoids; perfumery, cosmetics and toilet preparations                                                                                                                                                    |                    |
| Chapter 34: | Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes" |                    |
| Chapter 35: | Albuminoidal substances; glues; enzymes                                                                                                                                                                                       |                    |
| Chapter 37: | Photographic and cinematographic goods                                                                                                                                                                                        |                    |
| Chapter 38: | Miscellaneous chemical products, except:                                                                                                                                                                                      |                    |
|             | ex 38.19                                                                                                                                                                                                                      | toxic products     |
| Chapter 39: | Artificial resins and plastic materials, cellulose esters and ethers, articles thereof, except:                                                                                                                               |                    |
|             | ex 39.03                                                                                                                                                                                                                      | explosives         |
| Chapter 40: | Rubber, synthetic rubber, factice, and articles thereof, except:                                                                                                                                                              |                    |
|             | ex 40.11                                                                                                                                                                                                                      | bullet-proof tyres |
| Chapter 41: | Raw hides and skins (other than fur skins) and leather                                                                                                                                                                        |                    |
| Chapter 42: | Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)                                                                                   |                    |
| Chapter 43: | Fur skins and artificial fur; manufactures thereof                                                                                                                                                                            |                    |
| Chapter 44: | Wood and articles of wood; wood charcoal                                                                                                                                                                                      |                    |
| Chapter 45: | Cork and articles of cork                                                                                                                                                                                                     |                    |
| Chapter 46: | Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork                                                                                                                                   |                    |
| Chapter 47: | Paper-making material                                                                                                                                                                                                         |                    |

- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof, except:  
ex 82.05 tools  
ex 82.07 tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof, except:  
ex 84.06 engines  
ex 84.08 other engines  
ex 84.45 machinery  
ex 84.53 automatic data-processing machines  
ex 84.55 parts of machines under heading 84.53  
ex 84.59 nuclear reactors
- Chapter 85: Electrical machinery and equipment; parts thereof, except:  
ex 85.13 telecommunication equipment  
ex 85.15 transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof, except:  
ex 86.02 armoured locomotives, electric  
ex 86.03 other armoured locomotives  
ex 86.05 armoured wagons  
ex 86.06 repair wagons  
ex 86.07 wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof, except:  
ex 87.01 tractors  
ex 87.02 military vehicles  
ex 87.03 breakdown lorries  
ex 87.08 tanks and other armoured vehicles  
ex 87.09 motorcycles

- ex 87.14 trailers
- Chapter 89: Ships, boats and floating structures, except:
  - ex 89.01 A: warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof, except:
  - ex 90.05 binoculars
  - ex 90.13 miscellaneous instruments, lasers
  - ex 90.14 telemeters
  - ex 90.28 electrical and electronic measuring instruments
  - ex 90.11 microscopes
  - ex 90.17 medical instruments
  - ex 90.18 mechano-therapy appliances
  - ex 90.19 orthopaedic appliances
  - ex 90.20 X-ray apparatus
- Chapter 91: Manufacture of watches and clocks
- Chapter 92: Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles
- Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except:
  - ex 94.01 A: aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 98: Miscellaneous manufactured articles

**d. Switzerland**

1. Chapter 6 (Government Procurement) of the Agreement applies to all goods procured by the entities listed in Appendices 1 to 3, subject to the notes to the respective Appendices and the General Notes.

2. For procurement by entities of the Federal Department of Defence and the Federal Customs Administration with regard to the equipment for border guards and customs officials in Appendix 1, Chapter 6 (Government Procurement) of the Agreement only applies to the following list of supplies and equipment (HS Codes):

- Chapter 25: Salt, sulphur, earths and stone, plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes
- Chapter 28: Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes; except:
  - ex 28.09: explosives
  - ex 28.13: explosives
  - ex 28.14: tear gas
  - ex 28.28: explosives
  - ex 28.32: explosives
  - ex 28.39: explosives

- ex 28.50: toxic products
- ex 28.51: toxic products
- ex 28.54: explosives
- Chapter 29: Organic chemicals;  
except:
  - ex 29.03: explosives
  - ex 29.04: explosives
  - ex 29.07: explosives
  - ex 29.08: explosives
  - ex 29.11: explosives
  - ex 29.12: explosives
  - ex 29.13: toxic products
  - ex 29.14: toxic products
  - ex 29.15: toxic products
  - ex 29.21: toxic products
  - ex 29.22: toxic products
  - ex 29.23: toxic products
  - ex 29.26: explosives
  - ex 29.27: toxic products
  - ex 29.29: explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 36: Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations;  
except:
  - ex 36.01: powders
  - ex 36.02: prepared explosives
  - ex 36.04: detonators
  - ex 36.08: explosives
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products;  
except:
  - ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof;  
except:
  - ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof;  
except:
  - ex 40.11: tyres
- Chapter 43: Furskins and artificial fur, manufactures thereof

- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basketware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel
- Chapter 74: Copper
- Chapter 75: Nickel
- Chapter 76: Aluminium
- Chapter 78: Lead
- Chapter 79: Zinc
- Chapter 80: Tin
- Chapter 81: Other base metals
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances
- Chapter 85: Electrical machinery and equipment;  
except:  
ex 85.03: electric cells and batteries  
ex 85.13: telecommunication equipment  
ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; traffic signalling equipment of all kinds (not electrically powered);  
except:  
ex 86.02: armoured locomotives  
ex 86.03: other armoured locomotives  
ex 86.05: armoured wagons  
ex 86.06: repair wagons  
ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock;  
except:  
ex 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
-

APPENDIX 5 TO ANNEX XVII  
SERVICES

PART A: ECUADOR:

Chapter 6 (Government Procurement) of the Agreement applies exclusively to the services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120 which are indicated in this Appendix, procured by the entities listed in Appendices 1 to 3, subject to their respective notes and the Additional Notes in Appendix 11.

| <i>Subject</i>                                                                             | <i>CPC Prov Reference No.</i>                                                                                                                                           |
|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Road Transport Services                                                                    | 712,744, 87304                                                                                                                                                          |
| Maritime Transport Services                                                                | 721, 745                                                                                                                                                                |
| Rail Transport Services                                                                    | 711, 743                                                                                                                                                                |
| Pipeline Transport                                                                         | 713                                                                                                                                                                     |
| Internal Waterways Transport                                                               | 722                                                                                                                                                                     |
| Communication Services                                                                     | 752, 7512, 754                                                                                                                                                          |
| Maintenance and repair services                                                            | 633, 6122, 886, 6112                                                                                                                                                    |
| Hotels                                                                                     | 641, 643                                                                                                                                                                |
| Electricity distribution services and gas distribution services through Mains              | 691                                                                                                                                                                     |
| Air Transport Services                                                                     | 73, 746<br>Except subclasses: <ul style="list-style-type: none"> <li>• 7321 (Mail transportation by air); and</li> <li>• 7462 (Air traffic control services)</li> </ul> |
| Services auxiliary to all modes of transport                                               | 741,742,748                                                                                                                                                             |
| Travel agencies and tour operators services                                                | 7471                                                                                                                                                                    |
| Services auxiliary to insurance and pension funding                                        | 814                                                                                                                                                                     |
| Rental or Leasing Services relating to other machinery and equipment without operator only | 83106, 83107, 83108, 83109                                                                                                                                              |
| Rental or Leasing Services relating to personal and household goods                        | 83202, 83203, 83204, 83209                                                                                                                                              |
| Computer and Related Services                                                              | 841, 843, 844, 845, 849                                                                                                                                                 |
| Book-keeping services                                                                      | 8622                                                                                                                                                                    |
| Taxation Services                                                                          | 863                                                                                                                                                                     |
| Market research services                                                                   | 86401                                                                                                                                                                   |

|                                                                                                                                                                                                                                                      |                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Services related to management consulting                                                                                                                                                                                                            | 866<br>Except subclass 86602<br>(Arbitration and<br>conciliation services) |
| Integrated engineering services                                                                                                                                                                                                                      | 8673 (after 15 years)                                                      |
| Advertising services                                                                                                                                                                                                                                 | 871 (after 10 years)                                                       |
| Building-cleaning services and real estate services on a<br>fee or contract basis                                                                                                                                                                    | 874, 822                                                                   |
| Services incidental to agriculture, hunting and forestry;<br>services incidental to fishing; services incidental to<br>mining; services incidental to manufacturing, except<br>manufacturing of metallic products such as machinery<br>and equipment | 881, 882, 883, 884                                                         |
| Packaging services; printing and publishing services                                                                                                                                                                                                 | 876, 88442                                                                 |
| Other business services                                                                                                                                                                                                                              | 8790 (except 87901,<br>87902)                                              |
| Veterinary services                                                                                                                                                                                                                                  | 932                                                                        |
| Environmental services: cleaning services of exhaust<br>gases; noise abatement services; nature and landscape<br>protection services; other environmental protection<br>services n.e.c                                                               | 9404, 9405, 9406, 9409                                                     |

PART B: EFTA STATES

**a. Iceland**

Chapter 6 (Government Procurement) of the Agreement covers the following services, which are identified in accordance with the CPC Prov., as contained in document MTN.GNS/W/120, with the exceptions specified in the notes to this Appendix (Note 1):

| <i>Subject</i>                                                                                                                                                                                                                                                      | <i>CPC Prov. Reference No.</i>  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Maintenance and repair services                                                                                                                                                                                                                                     | 6112, 6122, 633, 886            |
| Land transport services, including armoured car services, and courier services, except transport of mail                                                                                                                                                            | 712 (except 71235), 7512, 87304 |
| Air transport services of passengers and freight, except transport of mail                                                                                                                                                                                          | 73 (except 7321)                |
| Transport of mail by land, except rail, and by air                                                                                                                                                                                                                  | 71235, 7321                     |
| Telecommunications services                                                                                                                                                                                                                                         | 752                             |
| Financial services                                                                                                                                                                                                                                                  | ex 81                           |
| (a) Insurance services                                                                                                                                                                                                                                              | 812, 814                        |
| (b) Banking and investment services (Note 2)                                                                                                                                                                                                                        |                                 |
| Computer and related services                                                                                                                                                                                                                                       | 84                              |
| Accounting, auditing and bookkeeping services                                                                                                                                                                                                                       | 862                             |
| Market research and public opinion polling services                                                                                                                                                                                                                 | 864                             |
| Management consulting services and related services                                                                                                                                                                                                                 | 865, 866 (Note 3)               |
| Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical consulting services; technical testing and analysis services | 867                             |
| Advertising services                                                                                                                                                                                                                                                | 871                             |
| Building-cleaning services and property management services                                                                                                                                                                                                         | 874, 82201-82206                |
| Publishing and printing services on a fee or contract basis                                                                                                                                                                                                         | 88442                           |

|                                                             |    |
|-------------------------------------------------------------|----|
| Sewage and refuse disposal; sanitation and similar services | 94 |
|-------------------------------------------------------------|----|

## Notes to Appendix 5

1. Except for services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.
2. Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services.
3. Except arbitrations and conciliation services.

Procurement by procuring entities covered under Appendices 1 to 3 of any of the services covered under this Appendix is a covered procurement with regard to a particular service provider of Ecuador only to the extent that Ecuador has covered that service under this Appendix.

### b. Liechtenstein

Chapter 6 (Government Procurement) of the Agreement applies to the following services, which are identified in accordance with the CPC Prov. as contained in document MTN.GNS/W/120:

| <i>Subject</i>                                                                                           | <i>CPC Prov. Reference No.</i>  |
|----------------------------------------------------------------------------------------------------------|---------------------------------|
| Maintenance and repair services                                                                          | 6112, 6122, 633, 886            |
| Land transport services, including armoured car services, and courier services, except transport of mail | 712 (except 71235), 7512, 87304 |
| Air transport services of passengers and freight, except transport of mail                               | 73 (except 7321)                |
| Transport of mail by land, except rail, and by air                                                       | 71235, 7321                     |
| Telecommunications services                                                                              | 752                             |
| Financial services                                                                                       | ex 81                           |
| (a) Insurance services                                                                                   | 812, 814                        |

|                                                                                                                                                                                                                                                                     |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (b) Banking and investment services <sup>19</sup>                                                                                                                                                                                                                   |                        |
| Computer and related services                                                                                                                                                                                                                                       | 84                     |
| Accounting, auditing and bookkeeping services                                                                                                                                                                                                                       | 862                    |
| Market research and public opinion polling services                                                                                                                                                                                                                 | 864                    |
| Management consulting services and related services                                                                                                                                                                                                                 | 865, 866 <sup>20</sup> |
| Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical consulting services; technical testing and analysis services | 867                    |
| Advertising services                                                                                                                                                                                                                                                | 871                    |
| Building-cleaning services and property management services                                                                                                                                                                                                         | 874, 82201-82206       |
| Publishing and printing services on a fee or contract basis                                                                                                                                                                                                         | 88442                  |
| Sewage and refuse disposal; sanitation and similar services                                                                                                                                                                                                         | 94                     |

## Notes to Appendix 5

1. Covered services shall not include services, which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.
2. Procurement by procuring entities covered under Appendices 1 to 3 of any of the services covered under this Appendix is a covered procurement with regard to a particular provider of service of Ecuador only to the extent that Ecuador has covered that service under this Appendix.

## c. Norway

Chapter 6 (Government Procurement) of the Agreement applies to the following services which are identified in accordance with the CPC Prov. as contained in document MTN.GNS/W/120 with the exceptions specified in the notes to this Appendix:

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

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

| <i>Subject</i>                                                                                                                                                                                                                       | <i>CPC Prov. Reference No.</i>  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Maintenance and repair services                                                                                                                                                                                                      | 6112, 6122, 633, 886            |
| Land transport services, including armoured car services, and courier services, except transport of mail                                                                                                                             | 712 (except 71235), 7512, 87304 |
| Air transport services of passengers and freight, except transport of mail                                                                                                                                                           | 73 (except 7321)                |
| Transport of mail by land, except rail, and by air                                                                                                                                                                                   | 71235, 7321                     |
| Telecommunications services                                                                                                                                                                                                          | 752                             |
| Financial services                                                                                                                                                                                                                   | Ex 81, 812, 814                 |
| (a) Insurance services                                                                                                                                                                                                               |                                 |
| (b) Banking and investments services                                                                                                                                                                                                 |                                 |
| Computer and related services                                                                                                                                                                                                        | 84                              |
| Accounting, auditing and bookkeeping services                                                                                                                                                                                        | 862                             |
| Market research and public opinion polling services                                                                                                                                                                                  | 864                             |
| Management consulting services and related services                                                                                                                                                                                  | 865, 866                        |
| Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services | 867                             |
| Advertising services                                                                                                                                                                                                                 | 871                             |
| Building-cleaning services and property management services                                                                                                                                                                          | 874, 822                        |
| Publishing and printing services on a fee or contract basis                                                                                                                                                                          | 88442                           |
| Sewage and refuse disposal; sanitation and similar services                                                                                                                                                                          | 94                              |

### **Notes to Appendix 5**

1. Banking and investment services under financial services on the list above shall not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, and central bank services.
2. Management consulting services on the list above shall not include arbitration and conciliation services.
3. Procurement by procuring entities covered under Appendices 1 to 3 of any of the services covered under this Appendix is a covered procurement with regard to a particular

provider of service of Ecuador only to the extent that Ecuador has covered that service under this Appendix.

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

**d. Switzerland**

Chapter 6 (Government Procurement) of the Agreement applies to the following services in accordance with the CPC as contained in document MTN.GNS/W/120 that are procured by the entities listed in Appendices 1 to 3, with the exceptions specified in the notes to this Appendix.

| <i>Subject</i>                                                                                                                                                                                                                       | <i>CPC prov. Reference No.</i>              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Maintenance and repair services                                                                                                                                                                                                      | 6112, 6122, 633, 886                        |
| Land transport services, including armoured car services, and courier services, except transport of mail                                                                                                                             | 712 (except 71235), 7512, 87304             |
| Air transport services of passengers and freight, except transport of mail                                                                                                                                                           | 73 (except 7321)                            |
| Transport of mail by land, except rail, and by air                                                                                                                                                                                   | 71235, 7321                                 |
| Telecommunications services                                                                                                                                                                                                          | 752 <sup>21</sup> (except 7524, 7525, 7526) |
| Financial services<br>a) Insurance services<br>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 <sup>22</sup>                      |
| Architectural services; engineering services and integrated engineering services; urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services | 867                                         |

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

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

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

## Notes to Appendix 5

1. Chapter 6 (Government Procurement) of the Agreement shall not apply to:
    - (a) service contracts awarded to an entity which is itself a procuring entity listed in Appendices 1 to 3 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;
    - (b) service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Appendix 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80% of the average turnover of that undertaking for the preceding three years has to derive from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service, the total turnover deriving from the provision of services by those undertakings shall be taken into account;
    - (c) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
    - (d) contracts of employment; and
    - (e) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affairs, on condition that the service is wholly remunerated by the entity.
  2. Banking and investment services under financial services on the list above shall not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, in particular transactions by the contracting authorities to raise money or capital, and central bank services.
  3. Procurement by procuring entities covered under Appendices 1 to 3 of any of the services covered under this Appendix is a covered procurement with regard to a particular service provider of Ecuador only to the extent that Ecuador has covered that service under this Appendix.
-

APPENDIX 6 TO ANNEX XVII  
CONSTRUCTION SERVICES

PART A: ECUADOR

Chapter 6 (Government Procurement) of the Agreement applies to all construction services included in Division 51 of the CPC Prov. which are indicated in this Appendix, procured by the entities, listed in Appendices 1 to 3, subject to their respective notes, the Additional Notes in Appendix 11 and the notes to this Appendix.

| List from Division 51, CPC Prov. |       |          |                                                                                                         |
|----------------------------------|-------|----------|---------------------------------------------------------------------------------------------------------|
| Group                            | Class | Subclass | Title                                                                                                   |
| SECTION 5                        |       |          | CONSTRUCTION WORK AND CONSTRUCTIONS: LAND                                                               |
| DIVISION 51                      |       |          | CONSTRUCION WORK                                                                                        |
| 511                              |       |          | Pre-erection work at construction sites                                                                 |
|                                  | 5111  | 51110    | Site investigation Work                                                                                 |
|                                  | 5112  | 51120    | Demolition Work                                                                                         |
|                                  | 5113  | 51130    | Site formation and clearance work                                                                       |
|                                  | 5114  | 51140    | Excavating and earthmoving work                                                                         |
|                                  | 5115  | 51150    | Site preparation work for mining (except for extraction of oil and gas, which is classified under F042) |
|                                  | 5116  | 51160    | Scaffolding Work                                                                                        |
| 512                              |       |          | Construction work for buildings                                                                         |
|                                  | 5121  | 51210    | For one- and two-dwelling buildings                                                                     |
|                                  | 5122  | 51220    | For multi-dwelling buildings                                                                            |
|                                  | 5123  | 51230    | For warehouses and industrial buildings                                                                 |
|                                  | 5124  | 51240    | For commercial buildings                                                                                |
|                                  | 5125  | 51250    | For public entertainment buildings                                                                      |
|                                  | 5126  | 51260    | For hotel, restaurant and similar buildings                                                             |
|                                  | 5127  | 51270    | For educational buildings                                                                               |
|                                  | 5128  | 51280    | For health buildings                                                                                    |

|     |      |       |                                                                                                 |
|-----|------|-------|-------------------------------------------------------------------------------------------------|
|     | 5129 | 51290 | For other buildings                                                                             |
| 513 |      |       | Construction work for civil engineering                                                         |
|     | 5131 | 51310 | For highways (except elevated highways), street, roads, railways and airfield runways           |
|     | 5132 | 51320 | For bridges, elevated highways, tunnels and subways                                             |
|     | 5133 | 51330 | For waterways, harbours, dams and other water works                                             |
|     | 5134 | 51340 | For long distance pipelines, communication and power lines (cables)                             |
|     | 5135 | 51350 | For local pipelines and cables, ancillary works                                                 |
|     | 5136 | 51360 | For constructions for mining                                                                    |
|     | 5137 |       | For sport and recreation constructions                                                          |
|     |      | 51371 | For stadia and sports grounds                                                                   |
|     |      | 51372 | For other sport and recreation installations (e.g. swimming pools, tennis courts, golf courses) |
|     | 5139 | 51390 | For engineering works n.e.c.                                                                    |
| 514 | 5140 | 51400 | Assembly and erection of prefabricated constructions                                            |
| 515 |      |       | Special trade construction work                                                                 |
|     | 5151 | 51510 | Foundation work including pile driving                                                          |
|     | 5152 | 51520 | Water-well drilling                                                                             |
|     | 5153 | 51530 | Roofing and water proofing                                                                      |
|     | 5154 | 51540 | Concrete work                                                                                   |
|     | 5155 | 51550 | Steel bending and erection, including welding                                                   |
|     | 5156 | 51560 | Masonry work                                                                                    |
|     | 5159 | 51590 | Other special trade construction work                                                           |
| 516 |      |       | Installation work                                                                               |

|     |      |       |                                                          |
|-----|------|-------|----------------------------------------------------------|
|     | 5161 | 51610 | Heating, ventilation and air conditioning work           |
|     | 5162 | 51620 | Water plumbing and drain laying work                     |
|     | 5163 | 51630 | Gas fitting construction work                            |
|     | 5164 |       | Electrical work                                          |
|     |      | 51641 | Electrical wiring work                                   |
|     |      | 51642 | Fire alarm construction work                             |
|     |      | 51643 | Burglar alarm system construction work                   |
|     |      | 51644 | Antenna construction work                                |
|     |      | 51649 | Other electrical construction work                       |
|     | 5165 | 51650 | Insulation work (electrical wiring, water, heat, sound)  |
|     | 5166 | 51660 | Fencing and railing construction work                    |
|     | 5169 |       | Other installation work                                  |
|     |      | 51691 | Lift and escalator construction work                     |
|     |      | 51699 | Other installation work.                                 |
| 517 |      |       | Building completion and finishing work                   |
|     | 5171 | 51710 | Glazing work and window glass installation work          |
|     | 5172 | 51720 | Plastering work                                          |
|     | 5173 | 51730 | Painting work                                            |
|     | 5174 | 51740 | Floor and wall tiling work                               |
|     | 5175 | 51750 | Other floor laying, wall covering and wall papering work |
|     | 5176 | 51760 | Wood and metal joinery and carpentry work                |
|     | 5177 | 51770 | Interior fitting decoration work                         |
|     | 5178 | 51780 | Ornamentation fitting work                               |
|     | 5179 | 51790 | Other building completion and finishing work             |

|     |      |       |                                                                                                                             |
|-----|------|-------|-----------------------------------------------------------------------------------------------------------------------------|
| 518 | 5180 | 51800 | Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator |
|-----|------|-------|-----------------------------------------------------------------------------------------------------------------------------|

**Note to Appendix 6**

A procuring entity of Ecuador, in a procurement of construction services for the construction, maintenance or rehabilitation of roads and highways, may apply a condition relating to the hiring of local personnel in rural areas in order to promote employment and improve living conditions in such areas.

PART B: EFTA STATES

**a. Iceland**

*List of Division 51, CPC Prov.:*

All services listed in Division 51.

**b. Liechtenstein**

*List of Division 51, CPC Prov.:*

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

**c. Norway**

*List of Division 51, CPC Prov.:*

All services listed in Division 51.

**d. Switzerland**

*List of Division 51, CPC Prov.:*

|                                                 |     |
|-------------------------------------------------|-----|
| Pre-erection work at construction sites         | 511 |
| General construction work for buildings         | 512 |
| General construction work for civil engineering | 513 |
| Installation and assembly work                  | 514 |

|                                        |     |
|----------------------------------------|-----|
| Special trade construction work        | 515 |
| Installation work                      | 516 |
| Building completion and finishing work | 517 |
| Other                                  | 518 |

PART C: ALL PARTIES

**Notes to Appendix 6**

*Rules applicable to public works concessions*

1. Public works concessions contracts, when awarded by entities of Iceland, Liechtenstein and Norway listed in part B of Appendices 1 and 2, and provided their value equals or exceeds SDR 5,000,000, are covered by the national treatment principles established in Article 6.4 (National Treatment and Non-Discrimination) and by Articles 6.1 (Scope and Coverage), 6.3 (Security and General Exceptions), paragraph 3 of Article 6.12 (Registration Systems and Qualification Procedures) and 6.26 (Domestic Review Procedures for Supplier Challenges) of the Agreement and paragraph 2 of Appendix 10.
2. Public works concessions contracts, when awarded by entities of Ecuador listed in parts A of Appendices 1 and 2, and provided their value equals or exceeds SDR 6,000,000 for the period of five years following the entry into force of the Agreement, and SDR 5,000,000 thereafter, are covered by the national treatment principles established in Article 6.4 (National Treatment and Non-Discrimination) and by Articles 6.1 (Scope and Coverage), 6.3 (Security and General Exceptions), paragraph 3 of Article 6.12 (Registration Systems and Qualification Procedures) and 6.26 (Domestic Review Procedures for Supplier Challenges) of the Agreement and paragraph 2 of Appendix 10.
3. Where the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 2 of Appendix 10, a procuring entity shall ensure that those documents are made available at the same time to all qualified suppliers selected in accordance with paragraph 3 of Article 6.12 (Registration Systems and Qualification Procedures) of the Agreement.
4. Beyond the provisions mentioned in paragraph 1-3, the Parties' domestic laws and regulations on concessions shall apply.

*Declaration by the Swiss Confederation*

5. Article 6.4 (National Treatment and Non-Discrimination) of the Agreement applies to the entities covered by Chapter 6 (Government Procurement) of the Agreement if in the future the Swiss Confederation awards contracts on public works concessions as defined in subparagraph (u) of Article 6.2 (Definitions) of the Agreement.
-

APPENDIX 7 TO ANNEX XVII  
MEANS OF PUBLICATION

PART A: ECUADOR,

***Ecuador***

Legislation:

*Registro Oficial del Ecuador*

Jurisprudence:

No official publication

Notices of procurement:

Procurement portal of Ecuador:  
<http://www.compraspublicas.gob.ec> and/or official  
webpage of every covered entity.

## PART B: EFTA STATES

### **a. Iceland**

Legislation: *Stjórnartíðindi* (The Government Gazette)

Jurisprudence: *Hæstaréttardómar* (Supreme Court Report)

Notices of procurement:

1. *Utbodsvefur* – Database for notices of procurement:  
[www.utbodsvefur.is](http://www.utbodsvefur.is)
2. All Icelandic GPA and EEA contract announcements are published in English via SIMAP on the Tender Electronics daily web: <http://ted.europa.eu>

### **b. Liechtenstein**

Legislation: *Landesgesetzblatt* (Liechtenstein Law Gazette)

Jurisprudence: *Liechtensteinische Entscheidsammlung*

Notices of procurement:

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

### **c. Norway**

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

Notices of procurement:

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

### **d. Switzerland**

Legislation: Compendium of Federal laws, Compendiums of Cantonal laws (26). See also: [www.simap.ch](http://www.simap.ch)

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

Special instructions from the procuring entities such as General business conditions, etc. are published on the appropriate homepages of the procuring entities concerned. See also: [www.simap.ch](http://www.simap.ch)

Notices of Procurements:

1. Entities at central level: Swiss procurement information system ([www.simap.ch](http://www.simap.ch))
  2. Entities at sub-territorial level and utilities: Swiss procurement information system ([www.simap.ch](http://www.simap.ch)) and/or official publications of every Swiss Canton (26)
-

APPENDIX 8 TO ANNEX XVII

TIME PERIODS

### *General Minimum Time Limit*

1. A procuring entity that uses selective tendering shall establish that the final date for the submission of requests for participation shall not, in principle, be less than 25 days from the date of publication of the notice of intended procurement. Where a state of urgency duly substantiated by the procuring entity renders this time-period impractical, the time-period may be reduced to not less than ten days.
2. Except as provided for in paragraphs 3 and 4, a procuring entity shall establish that the final date for submission of tenders shall not be less than 40 days from the date on which:
  - (a) in case of open tendering, the notice of intended procurement is published;  
or
  - (b) in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders, whether or not it uses a multi-use list.

### *Possibilities for reducing the General Time Limits*

3. A procuring entity may reduce the time period for tendering established in accordance with paragraph 2 by five days for each one of the following circumstances:
  - (a) the notice of intended procurement is published by electronic means;
  - (b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
  - (c) the entity accepts tenders by electronic means.
4. A procuring entity may establish a time period for tendering that is shorter than the periods referred to in paragraph 2, provided that such time period is sufficiently long to enable suppliers to prepare and submit responsive tenders and is in no case less than ten days prior to the final date for the submission of tenders:
  - (a) where a notice of planned procurement has been published at least 40 days and not more than 12 months in advance of the publication of the notice of intended procurement;
  - (b) where the procuring entity, for recurring contracts, indicates in an initial notice of intended procurement that subsequent notices will provide time limits for tendering based on this paragraph;
  - (c) where a procuring entity purchases commercial goods or services, or any combination thereof, it may reduce the time-period for tendering established in accordance with paragraph 2 to not less than 13 days, provided that it publishes by electronic means, at the same time, both the notice of intended procurement and the tender documentation. In addition, where the entity accepts tenders for commercial goods or services by electronic means, it may reduce the time-period established in accordance

with paragraph 2 to not less than ten days; and

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

5. Where a procuring entity covered under Appendices 2 or 3 has selected all or a limited number of qualified suppliers, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than ten days.

---

APPENDIX 9 TO ANNEX XVII

VALUE OF THRESHOLDS AND VALUATION

### *Thresholds*

1. The EFTA States shall calculate and convert the value of the thresholds into their national currencies using the conversion rates of their respective national banks. The conversion rates shall be the average of the values of the respective national currency in terms of the SDR over the two-year-period preceding 1 October or 1 November of the year prior to the thresholds becoming effective. The conversion rate shall apply from 1 January of the following year.
2. Ecuador shall calculate and convert the value of the thresholds into its national currency using the conversion rates of its national bank. The conversion rate shall be based on the average of the daily values of SDR to US Dollar exchange rate over a period of 24 months ending on the last day of August prior to the revision, with effect from 1 January. The threshold shall be adjusted at two-year intervals with each adjustment taking effect on January 1.
3. The Parties shall make the value of the newly calculated thresholds available in their respective currencies before the thresholds in paragraphs 1 and 2 take effect.

### *Valuation*

4. In estimating the value of procurement for the purpose of ascertaining whether it is a covered procurement, a procuring entity shall:
  - (a) neither divide a procurement into separate procurements nor use a particular method for estimating the value of a procurement with the intention of totally or partially excluding it from the application of Chapter 6 (Government Procurement) of the Agreement;
  - (b) include the estimated maximum total value of the procurement over its entire duration, taking into account all forms of remuneration, including any premiums, fees, commissions, interest and, where the procurement provides for the possibility of option clauses, the total value of such options;
  - (c) where an individual requirement for a procurement results in the award of more than one contract, or in the award of contracts in separate parts (recurring contracts), base the calculation of the estimated maximum total value on:
    - (i) the value of recurring contracts of the same type of goods or services awarded during the preceding 12 months or the procuring entity's preceding fiscal year, adjusted, where possible, to take into account anticipated changes in the quantity or value of the good or service being procured over the following 12 months; or
    - (ii) the estimated value of recurring contracts of the same type of goods or services to be awarded during the 12 months following the initial contract award or the procuring entity's fiscal year.
  - (d) where the domestic laws and regulations of a Party allow for contracts to be concluded for an indefinite period and a total price is not specified, base the

valuation of such contracts on the estimated monthly instalment multiplied by 48.<sup>23</sup>

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<sup>23</sup> Subparagraph 4(d) only applies to the EFTA States.

APPENDIX 10 TO ANNEX XVII

NOTICES, TENDER DOCUMENTATION AND MULTI-USE LISTS

## *Notices*

1. Except as otherwise provided in Chapter 6 (Government Procurement) of the Agreement and this Annex, each notice of intended procurement according to Article 6.10(Notices) of the Agreement shall include:

- (a) the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any;
- (b) a description of the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity;
- (c) a description of options, if any;
- (d) the time-frame for delivery of goods or services or the duration of the contract;
- (e) the procurement method that will be used and whether it will involve negotiation or electronic auction;
- (f) where applicable, the address and any final date for the submission of requests for participation in the procurement;
- (g) the address and the final date for the submission of tenders;
- (h) the language or languages in which tenders or requests for participation may be submitted, if they may be submitted in a language other than an official language of the Party of the procuring entity;
- (i) a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers in connection therewith, unless such requirements are included in tender documentation that is made available to all interested suppliers at the same time as the notice of intended procurement; and
- (j) where, pursuant to Article 6.12 (Registration Systems and Qualification Procedures) of the Agreement, a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, where applicable, any limitation on the number of suppliers that will be permitted to tender.

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

- (a) include in the notice of intended procurement at least the information specified in subparagraphs 1(a), (b), (e), (f), (i), and (j) and invite suppliers to submit a request for participation; and

- (b) provide, by the commencement of the time-period for tendering, at least the information in subparagraphs 1 (c), (d), (g) and (h) to the qualified suppliers that it notifies as specified in subparagraph 2 (b) of Appendix 8 .

#### *Multi-Use Lists*

- 3. The notice according to Article 6.14 (Multi-use list) of the Agreement shall include:
  - (a) a description of the goods or services, or categories thereof, for which the list may be used;
  - (b) the conditions for participation to be satisfied by suppliers for inclusion on the list and the methods that the procuring entity will use to verify that a supplier satisfies the conditions;
  - (c) the name and address of the procuring entity and other information necessary to contact the entity and obtain all relevant documents relating to the list; and
  - (d) the period of validity of the list and the means for its renewal or termination, or where the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list.

#### *Tender Documentation*

- 4. The tender documentation according to paragraph 1 of Article 6.15 (Tender Documentation) of the Agreement shall include a complete description of:
  - (a) the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any technical specifications, conformity assessment certification, plans, drawings or instructional materials;
  - (b) any conditions for participation of suppliers, including a list of information and documents that suppliers are required to submit in connection with the conditions for participation;
  - (c) all evaluation criteria the entity will apply in the awarding of the contract, and, except where price is the sole criterion, the relative importance of such criteria;
  - (d) where the procuring entity will conduct the procurement by electronic means, any authentication and encryption requirements or other requirements related to the submission of information by electronic means;
  - (e) where the procuring entity will hold an electronic auction, the rules, including identification of the elements of the tender related to the evaluation criteria, on which the auction will be conducted;
  - (f) where there will be a public opening of tenders, the date, time and place for the opening and, where appropriate, the persons authorised to be present;

- (g) any other terms or conditions, including terms of payment and any limitation on the means by which tenders may be submitted, such as whether on paper or by electronic means; and
- (h) any dates for the delivery of goods or the supply of services.

5. Where the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 1 of Article 6.10 (Notices) of the Agreement, a procuring entity shall ensure that those documents are made available at the same time to all the qualified suppliers selected in accordance with paragraph 3 of Article 6.12 (Registration Systems and Qualification Procedures) of the Agreement.

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APPENDIX 11 TO ANNEX XVII

ADDITIONAL NOTES

## PART A: ECUADOR

1. Chapter 6 (Government Procurement) of the Agreement shall not apply to:
  - a) procurements of goods or services in the defence and public security sector by the *Fuerzas Armadas*, the *Policía Nacional* or the *Secretaría Nacional de Inteligencia* that are strategic for national defence and public security;
  - b) public procurement programmes or procedures reserved for micro, small and medium-sized enterprises (“Micro and SMEs”), or the *Actores de la Economía Popular y Solidaria* (“AEPYS”) (Popular and Solidarity Economy Stakeholders), provided that the AEPYS meet the same size criteria as required for Micro and SMEs to be considered as such;
  - c) the procurement of goods for food assistance programmes;
  - d) procurements by any public sector institutions located in the Galápagos or any procurements that affect that particular region;
  - e) the procurement or acquisition of goods, services or construction services by the missions of the foreign service of the Republic of Ecuador for their operations; or
  - f) procurements made by an Ecuadorian entity from another Ecuadorian entity.
2. For the period of ten years following the entry into force of the Agreement, procuring entities listed in Appendices 1 to 3 may subject government procurement to mandatory requirements for the incorporation of domestic content pursuant to the study of technological unbundling<sup>24</sup> carried out on the basis of the methodology defined by the *Servicio Nacional de Contratación Pública* (SERCOP) of Ecuador. These requirements shall take the form of objective and clearly defined conditions for participation in the tendering procedures for the award of procurement contracts. Procurement entities shall indicate the existence of domestic content conditions in their notice of intended procurement and specify them in detail in the contract documents. Such conditions shall only cover the procurement procedures of goods and construction services and shall not exceed 40% of the full contract value.

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<sup>24</sup> For the purposes of this Appendix, technological unbundling means, according to the definition contained in paragraph 10 of Article 6 of the *Ley Orgánica del Sistema Nacional de Contratación Pública* (Organic Law for the National Public Procurement System), a detailed study carried out by a contracting entity in the pre- contractual phase, based on the legislation and methodology established by a relevant national authority, regarding the technical characteristics of the procurement and its components, taking into account the Party’s technological and productive capacity. This process shall aim to improve the leverage of the contracting entity, in an effort to promote the use of domestic supply of goods and services, including construction services. Requirements of technological unbundling shall be included in the tender documentation.

PART B: EFTA STATES

**a. Iceland**

Chapter 6 (Government Procurement) of the Agreement shall not apply to:

- (a) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (b) contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: *Lög um opinber innkaup* (120/2016) on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;
- (c) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes; or
- (d) procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, transport, telecommunications and the postal sector, unless covered under Appendix 3.

**b. Liechtenstein**

1. Chapter 6 (Government Procurement) of the Agreement shall not apply to:

- (a) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;
- (b) the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (c) procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, and transport sector, unless covered by Appendix 3;
- (d) fund placements of insured persons conducted by public entities or undertakings such as public insurance and pension's funds.

2. The provision of services, including construction services, in the context of procurement procedures according to Chapter XVI (Government Procurement) of the Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by the Principality of Liechtenstein in conformity with its commitments under the GATS.

**c. Norway**

Chapter 6 (Government Procurement) of the Agreement shall not apply to:

- (a) procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (b) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes; or
- (c) procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, transport and the postal sector, unless covered under Appendix 3.

**d. Switzerland**

1. Chapter 6 (Government Procurement) of the Agreement shall not apply to:

- (a) 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);
- (b) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;
- (c) procurement of goods and services which can only be acquired from organisations with special or exclusive rights granted as result of published legislative, regulatory or administrative provisions (e.g. for the purchase of drinking water or energy); or
- (d) to fund placements of funds of insured persons conducted by public organisations such as public insurance and pension funds.

2. The provision of services, including construction services, in the context of procurement procedures according to Chapter 6 (Government Procurement) 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.

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